



# Assessment of Legislative Frameworks Governing Waste Management in Vanuatu



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

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



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

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

# Introduction

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

This assessment was designed to achieve a number of outcomes:

- Gain a working understanding of the legislative framework governing waste management in PacWastePlus participating countries
- Determine which countries have legislation that actively manages issues caused by the generation of waste streams that are the focus of the PacWastePlus programme activities (asbestos, e-waste, healthcare waste, recyclables, organics, bulky waste, disaster waste and 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 Vanuatu. It provides:

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

# Legislative Summary

## Legislation impacting waste governance

Until the enactment of the *Waste Management Act 2014* and *Pollution Control Act 2013*, there was no stand-alone legislation on waste management and pollution control in force in Vanuatu.

Solid waste management was regulated by the *Environment and Conservation Act* and the *Public Health Act*. Water pollution and management was regulated by the *Water Resources Management Act* and the *Public Health Act*.

This older legislation still deals with waste in some ways, particularly in terms of conducting Environmental Impact Assessments, potential wastewater issues and public health matters arising from waste management. This older legislation must therefore be read together with the more recent legislation to understand the legislative environment for waste governance in Vanuatu.

An analysis of the main national waste situation has been undertaken through the *National Waste Management and Pollution Control Strategy and Implementation Plan 2016-2020*, which calls for establishment of an inter-sectoral coordination mechanism through the National Waste and Pollution Control Coordinating Committee. At present, a Working Group coordinated by the Department of Environmental Protection and Conservation (DEPC) oversees implementation of the strategy. This is due for revision and is a potential area for reform. It is unclear whether this is currently in the pipeline.

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

LEGISLATION	REGULATIONS
<p><b><i>Waste Management Act 2014 (in force June 2014)</i></b></p> <p>Provides for the protection of the environment by encouraging effective waste services and operations.</p> <p>Establishes specific responsibilities for identifying waste, collecting waste, disposing of waste, planning, and reporting on waste management and managing hazardous waste. Also includes provisions on litter and waste disposal.</p> <p>These responsibilities are shared between the Department of Environmental Protection and Conservation, municipal and provincial councils, the Ministry of Health and Biosecurity Vanuatu.</p>	<p>Waste Management Regulations 2018</p> <p>These regulations concern:</p> <ul style="list-style-type: none"> <li>- control of single use plastic bags, plastic straws, and polystyrene takeaway boxes.</li> <li>- littering.</li> <li>- licencing of private waste operators.</li> </ul>
<p><b><i>Pollution Control Act 2013 (in force June 2014)</i></b></p> <p>Controls emission and discharge of pollution. Mentions wastewater but not solid waste.</p>	
<p><b><i>Environment and Conservation Act 2002 (version as at 2006)</i></b>  <b><i>Environment and Conservation Amendment Act 2010</i></b></p> <p>General environmental legislation. No specific mention of waste.</p>	<p>Environmental Impact Assessment Regulations</p> <p>EIA Report must, to the extent appropriate, include (f): a description of the possible environmental and resource management impacts of the project, proposal, or development activity, including any pollution or waste that may be generated.</p>
<p><b><i>Water Resources Management Act 2002 (as at 2006)</i></b>  <b><i>Water Resources Management (Amendment) Act 2016</i></b></p> <p>2002 Act - s 37(2)(h)(i) – regulations may be made for ‘the control, regulation or prohibition of any matter or thing in connection with the diversion, taking, collection, storage, supply, disposal, or discharge of any wastewater’.</p> <p>The 2016 Amendment Act inserted s 27A – buffer zones. Section 27A(2)(d) prohibits filling or dumping of waste in buffer zones.</p> <p>While the current provisions of the Act do not specify wastewater in terms of the PacWastePlus definition, there appears to be scope under the legislation to create regulations that may cover water impacted by solid waste.</p>	<p>None identified.</p>



## LEGISLATION

## REGULATIONS

***Public Health Act 1994 (as at 2006)***  
***Public Health (Amendment) Act 2018***

Makes general provisions for public health, including through regulating waste management, sanitation, and prohibiting water pollution. Part 8 of the 2006 consolidation, in particular, dealt with sanitation and waste disposal, with specific provisions on littering and inappropriate waste disposal (ss 65, 66 and 72). Part 8 was substantially amended by the 2018 amending legislation and the provisions on littering repealed. Many provisions now relate to sewage sanitation systems. More relevant are ss 73H, 73I and 73J on the provision of rubbish bins and interference with rubbish bins and tips.

Healthcare waste is not specifically identified in the legislation.

Other provisions relating to inappropriate waste disposal and litter management now fall under the *Waste Management Act 2014*.

***Ozone Layer Protection Act 2010 (as at 2010)***  
***Ozone Layer Protection (Amendment) Act 2014***

Relevant prohibitions on the importation of plastic foam manufactured with substances controlled by the Montreal Ozone Protocol

None identified.

None identified.

**Table 2: Policies and reports impacting waste governance in Vanuatu**

POLICY	DESCRIPTION
<b><i>National Waste Management and Pollution Control Strategy and Implementation Plan 2016-2020</i></b>	<u>Detailed Action Plan of Priority Activities in 2019</u> . Unclear if review is currently in the pipeline, potential area for reform.
<b><i>Vanuatu National Water Strategy 2018-2030</i></b>	2.7. Wastewater Management. This brief section notes that '[t]here are currently no regulations for wastewater management or monitoring of receiving environments. Strategy relates mainly to sewage wastewater. Note however objective 5 that all water quality is to be monitored and maintained to meet agreed standards, including from activities contributing to the degradation of the quality of surface and groundwater including disposing human and commercial waste and urban runoff.
<b><i>Vanuatu 2030 The People's Plan: National Sustainable Development Plan 2016-2030</i></b>	<p>Policy Objective 2.4: Reduce waste and pollution through effective waste management and pollution control (page 14) and 3.</p> <p>Policy Objective 3.6 Improve the provision of government services in rural areas, including the target that three provinces have a controlled waste disposal facility by 2030.</p> <p>Monitoring and evaluation of Policy Objectives 2.4 and 3.6.2: Number of controlled waste disposal facilities - are explained in the NSDP Monitoring and Evaluation Framework 2016-2030 (see pages 28-29, 41).</p> <p>Monitoring and evaluation of Policy Objectives 2.4 and 3.6.2.</p>
<b><i>National Biodiversity Strategy and Action Plan 2018-2030</i></b>	Addresses plans to combat marine and freshwater pollution.
<b><i>Vanuatu National Environment Policy and Implementation Plan 2016–2030</i></b>	<p>Section 5 deals with Waste Management and Pollution Control.</p> <p>Policy Objective 3 includes:</p> <p>PO 3.1: Reduce waste and pollution through effective waste management and pollution control.</p> <p>PO 3.2: Review and implement the <i>National Waste Management Strategy and Action Plan</i>.</p> <p>PO 3.3: Establish incentive schemes that implement the polluter pays principle by encouraging cleaner production and waste recovery.</p> <p>Implementation Plan for Policy Objective 3 includes:</p> <p>3.1.5: By 2020, Waste Regulations are in force and Implemented.</p>
<b><i>Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030</i></b>	7.2.1 Funding Allocations - an Action item to 'Ensure that adequate funding is available for climate change and disaster risk reduction by: exploring opportunities for partnering with the private sector for investment in climate change and disaster risk reduction, including in renewable energy and waste management'.

POLICY	DESCRIPTION
<i>Vanuatu National Oceans Policy 2016</i>	<p>Objective 3.2.5 Preserve and protect the marine environment.</p> <p>Policy Action 3.2.5.5: Reduce the impact of all sources of pollution (including land-based, solid waste, shipwrecks, and shipping pollution) on the marine environment.</p> <p>Objective 6.3.1 Sustainable tourism.</p> <p>Policy Action 6.3.1.1: Work with other relevant government departments and other stakeholders to adopt measures to ensure that environmental impacts of tourism development and activities are avoided, minimized or mitigated, ensuring for example that: tourism infrastructure is not located in environmentally sensitive areas and the impacts of tourism infrastructure are minimized, both on- and off-site (e.g., impacts from the extraction of building materials, waste disposal, etc).</p> <p>See also 3.2.4 Surveillance and Enforcement (page 12) Effective surveillance and enforcement of legal and planning arrangements within Vanuatu’s marine jurisdiction is fundamental to protecting our national interests. The Government of Vanuatu will continue to employ various measures to guarantee the integrity of its marine space and resources. These measures include the protection of maritime borders and marine resources including by the Police Maritime Wing and the Fisheries Department, as well as national and international measures that reaffirm Vanuatu’s jurisdiction over its marine, island and mainland territory.</p> <p>See also 3.2.4 Surveillance and Enforcement.</p>

**Table 3: Government departments with waste responsibilities in Vanuatu**

GOVERNMENT DEPARTMENTS	RESPONSIBILITIES
<b>Department of Environmental Protection and Conservation (DEPC)</b>	<p>Administers the <i>Waste Management Act 2014</i>. Within DEPC, waste management functions are carried out by the Waste Management and Pollution Control Officer. The Director of the DEPC is also responsible for the Government’s waste and litter minimisation policies and for activities to implement relevant MEAs.</p> <p>The DEPC is also responsible for administration and enforcement of:</p> <ul style="list-style-type: none"> <li>• <i>Pollution Control Act 2013</i>;</li> <li>• <i>Environmental Protection and Conservation Act 2002</i>.</li> </ul>
<b>Directorate of Public Health (Ministry of Health) Environmental Health, Health Standards, and Inspection Unit</b>	<p>Administers the <i>Public Health Act 1994</i> (as amended).</p> <p>Also responsible for enforcing the approved environmental standards relating to public health and medical waste under s 11(3) of the <i>Waste Management Act 2014</i>.</p>
<b>Department of Biosecurity</b>	<p>Responsible for enforcing the approved environmental standards relating to biosecurity-related waste under s 11(4) of the <i>Waste Management Act 2014</i>.</p>
<b>Department of Water Resources</b>	<p><i>Administers the Water Resources Management Act 2002</i>.</p>

## Pipeline activities

The following sections provide details of identified pipeline legislative activities for waste management and governance in Vanuatu. Information about these activities was obtained through interviews with in-country stakeholders, from data in the online survey and from the desktop review.

The Oceans Affairs division in the Department of Foreign Affairs and International Cooperation is a new group created to implement the Vanuatu National Oceans Policy 2016. The possibility of developing new oceans legislation is currently in the pipeline. It is envisaged that this will provide for inter-agency cooperation and an oversight role in terms of oceans governance and compliance issues. A 'three-pronged' approach is to be taken where the State government, provincial councils and traditional governance structures work together to address compliance and enforcement issues relating to marine biodiversity and waste management.

Another new initiative reported by interviewee participants was establishing the functions of the Vanuatu National Statistics Office, especially with regards to environmental and compliance reporting.

In terms of plastics, under the *Waste Management Regulations 2018*, Vanuatu recently banned single-use plastic bags, drinking straws and styrofoam food containers. The assessment noted the ongoing implementation challenges associated with this ban, such as defining what constitutes a single-use plastic bag, and steps that have been taken, with one participant noting in particular a potential 'second phase' of the plastics ban.

Establishing a container deposit scheme is in planning stages. At the moment it is contemplated that this scheme would cover all beverage containers and, if the system proves to be economically self-sustaining long term, further items could be added. This is a potential 'game changer' in terms of the recyclability of plastics.

Pilot training on disaster waste management was completed in November 2019. This was intended to culminate with the development of *National Disaster Waste Management Action Plan*.

**Table 4: Pipeline activities for Vanuatu**

PIPELINE ACTIVITY	DESCRIPTION	TIMEFRAME
<b>Oceans Initiative</b>	Creation of new oceans legislation and the empowerment of local governance structures to address marine biodiversity and waste management issues.	Ongoing.
<b>Vanuatu National Statistics Office</b>	Developing environmental and compliance reporting systems.	Ongoing.
<b>Second phase of plastics ban</b>	Dealing with implementation issues associated with the plastics ban.	Ongoing.
<b>Container deposit scheme</b>	Developing a container deposit scheme for the recycling of beverage containers initially.	In planning.
<b>National Disaster Waste Management Action Plan</b>	Following training in November 2019.	Ongoing.

# 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 Vanuatu to these MEAs.

**Table 5: MEAs active in Vanuatu**

MEA	IN EFFECT FOR COUNTRY	DESIGNATED NATIONAL AUTHORITY OR NATIONAL FOCAL POINT	IMPLEMENTING LEGISLATION
Basel Convention	14 Jan 2019	Not specified.	No specific implementing legislation.
Minamata Convention	14 Jan 2019	Not specified.	No specific implementing legislation.
Rotterdam Convention	14 Jan 2019	Not specified.	No specific implementing legislation.
Stockholm Convention	15 Dec 2005	Not specified.	<u>Waste Management Act 2014</u>
Waigani Convention	17 Feb 2008	Mr. Trinison Tari Department of Environmental Protection and Conservation George Pompidou Building, PMB 9063, Port Vila, Vanuatu Telephone: (678) 5333830 Fax: (678) 22227 E-mail: <a href="mailto:ttari@vanuatu.gov.vu">ttari@vanuatu.gov.vu</a>	<u>Waste Management Act 2014</u>



## **SECTION 2: LEGISLATIVE ASSESSMENT**



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

## Overview of the legal system



Vanuatu is an archipelagic nation of 83 islands, extending over 1000 kilometres in a north-south direction between the equator and the tropic of Capricorn. Prior to independence, what was then called the New Hebrides became jointly governed by the colonial powers of France and the United Kingdom in 1906. It was known as a Condominium territory, in which separate but coexisting French and British colonial authorities administered and made laws for their own nationals. In 1980 the islands gained independence and became the Republic of Vanuatu.



Vanuatu has a mixed legal system of English common law and French civil law. Like civil law countries, it has a civil code and criminal code. Indigenous customary law is also part of the mixed system.



The Constitution of Vanuatu is the Supreme Law. It ensures the continued effect of customary law as administered by regional Island or Village Courts, and customary institutions in the case of land disputes. Other sources are the common law made by courts and statutes.



Vanuatu is a parliamentary democracy, modelled on the Westminster style of government. The Parliament of the Republic of Vanuatu is unicameral. The President of the Republic is the Head of State and the Prime Minister is the Head of Government.



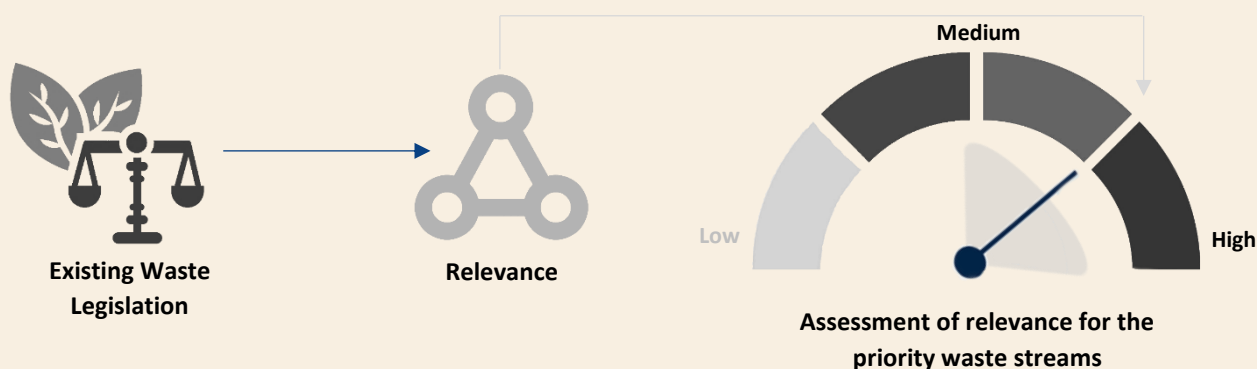
The Court system is four tiered, including Island Courts, Magistrates Courts, Supreme Court and Court of Appeal. The Supreme Court has jurisdiction to interpret the Constitution.

## Legislative Assessment

This section contains a qualitative legislative assessment for Vanuatu 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



Vanuatu has dedicated legislation for waste management, in association with a range of other legislation governing pollution control, environmental conservation, public health and water resources management. Recent regulations under the principal waste management legislation pursue an ambitious agenda for control of particular waste streams, such as plastics. Further initiatives to control plastic wastes are contemplated by Vanuatu National Plastics Strategy (2020-2030), which was released as a draft for comment on 5 February 2020 and is the subject of public consultation as of 30 May 2020.

Vanuatu does not presently have, but is considering the introduction of, a container deposit scheme through legislation that would provide specific regulation of this waste stream for recycling purposes, rather than as simply incidental to general waste management. The draft Vanuatu National Plastics Strategy (2020-2030) explicitly contemplates the use of a container deposit scheme to incentivise reduction of plastic waste, with the application limited at first to PET bottles, but with scope to extend to other items over time.

Definitions of waste and powers under legislation provide scope for coverage of most waste streams, although there are some gaps in respect of disaster waste and wastewater. Vanuatu has pursued an aggressive program for control of single-use plastic products that give rise to plastic waste and marine plastic litter.

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

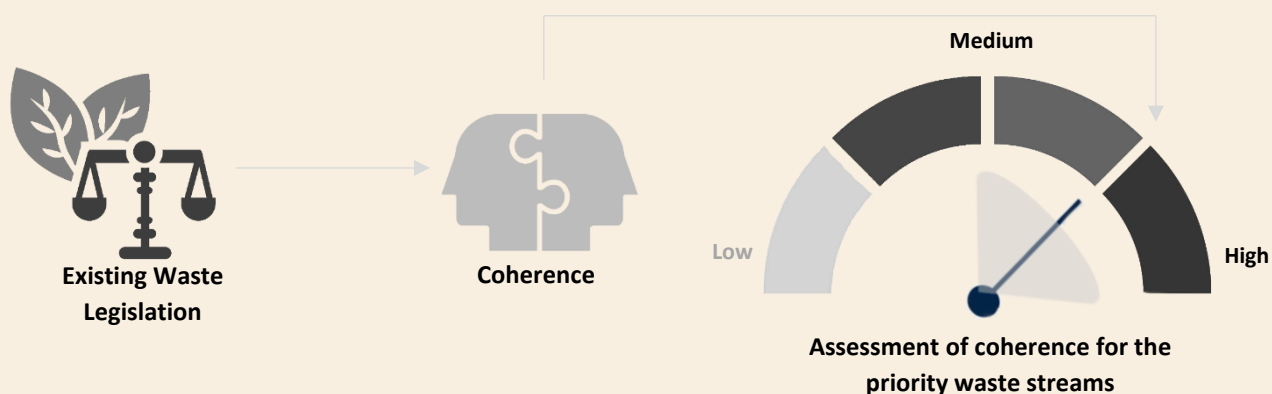
**Table 6: Definitions of waste Vanuatu’s legislation**

Legislation	Definitions
<p><i>Waste Management Act 2014</i></p>	<p><b>‘Waste’</b> is defined as including ‘solid waste’, ‘bulk waste’ or ‘any other matter or thing determined from time to time to be waste in accordance with this Act’. However, ‘waste’ covered by the Act does not include liquid waste, such as wastewater or gaseous wastes.</p> <p><b>‘Bulk waste’</b> is defined to include vehicle bodies and engines (or any part of them), re-treaded or second hand tyres, vehicle or marine batteries (or any of their component parts), refrigerators, freezer units, stoves and cookers, washing machines, and similar household or commercial appliances, paint tins or empty cylinder drums, construction or demolition waste, and ‘any other item to be disposed of which cannot be effectively disposed of by regular waste collection services provided to residential or commercial premises’</p> <p><b>‘Solid waste’</b> is also defined to include garbage, household refuse, rubbish, scraps, electronic waste, trade, and industrial waste, in solid form, or any other matter or thing designated waste under the Act. It does not include human waste, except in the form of sludge or ‘any other form intended for final disposal as a waste product’.</p> <p><b>‘Hazardous waste and hazardous substance’</b> are defined as meaning:</p> <ul style="list-style-type: none"> <li>• any waste or substances which are or have the potential to be toxic, poisonous or which may otherwise cause injury or damage to human health or the environment (including all persistent organic pollutants);</li> <li>• any substance/object/thing determined to be a hazardous waste/substance under law; or</li> <li>• any other matter/thing deemed to be hazardous waste/substances or to have the characteristics of such under international conventions applicable to Vanuatu.</li> </ul> <p>While disaster waste does not readily fall under the current legislative definition of ‘solid waste’ described above, disaster waste could be designated a waste covered by the WMA via new regulations.</p>
<p><i>Pollution (Control) Act 2013</i></p>	<p>defines a <b>‘pollutant’</b> as ‘any of the following that may result in environmental harm:</p> <ul style="list-style-type: none"> <li>• a gas, liquid or solid</li> <li>• an organism (whether alive or dead), including a virus</li> <li>• energy, including noise, radioactivity and electromagnetic radiation</li> <li>• a hazardous substance</li> <li>• a combination of pollutants</li> </ul> <p><b>‘hazardous substance’</b> means:</p> <ul style="list-style-type: none"> <li>• any substance which is, or which has the potential to be, toxic or poisonous, or which may cause injury or damage to human health or to the environment, including all persistent organic pollutants; and</li> <li>• any specific substance, object or thing determined under any law to be a hazardous substance; and</li> </ul>

Legislation	Definitions
<i>Public Health Act 1994</i>	<ul style="list-style-type: none"> <li>• any other matter or thing deemed under international conventions applicable to Vanuatu to be a hazardous substance, or to have the characteristics of a hazardous substance (s 1).</li> </ul> <p><b>'wastewater'</b> means 'discharge of a non-excremental character from baths, lavatory basins, sinks, wash-tubs and similar fittings' (s 1). The <i>Water Resources Management Act 2002</i> deals more generally with pollution of water bodies, groundwater, and estuaries, and defines pollution for that purpose as meaning 'directly or indirectly to adversely alter the physical, thermal, chemical, biological or other natural properties of any water' (s 2).</p>



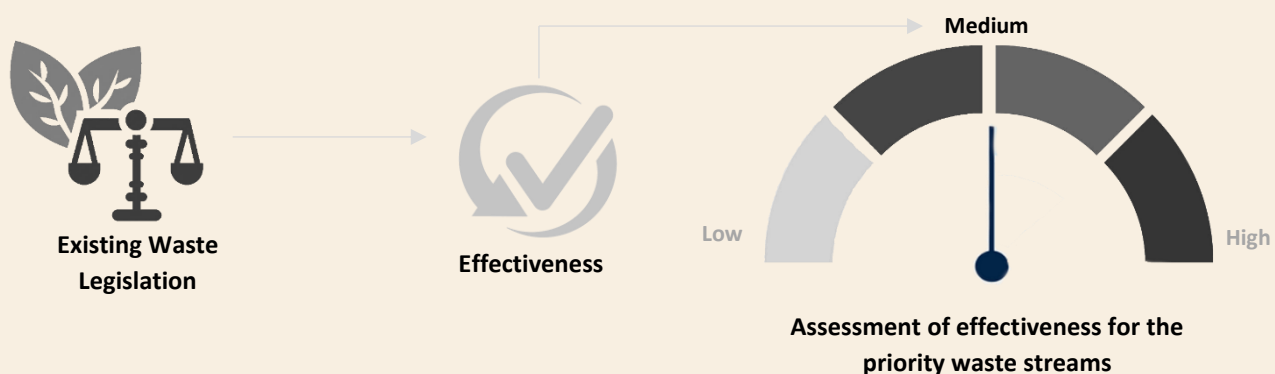
## Coherence



Vanuatu's waste management legislation includes some clear designation of responsibility for different priority waste streams (see, for example, Part 2 and 3 of the *Waste Management Act 2014*). There are memorandums of understanding in place between different government agencies with responsibilities relating to waste, which appears to be part of a 'whole of government' approach to the issue of waste management in Vanuatu.

It is recognised in Vanuatu that, due to the technical knowledge and infrastructure and engineering requirements involved, that management of some waste areas are better handled under dedicated waste streams with specific administrative frameworks – as is done for wastewater. Referrals occur from the specialist regime when managing project development or to the more general waste management under the *Waste Management Act* to the *Pollution Control Act* as necessary, e.g., such as managing storm water. In respect of disaster waste, this is coordinated through the NDMO as the lead agency. This structure helps to create a specialised (and well-resourced) regime. Coordination is within the Ministry of Climate Change and Adaptation but with close links to the Department of Environment.

## Effectiveness



The principal objective of the WMA, as expressed in the long title to the legislation is *'to provide for the protection of the environment through encouragement of effective waste services and operations'*. The WMA has well-designed system for promoting this goal consisting of a comprehensive set of provisions that contribute to the legislation's effectiveness.

These include:

- A clear allocation of waste management responsibilities between different agencies and local authorities (s 7);
- Provision for the development of plans by municipal and provincial authorities outlining their objectives, policies, and methods for 'achieving effective and efficient waste management and minimisation' within their area of authority (s 10);
- Development, monitoring and enforcement of environmental, biosecurity and public health standards relating to waste management (s 11);
- Provision for annual waste audits to be undertaken by the DEPC (s 12);
- A broad power to adopt regulations imposing a wide range of controls and creating offences for 'certain wastes that have adverse impacts on the environment or human health,' which could be used to provide specific regulation of priority waste streams such as e-waste or asbestos (s 14);
- Provision for licensing (and conditioning of licences) of private waste operators operating waste facilities, including landfills or waste dumps (ss 15, 16);
- Designation of the service area of designated waste operators, such as municipal and provincial councils and provision for their functions, powers and by-law making capacity (ss 19-21), as well as a capacity to make and impose rules, operating procedures, and codes of practice relevant to any aspect of the waste operator's functions (s 32) and to enter contracts for waste management services (s 34);
- Provision for waste collection fees for residential and commercial waste collection services and services for the collection of hazardous wastes (ss 25, 26, 28);
- Provision for promotion of waste reduction, reuse, and recycling by designated waste operators and for the issue of rules, guidelines, operating procedures, codes of practice etc by operators for this purpose;
- Creation of waste-related offences and accompanying enforcement provisions (ss 39-40).

The framework of the WMA is largely predicted on a waste utility/service model, with additional sections for regulation of private contractors in waste operations and recycling, together with provisions for waste audit, planning and review. In these respects, it is consistent with most contemporary waste legislation, although the balance between providing for private sector operations and regulatory matters might be queried given the relatively limited private sector involvement in waste management in Vanuatu at present.

The legislation is forward looking, although there are currently limited opportunities for export of recyclable materials, with metals forming the bulk of material that was exported.

The provisions for dealing with recyclables, e-waste, and the adoption of a user-pays basis of the services gives attention to one of the perennial problems of waste management, namely, how to fund the services. This a matter of some urgency if collection services are to be extended beyond the current scope. Many of the management and environmental objectives of the legislation will not be achieved unless there is an effective collection system and/or incentive for groups in the community to return items, such as beverage containers. Any future planning should consider the extension of the legislation is to cover industrial and trade waste under the Act and to require fees for collection of hazardous wastes.

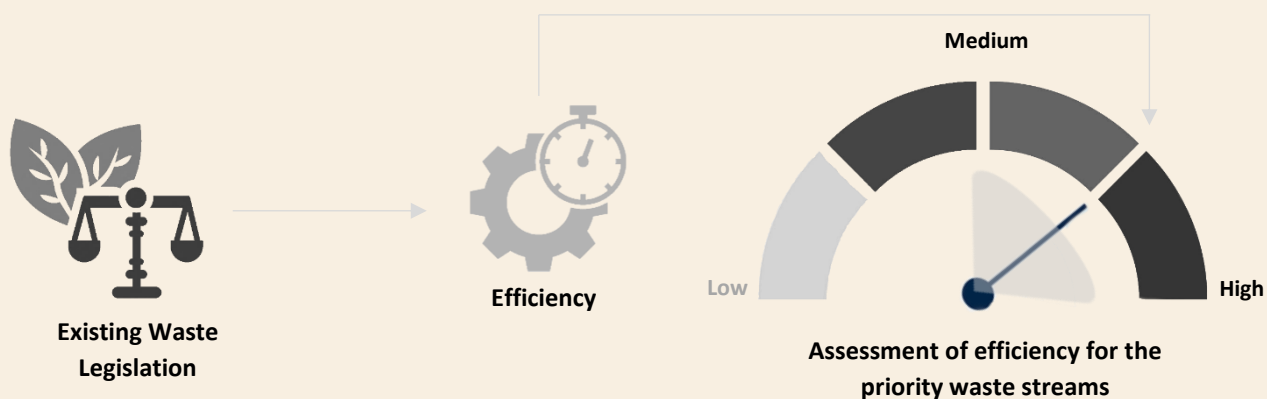
The legislation provides powers to shift the waste management model to one that is more oriented to waste prevention (i.e., to reduce waste entering the country rather than seeking to deal with wastes in situ). This is clearly a difficult and delicate policy position to negotiate given Vanuatu's increasing reliance on imported consumer goods (often wrapped in plastic or other packaging that is simply discarded), and many basic commodities supporting not only households but also the economically important tourist sector.

There are ample powers given to administrators in the legislation to 'experiment' with either prohibiting certain items (e.g., plastics, as noted above) or to institute advance deposit or disposal fees to assist in dealing with wastes once they enter the country.

The draft Vanuatu National Plastics Strategy (2020-2030) highlights a number of key strategic actions that could require legislative basis including:

- continued introduction of bans on the importation, sale, and manufacture of certain plastic products,
- introducing levies on plastic packaged junk food and reducing tariffs on non-plastic packaged consumer items,
- introducing bans on products containing primary microplastics and oxo-degradable plastics,
- reducing single-use plastics on cruise liners and fishing vessels through agreements for plastic free tourism and enhanced fisheries observer program,
- introducing container deposit legislation for plastic items,
- enforcing fines and penalties relating to littering and dumping,
- implementing an Extended Producer Responsibility scheme that would focus on the retrieval of ocean plastics,
- implementing best-practice solutions for managing collected or recovered plastics including disposal, reuse, and recycling (including export),
- initiatives to partner with the community, public and private sectors (including the cruise liner and tourism sector), NGOs and international organisations to reward voluntary action.

## Efficiency



The efficiency of the legal framework for managing wastes in Vanuatu is constrained by the limits on available resources and funding. The consolidation of many areas of waste management into a single piece of legislation introduces various efficiencies in terms of administration and operations. This consolidation at a national level has potentially inadequately considered the responsibilities of municipal and provincial governments and that there might have been improvements that could have been made by stronger integration of administration and resourcing between the various levels of government.

There remains an opportunity to increase coordination between agencies and departments with waste management responsibilities to develop a holistic whole-of-governance focus in the best interest of the country. There are several areas where there is overlap between department responsibilities for waste management.

Such as:

- whether EIA and development control encompassed waste management, including a checklist of hazardous waste substances, and
- whether asbestos waste should be typically dealt with as part of building management at a Municipal level.

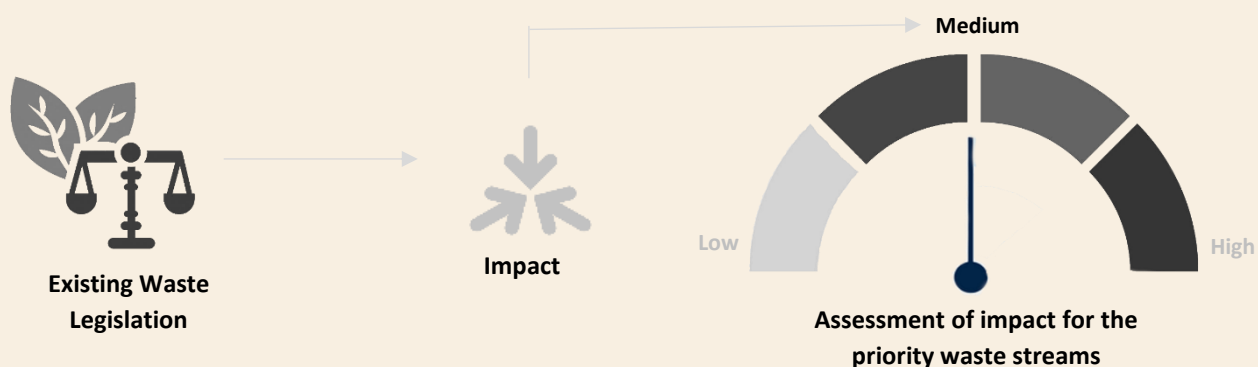
Additionally, the administration of EIAs, wastes and pollution control is confusing and potentially may cause poor environmental outcomes. Similarly, there was some ambiguity as to whether the Department of Environment assessed disaster impacts or the National Disaster Management Office.

There remains a critical need for information and data availability to support implementation of waste management activities. Compliance and enforcement are regarded as critical areas requiring a more robust allocation of resources and staffing.

There is a need for records of infringements and cases brought in relation to breaches of the various conditions for waste management.

The allocation of resources between various departments and agencies may require attention. Some areas in relation to 'new wastes' were receiving more funding than many of the more conventional waste management areas, such as solid waste, and impacting the situation with the landfill.

## Impact



The definition of waste in the WMA is regarded as not comprehensive enough to cover all the priority waste streams, the legislative focus is on solid waste and waste in the landfill. There is a need to prioritise various wastes and to better sequence the management of those wastes in relation to waste streams, such as plastics. The legal framework is seen as successful in raising community awareness in relation to specific areas, such as wastewater and organic waste.

Enforcement and compliance are integral to assessing the impact of the legislation. To date, there has not been any prosecutions in respect to licence breaches, but the system is in the early stages. The impact of an enhanced compliance focus by the Department of Environment was regarded as important to the impact of the overall package of waste and environmental protection laws.

The WMA and other waste-related laws have a wide range of compliance and enforcement measures, for example:

- the amendments to the *Public Health Act* provide for penalty notices.
- additional court orders were inserted by the 2018 *Amendment Act* through sections 73F and 73G regarding civil penalties.
- The *Environment and Conservation Act* has offences provisions in sections 41 and 42. Enforcement provision were inserted by the 2010 *Amendment Act* and penalties are both civil and criminal in nature (see ss 42A(6) and (7)), together with a designation of an enforcement officer.

There is a detailed compliance, enforcement, and penalty regime under the *Waste Management Act*. Notably, the *Waste Management Regulations 2018* introduced civil and criminal penalties in relation to importation, manufacture, selling or providing of prohibited plastic items, and created a littering offence with a civil penalty.

# SECTION 3: CAPACITY ASSESSMENT



This qualitative assessment of Vanuatu'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 Vanuatu'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 Vanuatu'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



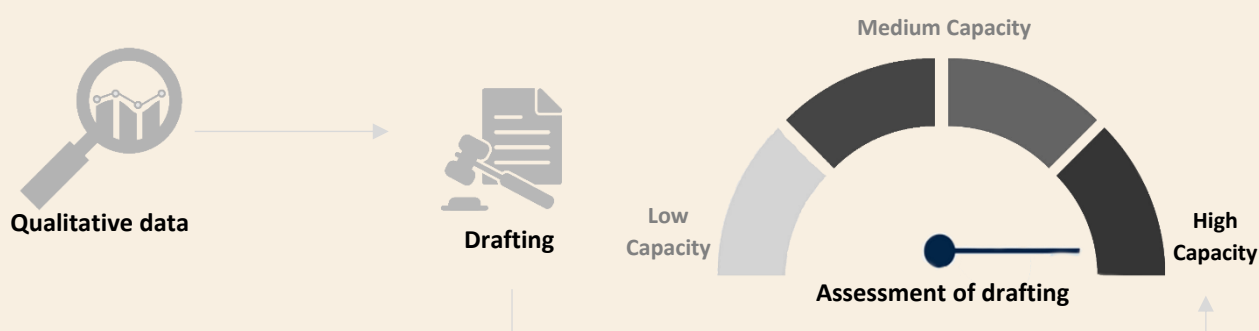
### Reporting under relevant MEAs

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 Vanuatu'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



Vanuatu has undertaken a systematic review and revision of its legislation in the environmental, natural resource, and land and marine management areas over the last few decades. The *Waste Management Act 2014* has been part of that process (which is continuing) to translate environmental protection policy platforms into targeted and innovative legislation.

The central purpose of the *Waste Management Act* reveals the close integration between environmental and waste management objectives as the Act is 'to provide for the protection of the environment through encouragement of effective waste services and operations'. The *Waste Management Act*, among other legislation introduced around that time, demonstrates the effective drafting capacity that has supported that process.

These processes to develop the legislation would require considerable drafting preparation, legal professional drafting expertise, interagency cooperation, consultation, and community engagement, as well as drawing on a diversity of regional and in-country expertise.

The WMA is well-structured, adopting established environmental law models, such as articulation of principles, functions of personnel, powers of staff and authorised officers to administer and implement the Act. Specific responsibilities are articulated for identifying waste, collecting waste, disposing of waste, planning, and reporting on waste management and managing hazardous waste. The coverage of substantive matters, such as waste definitions, delegations of responsibilities and operations is comprehensive. The legislation includes regulation of private sector waste operations, which is often left obscure in legislation that primarily adopts a public waste utility model. Importantly, the legislation provides a clearly designated fee structure to support waste management and is one of the few pieces of waste legislation in the Pacific region that gives rights of review and appeal.

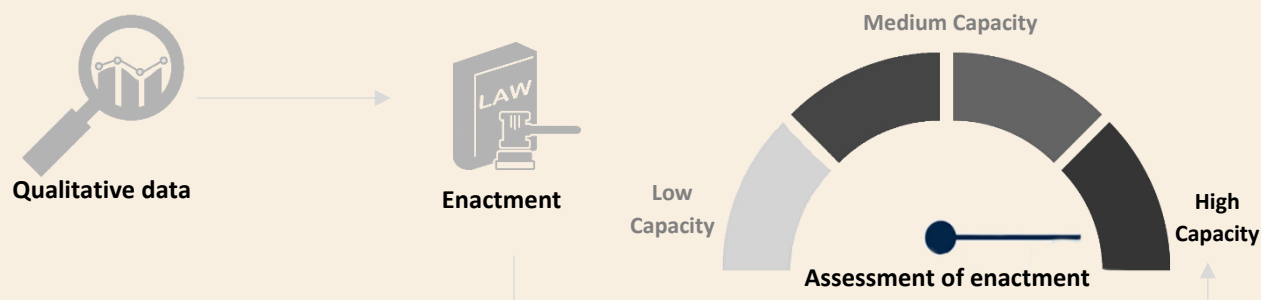
Other relevant legislation, such as: *The Meteorology, Geological Hazards and Climate Change Act 2016*; the *Pollution Control Act 2013*; and the *Environment and Conservation Act 2002*; indicate a clear depth of drafting capacity. Ancillary legislation, such as the *Public Health Act 1994*, as amended by the *Public Health (Amendment) Act 2018*, appear similarly well-drafted.

The drafting capacity in the nation appears to be largely confined to the government sector (i.e., Crown Law Office), with only a small pool of legal officers available in a jurisdiction, there are likely to be a range of competing legislative priorities for the Office. There is a lack of legal knowledge within Vanuatu departments in areas such as compliance and enforcement.

There appears to be instances where some departments advertise for consultants to work with in-country drafters in developing legislation. A number of NGOs and community sector groups are active in the jurisdiction, and they also contribute to available drafting capacity. It does appear that in developing Vanuatu's waste legislation that the jurisdiction draws on regional models and drafting instructions. This is especially evident in relation to recent initiatives prohibiting certain plastic products entering the country.

Vanuatu has adopted a number of best practice models for waste management that suggest the nation may draw on external technical and scientific knowledge from a range of sources to enhance its drafting capacity. There is recognition that when drafting legislation, traditional knowledge, and values play an important role.

## Enactment



From the regular updating of legislation relevant to waste management and environmental protection, and the development of new regulations under the *Environmental Protection and Conservation Act 2002* and associated laws, there would appear to be adequate enactment capacity to ensure that Vanuatu's laws are contemporary but also able to address emergent waste challenges.

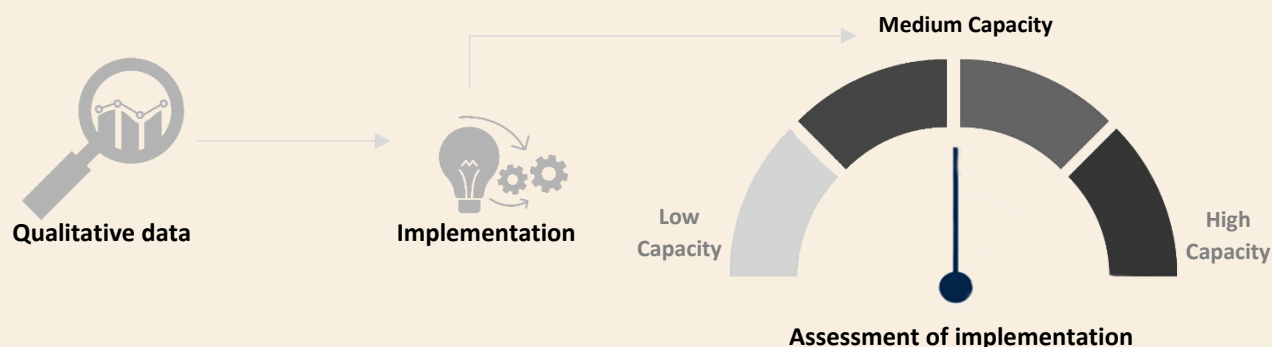
The volume of recent waste-related legislation and regulation at a national level is quite significant for a relatively small jurisdiction. The model of Ministerial (departmental) responsibility to prepare drafting instructions for new laws or amendments appears to be working quite successfully.

The extent to which provincial and local governments can develop and adopt relevant legislation and exercise regulatory powers is more mixed. These authorities operate within their own governing legislation where the 'law-making' powers of provincial and local government (municipal) authorities' part of a clearly decentralised system. The Department of Environment has a provincial outreach division working in conjunction with provincial officers to influence these laws and responsibilities.

At an operational level, it is local authorities who manage landfills and undertake services, such as waste collections. The *Waste Management Act* does not provide a clear designation of powers or confer by-law making capacity on these entities to carry out such operations. Some clarification of responsibilities and powers in the *Waste Management Act* between the various levels of governance would be beneficial.

As national legislation, the *Waste Management Act* is regarded as impressive 'on paper,' but needs support from a collaborative multi-level approach to managing wastes across all levels of government and that was inclusive of the community. Strong engagement with the community in developing these laws and in initiating changes is vital.

## Implementation



Waste management implementation responsibilities are divided across several institutional levels in Vanuatu, with national government departments taking more of a policy-setting and administrative role while operational functions, such as waste collection, are devolved to local authorities and to a comparatively small number of private sector operators. Effectively this is a public utility model with some private sector involvement in waste collection and recycling.

The main barriers to effective implementation of the WMA 2014 and associated laws for waste and environmental protection includes a range of resource, staffing and financial constraints. The lack of resources in key areas, such as technical knowledge, operational management, and compliance, were limiting opportunities for the legal framework to have full impact.

Constraints in areas such as recycling and recovery of waste materials due to the limited number of businesses operating in Vanuatu and the costs incurred in exporting recyclables, together with the closing off export markets.

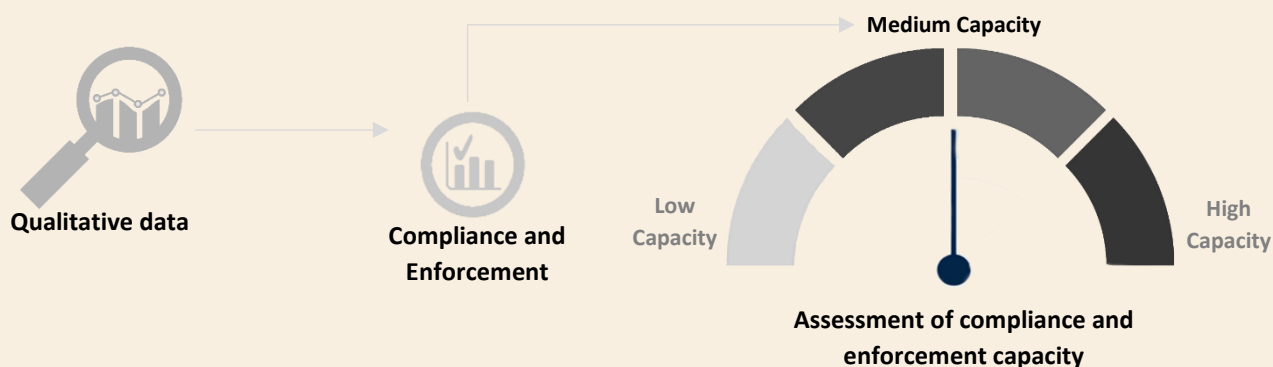
The administrative organisation of the national department regulating wastes is clearly articulated in the *Waste Management Act* 2014. These arrangements are crystallised in the functions of the Director, who, under section 3, is responsible for the 'development, coordination and, where appropriate, implementation of the Government's waste and litter minimisation policies and programs'.

Section 7 of the *Waste Management Act* recognises that waste management activities will extend to other agencies within Vanuatu and sets out the requisite allocation of powers to support that position. There is recognition that particular waste streams, such as medical waste and biosecurity wastes, are principally handled beyond the environmental portfolio and that primary responsibilities for those wastes sit with those specific agencies.

There were several human resource gaps identified as available human resources were small in comparison to the breadth of work to be undertaken. There is a sense that the staff capacity in the Department of Environment was spread too thinly and there was a need to mentor local people and build capacity from the local community to take on these roles.

Within the municipalities, insufficient human resources exist to manage wastes and work with the Department of Environment and public at large on issues of waste management. A capacity-building need for local authorities outside the main centres of Port Vila and Luganville municipalities to manage dump sites or waste management systems was identified. There is also a need for stronger inter-agency collaboration in addition to building technical and research capacity to deal with waste management across departments (e.g., the Department of Education, Department of Agriculture, and Department of Women). An opportunity exists to give attention to the possibilities for income generation to support and expand basic services, such as waste collection, through the introduction of user-pays systems for waste management. While there is a range of constraints to the implementation of the waste management laws, there is a perception that the laws are functioning reasonably. Recent initiatives, such as the plastics ban, were welcomed, but difficulties of monitoring and enforcing the prohibitions (concerns which will also be relevant if there are further controls introduced in line with the draft *Vanuatu National Plastics Strategy (2020-2030)*) remain.

## Compliance and enforcement capacity



There are clear and comprehensive compliance measures in the relevant legislation, but limited capacity to take practical measures to ensure compliance due to staffing constraints. These difficulties are increased by a legal and enforcement system that can be difficult to navigate without support.

General resource and staffing constraints are exacerbated for monitoring, compliance and enforcement of Vanuatu's waste and environmental protection laws, as limited staff and skills related to enforcement exist in-country. In addition to administrative duties under the WMA, the Director is to 'undertake environmental assessment, monitoring, and inspection generally'. There have been recent initiatives within the Department of Environment to heighten the profile of compliance activities in relation to environmental protection and waste management and to highlight the need for stronger enforcement where compliance requirements are not being met.

The Department of Environment has a compliance unit, but it only has one officer handling environmental impact assessment (EIA) requirements and a small staff for dealing with compliance issues, despite the wide range of legislation and MEAs for which they have oversight. The consequence is a limited capacity to ensure compliance with waste management laws.

In relation to wastes that had components that were hazardous or ozone depleting, there is an increased need for monitoring and enforcement, but again, limited capacity in the respective departments to undertake these responsibilities.

The potential for waste management regulatory initiatives, such as the ban on plastic products and shopping bags (and any future plastic bans as contemplated by the draft Vanuatu National Plastics Strategy (2020-2030)), to be effective is dependent on compliance.

The WMA 2014 has a well-designed compliance and enforcement regime. Under section 14 of the Act the Minister is given extensive controls to regulate wastes that have 'adverse impacts on the environment or human health'. Controls and compliance measures include:

- prohibiting or controlling the importation, exportation, manufacture, use, storage or transportation of certain objects, substances or things which may become waste; and imposing conditions in relation to them,
- requiring the lodging of a deposit in relation to certain objects, substances or things which may become waste to ensure their appropriate disposal by recycling or otherwise,
- imposing obligations on persons importing, exporting, using, or manufacturing certain objects, substances or things which may become waste in relation to their eventual disposal.

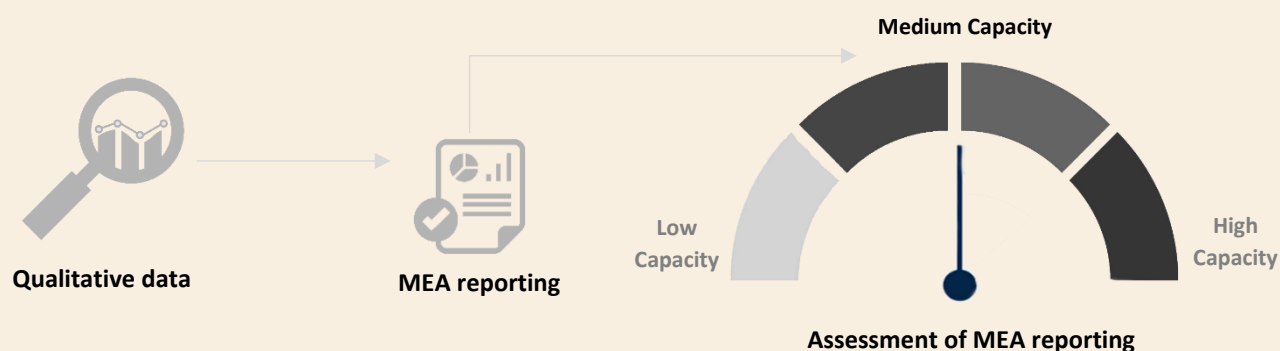


Penalties include: a fine not exceeding VT500,000 for individuals and not less than VT1,000,000 for corporations or persons who commit this offence on more than one occasion; or imprisonment for not more than 3 months; or both a fine and imprisonment. Part 5 of the WMA sets general waste offences, including prohibitions against illegal dumping and interfering with waste operations at the landfill.

The WMA requires licences for private waste contractors to operate and regulates their activities, including through powers to revoke licences for non-compliance. To date there have not been any prosecutions in relation to licence non-compliance and it has been a gradual process to encourage licence renewals.

There appears to have been relatively light enforcement activities undertaken in Vanuatu. Enforcement through the courts is regarded as problematic as having to defend the action in the court system is expensive. In addition, there is no court reporting and the process through the state legal office is seen as slow, cumbersome, and complex. More 'practical' and immediate enforcement, such as on-the-spot fines and clean-up notices, are likely more effective.

## MEA reporting



Vanuatu is party to the Basel, Stockholm, Rotterdam, Minamata and Waigani Conventions. Vanuatu only recently became a party (from January 2019) to the Basel, Rotterdam and Minamata conventions. The notification, information sharing and reporting requirements established by these MEAs for parties are set out in Annex 2.

Vanuatu's level of compliance with notification, information sharing and reporting requirements under the MEAs to which it is party is medium overall. Given that Vanuatu has only been a party to three of these MEAs for just over a year, the assessment regarding its level of reporting compliance with the Basel, Rotterdam and Minamata Conventions is necessarily preliminary. Based on the evidence available, it appears that Vanuatu has a medium level of capacity to carry out reporting, notification and other information sharing obligations under the MEAs to which it is party. Time will tell whether its ambitious approach of joining all five relevant MEAs will serve simply to stretch available resources, or whether it is possible for the nation to leverage its membership of several conventions to build reporting capacity overall.

Under the two conventions for which it has longer-standing membership, Vanuatu's record of reporting has been patchy. For the Waigani Convention, it appears Vanuatu has submitted only one annual report for the year 2012. In the case of the Stockholm Convention, Vanuatu submitted no reports for the first four reporting cycles under the treaty. Its initial National Implementation Plan (NIP) for the Stockholm Convention, which was finalised in April 2011 and submitted in 2018, includes an action plan to improve reporting. Vanuatu is reported to be in the initial process of updating its NIP through a project funded by the GEF.

For conventions it has joined more recently, such as the Basel and Minamata Conventions, Vanuatu has also not submitted any reports. It has, however, designated competent authorities or focal points as required by these MEAs, and the others to which it is party. These designations are an important first step in fulfilling Vanuatu's notification and information exchange obligations under the MEAs.

In the case of the Minamata Convention, Vanuatu is one of several countries receiving assistance from the Biodiversity Research Institute, with GEF/UNEP funding, to prepare its initial assessment for this treaty, which should assist Vanuatu with meeting requirements outlined by the Minamata Convention to reduce mercury in the environment and human exposure to mercury.

In respect of the Rotterdam Convention, which does not have a reporting requirement, Vanuatu has taken strong initial steps to fulfil notification requirements under this Convention since it came into effect for the country on 14 January 2019. Vanuatu has provided 19 import responses (all relating to pesticides), with 32 import responses outstanding for both pesticides and industrial chemicals, including asbestos.

Vanuatu has provision in its existing legislative framework for implementation of the relevant MEAs to which it is party. The WMA 2014 defines 'waste related conventions applying to Vanuatu' to include the Stockholm Convention and the Waigani Convention, as well as 'any other International Convention relating to the management of waste that is ratified by Vanuatu'. This definition would be sufficiently broad to capture Vanuatu's new obligations under the Basel, Rotterdam, and Minamata Conventions.

The WMA provides that the Department of Environmental Protection and Conservation (DEPC) is responsible for implementing international conventions that relate to the management of hazardous waste (s 7(2)):

- Section 17(1) establishes information provision requirements for licence holders or persons conducting any waste related operation, business, or activity, who ‘must provide all information, statistics and copies of records relating to any waste operation that is required to be provided by the Director [of the DEPC] from time to time’.
- Section 17(2) continues that ‘[i]f an international waste related convention requires that a report be made, or that any information or data be collected and provided, the Director may make a written request to a licence holder to provide the information or data’. Failure to comply with such a request is an offence under the WMA punishable on conviction by a fine not exceeding VT100,000 (s 17(3)).

These provisions of the WMA provide a legislative framework for implementation of waste-related international conventions by Vanuatu and the foundations of an information collection system necessary to fulfil reporting and other notification and information-sharing requirements under relevant MEAs.

Other legislation relevant to implementation of Vanuatu’s obligations under the MEAs to which it is party includes:

- the *Pesticides (Control) Act 1993* – administered by Biosecurity Vanuatu – is the main legislation that will be used to control imports of toxic pesticides regulated under the Rotterdam Convention. This may explain why all import responses provided so far relate to pesticides rather than industrial chemicals more generally.
- the *Pollution (Control) Act 2013*, which is the general pollution legislation for Vanuatu, and institutes a system of permitting, monitoring and EIA for pollutant discharges that is implemented by the DEPC.

Although Vanuatu has ‘lots of laws’ for dealing with waste, including ones which can be applied to carry out its obligations under relevant MEAs, ‘implementation is the big issue’ as DEPC officers are already spread thinly across a range of functions. As the existing convention reporting gaps highlight, this lack of resources for implementation is key limiting factor on capacity for a range of functions, including reporting under waste-related international conventions.

There is a risk that this capacity will be stretched even further as departmental officers seek to fulfil new reporting, notification, and information-sharing obligations under the additional international conventions that Vanuatu has recently joined. The experience of other countries in the region, which have a high level of membership of waste-related conventions, seems to indicate that joining additional conventions can also open avenues for capacity-building and funding support, particularly through the programs run by UNEP and the Basel-Stockholm-Rotterdam/Minamata secretariats.

**Table 7: Compliance with MEA reporting requirements**

<b>Relevant MEAs party to</b>	<b>Comments</b>
<i>Basel</i>	Competent authority/focal point designated. No submissions or national reports provided but treaty only in effect from 2019.
<i>Stockholm</i>	National Focal Point for information exchange designated. National Implementation Plan (NIP) finalised 8 April 2011 (submitted 2018) including Action Plan to address reporting. Vanuatu is in the initial stages of producing an updated NIP under a GEF-funded project No national reports submitted in first four reporting cycles.
<i>Rotterdam</i>	Designated National Authority notified. 19 import responses provided, all for pesticides. 32 import responses outstanding for both pesticides and industrial chemicals including asbestos.
<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.
<i>Waigani</i>	Competent authority and focal point designated (updated 25 Jun 2014). Annual report submitted in 2012. No records of other annual reports.

## **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 Vanuatu 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, Vanuatu's governance of waste issues was assessed as performing at a medium level, with the capacity to effectively administer the waste legislative framework assessed as medium. The greatest needs arising appeared to be support for implementation of compliance and enforcement.

There is a wide range of legislation governing waste in Vanuatu, from the central *Waste Management Act* to specific legislation that governs waste generated in particular circumstances, such as healthcare wastes. There is not such a pressing need, therefore, to develop new statutory frameworks. Instead, the principal opportunities that arise are to revise laws or issue regulations; to further experiment with a range of economic measures; and to better implement compliance and enforcement measures.

### Opportunities for improving legislative instruments to support improved waste management

The central legislation governing waste management in Vanuatu is a stand-alone waste management regulatory model. Vanuatu has a dedicated *Waste Management Act 2014*. Under this Act, Vanuatu has adopted regulations and orders relating to the control of single-use plastics, littering and licensing of waste operators. Vanuatu has other legislation in place that relates to waste management, including pollution control legislation, environmental protection legislation that incorporates environmental impact assessment, development controls, public health legislation, and the management of disasters.

Several legislative initiatives are suggested in the draft *Vanuatu National Plastics Strategy*, which seeks to integrate circular economy principles into the regulation of plastics as a particular waste stream.

This includes proposals for:

- continued introduction of bans on the importation, sale, and manufacture of certain plastic products;
- introducing levies on plastic packaged junk food and reducing tariffs on non-plastic packaged consumer items;
- introducing bans on products containing primary microplastics and oxo-degradable plastics;
- reducing single-use plastics on cruise liners and fishing vessels through agreements for plastic free tourism and enhanced fisheries observer programs;
- introduction of container deposit legislation for plastic items; and
- implementing an extended producer responsibility scheme that would focus on the retrieval of ocean plastics.

Given the extensive legal framework for waste management in Vanuatu, most opportunities arise in relation to extension and/or revision of laws and regulations to improve the implementation of existing regulatory models.

Key opportunities for legislative reform arise in respect of:

- Adoption of legislative measures to further support waste minimisation and management at the customs point, such as an advance disposal fee that implement polluter pays and extended producer responsibility principles.
- Developing new or expanded regulations under the *Waste Management Act* in relation to controls on plastic waste and recyclables, including e-waste.
- As legislation is developed to adopt the *National Oceans Policy*, this will require cross referral between any new oceans legislation and existing waste laws/regulations.
- Adoption of designated regulations under the *Waste Management Act* to manage hazardous wastes specifically, such as asbestos and e-waste; as well as regulations further targeted to plastics and recyclables and that specify segregation of waste by households and businesses, and at the various landfills.



- Revisions of the *Waste Management Act* and associated legislation to better integrate priority wastes, with expansion of the waste definition to include, e.g., asbestos, plastics, as well as attention to how laws define the waste management/ pollution control interface. For example, the *Pollution Control Act 2013* does not refer to solid waste.
- Revisions to the *Waste Management Act* and its regulations to specify segregation of waste by households and businesses.
- Consolidation of water regulations to integrate waste management, with wide coverage of urban and rural settings, and an emphasis on protection of waterways and groundwater from waste pollution.
- Better integration of waste management and climate mitigation and adaptation measures, within a broader planning strategy, including consideration of waste-to-energy technologies.
- Introduction of regulations or guidelines to support community partnerships and the involvement of traditional authority structures in managing wastes, as well as the adoption of consultative mechanisms. These measures might operate in conjunction with enhanced access to waste facilities in regional areas and outer islands, including development of income generation e.g., levy on tourism activities to expand the waste collection services.
- Regulations that set targets for waste management in areas of resources, staffing and training.

### **Recommendations to address legislative capacity needs**

Key capacity needs arising for Vanuatu 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**
  - Additional support for waste management information and training (i.e., technical knowledge to assist monitoring and testing, operational management, and compliance), with needs at the local and provincial government levels.
  - Additional staff and training for the compliance unit of the Department of Environment and an appropriate allocation of funding for this purpose. This may also support capacity to meet reporting requirements under relevant MEAs.
  - Additional support for training and capacity building for health personnel involved in dealing with healthcare wastes, including access to information on best practice.
  - Staff training and capacity building to address collection and disposal costs for used consumer goods, such as e-waste and bulky waste, including of customs staff to support potential measures to recover collection costs at the customs point.
  - Support for building stronger inter-agency collaboration across areas of waste management in government departments and municipal authorities, including a clear designation of operational and implementation powers between the various levels of governance.
  - Capacity building and training for safe handling, storage and disposal of wastes that are hazardous or ozone depleting, with specific attention to enhancing monitoring and enforcement.
- **Transparency and Community consultation**
  - Support for a national mentoring program for local authorities and communities, to mentor staff and build capacity in areas such as landfill operations, and waste collection and streaming, allowing smaller municipalities or those without waste operations to date, to learn from the larger municipalities with established waste services.

- **Sustainable funding**
  - Support for expansion of in-country recycling capacity where waste recovery is economically feasible and capacity building measures to support the export of recyclables, including hazardous wastes such as used oil, with possible participation in regional initiatives.
  - Enhanced access to waste collection and waste facilities in regional areas and outer islands, including possibilities for income generation from waste recovery, to assist in funding the expansion of waste collection services and the introduction of waste streaming.
- **Enforcement**
  - Greater government priority given to monitoring, compliance and enforcement activities, including support for fostering a waste management 'compliance community', working in association with other agencies such as customs, police, as well as the business sector and the community. Community awareness programs could also be expanded, especially in relation to prohibition-based measures related to plastics, both existing and in relation to the implementation of any new initiatives contemplated by the draft *Vanuatu National Plastics Strategy (2020-2030)*.
  - Reform of legal procedures for bringing compliance actions and to relevant court processes to enhance efficiency and transparency around waste management enforcement e.g., case reporting, and public notification of non-compliance.
  - Support for developing and implementing low cost, practical enforcement options e.g., a wider range of 'on-the-spot fines' and private sector/community-based orders.
  - Introduction of regulations, with a graded penalty structure and wider range of compliance measures, to foster a 'compliance community' in respect of waste management. Compliance could be led by designated officers in the Department of Environment, working in association with other agencies e.g., customs, police, as well as the community and private sector. These regulatory measures need to be supported by administrative and operational staff training, as well as reforms to increase access to courts and administrative tribunals (e.g., tribunal with jurisdiction to decide waste offences with penalty below specified monetary limit).

# Annex 1: Glossary of legal terms

**Table 8: Glossary of legal terms**

<b>Term</b>	<b>Definition</b>
<i>Accession</i>	Accession is the act by which a country accepts the offer or the opportunity to become a party to a convention already signed by other states. It has the same legal effect as ratification.
<i>Acts</i>	Also called statutes or laws. An Act is a document stating the law that has been passed by the legislature (the law-making body of government).
<i>Acts as made</i>	Also called Acts as passed, Acts as enacted, and Sessional Acts. An 'Act as made' is an Act with its contents exactly as they were when passed by the legislature.
<i>Amending Acts</i>	Amending Acts are Acts that change one or more provisions of the Principal Act, often titled, for example, as the Environment Protection (Amendment) Act. Amending Acts must also be passed by Parliament. Where amendments have not been included in the Principal Act, the Principal Act and the Amending Acts must be read together.
<i>Bills</i>	Proposed Acts. Once passed by the legislature and enacted by any formalities required in the country (for example, signature, assent, publication, or notification in the official Gazette), a bill becomes an Act.
<i>Chapter</i>	Some countries consolidate all their Acts at the same time. For example, Tonga consolidated all its legislation (both Acts and Regulations) in 2016. Each Act in the Consolidation was given a Chapter number, so the front cover of an Act in this consolidation states e.g., <i>Environment Management Act, Chapter 47.02, 2016 Revised Edition</i> . The Act as made was the 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 Littering Act 1982. 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.

<b>Term</b>	<b>Definition</b>
<i>Judiciary</i>	Also, the Courts, the branch of government which interprets laws and formally determines legal disputes.
<i>Legislation</i>	The collective term for both principal (Acts) and subordinate laws (usually regulations).
<i>Legislature</i>	The Legislature or the Parliament, is the branch of government which makes laws.
<i>International conventions</i>	Are also known as international agreements, and treaties. Conventions come into effect on a certain date. This is not the date the Convention takes effect in a particular country. For the Convention to take effect in a particular country, the country must become a party to the Convention. Countries may sign a Convention – this does not make it a party. Countries may ratify or accede to a Convention – this makes it a party. Following ratification or accession, written instruments evidencing the country’s consent to be bound by the convention are deposited with the Depository – this is generally the Secretary-General of the United Nations, but also, for example, the South Pacific Forum Secretariat in the case of the Waigani Convention. Once these written instruments are deposited by enough parties, the convention takes or comes into effect in the country and the country becomes a party to the convention.
<i>Principal Acts</i>	Principal Acts contain the entirety of a topic, for example, the Environment Protection Act.
<i>Provisions</i>	Provisions are individual numbered clauses within legislation. The most used provision types are: <ul style="list-style-type: none"> <li>• Articles in Constitutions – abbreviated to Art. or art.</li> <li>• Sections in Acts – abbreviated to s (or § in the case of Codes)</li> <li>• Regulations within a Regulation - abbreviated to r</li> <li>• Clauses in Schedules at the end of Acts or subordinate legislation</li> </ul>
<i>Ratification</i>	Ratification is the act by which a country indicates its consent to be bound to a convention.

Term	Definition
<i>Subordinate legislation</i>	<p>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:</p> <ul style="list-style-type: none"> <li>• Rules</li> <li>• Ordinances</li> <li>• By-laws</li> <li>• Orders-in-council</li> <li>• Executive orders</li> <li>• Decrees</li> <li>• Decree-Laws (this terminology is used in Timor-Leste)</li> </ul> <p>Acts (principal legislation) expressly authorise the making of subordinate legislation.</p> <p>Example: Section 121 of the Marshall Islands National <i>Environmental Protection Act 1984</i> authorises the Environment Protection Authority to make regulations regarding pollutants and discharge or hazardous waste.</p> <p>Subordinate legislation is made by a person or agency other than the legislature – usually the Government Ministry or Department responsible for implementing the Act. A regulation is usually on a specific topic and contains the practical machinery to implement one or more provisions of the Act.</p> <p>Example: regulations made under Section 121 of the Marshall Islands National <i>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>.</p>

## Annex 2: Acronyms

**Table 9: Acronyms**

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

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

## Annex 4: Existing Legislation Addressing Waste Management

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

**Table 11: Legislation impacting waste governance in Vanuatu**

Legislation	Regulations	Description
<u><a href="#">Waste Management Act 2014 (in force June 2014)</a></u>	<p><u><a href="#">Waste Management Regulations Order No 15 of 2018</a></u> (amended by Order 128 of 2019 below)</p> <p><u><a href="#">Private Waste Operator’s Licence Fees Order No 16 of 2018</a></u></p> <p><u><a href="#">Waste Management Penalty Notice Regulation Order No 17 of 2018</a></u></p> <p><u><a href="#">Waste Management Regulations (Amendment) Order No. 128 of 2019</a></u> (amends Order No 15 of 2018 above, copy on file)</p>	<p>The central <i>Waste Management Act 2014</i> provides a broad framework for waste management in Vanuatu, including specific responsibilities for identifying waste, collecting waste, disposing of waste, planning, and reporting on waste management and managing hazardous waste. These responsibilities are shared between the DEPC, municipal councils and provincial governments, the Ministry of Health, Ministry of Ministry of Lands and Natural Resources, and Biosecurity Vanuatu. Other agencies that may play a role are the Disaster Management Office and the Ministry of Public Utilities.</p> <p>Pursuant to section 13(1) of the <i>Waste Management Act</i>, any object, substance, or thing can be designated as waste or hazardous waste by regulations or by serving a written notice on a person who appears to own or control the object, substance or thing declaring that to be waste or a hazardous waste.</p> <p>Under section 7(6) of the <i>Waste Management Act</i>, the MoH has responsibility for the collection and disposal of all ‘medical waste’. Medical waste is not defined in any of the relevant legislation. The term is often used interchangeably with that of ‘healthcare waste’.</p> <p>The majority of healthcare wastes would be likely to fall under the <i>Waste Management Act’s</i> general definition of hazardous waste/substance, articulated above, based on the risks they pose to human health (e.g., through exposure to infectious agents, toxins, or injury), or to the environment.</p> <p>More generally, the <i>Waste Management Act</i> places a requirement on waste management operators designated under the Act to promote the reduction, reuse, and recycling of waste and for this purpose authorises them to adopt rules, operating procedures, guidelines and codes of practice, signs, and directions (ss 32, 35). A person engaged in commercial activities associated with the recycling of waste must comply with all such requirements imposed under this section, ensure that no aspect of their activities gives rise to a breach of Vanuatu’s international obligations associated with the movement and management of waste, and observe internationally accepted practices in relation to their waste related activities (s 35(2)).</p> <p>The Environment Minister is also empowered to make regulations to require persons or companies engaged in commercial activities associated with the recycling of waste be registered or licensed. No such regulations have been prescribed by the Minister under the <i>Waste Management Act</i>.</p> <p>Section 7(5) of the <i>Waste Management Act</i> provides that the ‘<i>collection and disposal of waste that cannot be managed by the normal waste collection services to residential and commercial premises, is to be undertaken in accordance with any requirements imposed from by the Director</i>’. Designated waste management operators, e.g., municipal, and provincial</p>



<b>Legislation</b>	<b>Regulations</b>	<b>Description</b>
		<p>governments, also have functions that include implementing litter and waste control measures, ‘including programs aimed at promoting reuse and recycling of waste and minimising the generation of waste’ (s 20(1)(g)).</p> <p>Legislation relevant to preventing the generation of plastic waste in Vanuatu is Regulation 1 of the <i>Waste Management Regulations Order No 15 of 2018</i>, which implements prohibitions on certain plastics. This order was recently amended by the <i>Waste Management Regulations (Amendment) Order No. 128 of 2019</i>.</p> <p>The 2018 and 2019 orders introduce a prohibition on the manufacture and importation of disposable plastic containers, single-use plastic bags, straws, artificial plastic flowers, disposable plastic cups, disposable plastic forks, disposable plastic knives, disposable plastic plates, disposable plastic spoons, disposable plastic stirrers, plastic egg carton containers, and plastic mesh net. They further prohibit a person from selling, giving, or providing to any person, in the course of carrying on a business, any of the specified items, other than an exception for single-use plastic bags ‘to contain, wrap or carry meat or fish or for the purpose of carrying duty free items’.</p>
<u><i>Pollution Control Act 2013</i></u> (in force June 2014)	None identified.	Wastewater as a waste stream may be captured under the <i>Pollution Control Act 2013</i> . As noted above, section 1 of this Act defines a ‘pollutant’ as including any gas, liquid or solid that may result in environmental harm. The <i>Public Health Act</i> also has provisions that apply to sanitation and waste disposal that cover wastewater in the sense of water discharges from residential and industrial premises.
<u><i>Environment and Conservation Act 2002</i></u> (version as at 2006) <u><i>Environment and Conservation Amendment Act 2010</i></u>	<u>Environment Impact Assessment Regulation Order No 114 of 2019</u> (copy on file with UoM team)	<p>This Act is the overarching environmental law of Vanuatu. It provides for the conservation, sustainable development and management of the environment and covers three main areas:</p> <ul style="list-style-type: none"> <li>• Administration, formally establishing the Department of Environmental Protection and Conservation and outlining its roles and responsibilities.</li> <li>• Environmental Impact Assessment, providing a process for identifying and managing the impacts of a proposed project on the environment.</li> <li>• Biodiversity, recognising Community Conservation Areas and giving direction to communities considering registering their conservation areas at the national level; and providing for bioprospecting (research).</li> </ul> <p>No direct nexus to waste management.</p>
<u><i>Water Resources Management Act 2002</i></u> (as at 2006) <u><i>Water Resources Management</i></u>	None identified.	Wastewater is not defined under the <i>Water Resources Management Act</i> , which is targeted to water allocation and conservation rather than protection of waterways from pollution. However, the Act permits regulations to be made under section 37(1)(i) for the control, regulation or prohibition of any matter or thing related to the ‘diversion, taking, collection, storage, supply, disposal, or discharge of any wastewater’ that could be used to provide coverage of this waste stream.

<b>Legislation</b>	<b>Regulations</b>	<b>Description</b>
<u>(Amendment) Act 2016</u>		
<u>Public Health Act 1994 (as at 2006)</u> <u>Public Health (Amendment) Act 2018</u>	None identified.	An Act to provide for public health. The act addressing litter and refuse in a number of sections: <ul style="list-style-type: none"> <li>• Section 65, refuse not to be deposited in a water course;</li> <li>• Section 66, no litter to be deposited on beach/foreshore;</li> <li>• Section 70, urban buildings to be provided with refuse bins;</li> <li>• Section 71, provision of refuse bins for public use;</li> <li>• Section 72, no litter to be deposited on street, etc.;</li> <li>• Section 73, interference with refuse bins and refuse tips prohibited.</li> </ul>
<u>Ozone Layer Protection Act 2010 (as at 2010)</u> <u>Ozone Layer Protection (Amendment) Act 2014</u>	<u>Ozone Layer Protection (Fees and Penalty Notices) Regulation Order 2011</u> <u>Schedule to the Ozone Layer Protection Act No. 27 of 2010 (Amendment) Order 2012</u>	An Act to control ozone depleting substances in Vanuatu in accordance with the obligations applying under the <i>Vienna Convention for the Protection of the Ozone Layer</i> and the <i>Montreal Protocol</i> .
<u>National Disaster Act 2000</u>	None identified.	Disaster waste is not specifically defined in any of Vanuatu's waste legislation and departmental responsibility for this type of waste is not clearly designated, although the <i>National Disaster Act 2000</i> established the National Disaster Management Office (NDMO) and it has a number of functions under section 6 including to (d) establish clear communication networks between government and non-government agencies at all levels. The <i>Meteorology, Geological Hazards and Climate Change Act</i> established the Director of Meteorology with one designated responsibility to be to support the roles and responsibilities of the NDMO in relation to disaster management and risk reduction (section 17(d)).
<u>Meteorology, Geological Hazards and Climate Change Act 2016</u>	None identified.	An Act to provide for the provisions of meteorology, geological hazards, and climate change.

<b>Legislation</b>	<b>Regulations</b>	<b>Description</b>
<u>Customs Act No. 7 of 2013 (as at 2015)</u>	<u>Customs Regulations Order No. 113 of 2014</u>  <u>Customs (Prohibited Export) Regulations Order No. 114 of 2014</u>  <u>Customs (Prohibited Import) Regulations Order No. 115 of 2014</u>	An Act to reform and modernise the law relating to Customs control and enforcement, and to provide for revenue administration, border management, trade, and travel.

## 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 12 below summarises the key notification, information and reporting requirements for each of the relevant MEAs.

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

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

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

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

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

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
<b>Basel Convention</b>	<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>
<b>Stockholm Convention</b>	<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 1<sup>st</sup> 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
<b>Rotterdam Convention</b>	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>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.</p> <p>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>	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).	No specific requirement for national reporting.
<b>Minamata Convention</b>	To protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds (Art. 1).	<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>	Discretionary obligation, following an initial assessment, to develop implementation plan and transmit to Secretariat (Art. 21).	<p>Obligation to report on measures taken for implementation (Art. 21). Pursuant to decision of COP MC-1/8 on the Timing and format of reporting by the parties (2017), reporting is on a biennial basis with short form every 2 years and long form every 4 years.</p> <p>Deadline for 1<sup>st</sup> biennial short report</p>

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
<b>Waigani Convention</b>	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>31 Dec 2019, 1<sup>st</sup> 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 13** summarises, in general terms, different kinds of legislative models for waste management, the overall policy objectives they relate to, and the key institutional underpinning required for their administration and operation, as well as examples drawn from the waste-related laws of the participating countries.

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

**Table 13: Legislative models and institutional requirements**

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

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

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

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

**Table 14: Legislative models in participating countries' waste laws**

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

Not present in existing legislation

Present in existing legislation

Present in pipeline legislation



**SPREP**  
Secretariat of the Pacific Regional  
Environment Programme



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