



# Stocktake of Existing and Pipeline **Waste Legislation:** KIRIBATI



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# About this Report

## Introduction and Acknowledgements

1. This report was prepared by the University of Melbourne (UoM) consultancy team as part of the PacWastePlus Waste Legislative Review project. The UoM team reviewed laws on waste management in 14 Pacific region countries and Timor-Leste (the 'participating countries'). This research was commissioned by the Secretariat of the Pacific Regional Environment Programme (SPREP), with funding support from the European Union's Delegation to the Pacific.
2. The team acknowledges, with gratitude, the research assistance provided by Ms Rebekkah Markey-Towler and the extensive background legislative reviews undertaken by the MLS Academic Research Service under the stewardship of Ms Robin Gardner and with the assistance of Daniel Carlos Bennett-Spark, Ken Zhunwye Kiat and Luis Bogliolo.
3. The UoM team also gratefully acknowledges project assistance provided by Ms Astari Kusumwardini, as well as the assistance, guidance and contributions provided by the SPREP PacWastePlus team and in-country stakeholders in the participating countries, who generously shared their time and insights with the UoM team.

## Methodology

4. The methodology used by the UoM team to prepare this report was primarily based on desktop research using publicly available online resources about waste management laws in the participating countries.
5. Particular databases drawn for the research included those maintained by 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.
6. 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.
7. 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 to date), as well as interviews with in-country contacts (in Vanuatu, the Solomon Islands, Federated States of Micronesia and Samoa only at the time of preparing this report). Further in-country trips and interviews are planned across the remainder of the project period.

## Outline of Report

8. This report contains the UoM team's findings relating to:
  - A **stocktake of the existing legislative environment for waste management** in the participating countries, focusing on the PacWastePlus priority waste streams of healthcare waste, asbestos, e-waste, plastic waste, recyclables, organics, disaster waste, bulky waste and wastewater, and including implementing legislation for the following multilateral environmental agreements (MEAs): Waigani, Basel, Stockholm, Rotterdam, and Minamata.
  - A **stocktake of pipeline legislative initiatives** in the participating countries, including an assessment of their impact and approximate timeframe for development.

9. For the pipeline stocktake, the UoM team noted that additional information on pipeline legislative initiatives is likely to be gathered during later in-country visits and ongoing data collection through the survey and interviews with in-country stakeholders. The information in this report on pipeline initiatives is therefore preliminary, and any updated information will be incorporated in later deliverables for the project.
10. The following sections of the report contain the stocktakes for each participating country. Reviews for each participating country include;
  - A brief overview of the legal system and relevant sources of law;
  - A legislative summary providing details of laws, regulations, policies and government responsibilities relevant to waste management and governance; and
  - A summary of available information on pipeline legislative initiatives.
11. The final section of the report provides details of participating countries' membership and implementation of relevant multilateral environmental agreements (MEAs), focusing on the Waigani, Stockholm, Basel, Rotterdam and Minamata Conventions.

# Legislative Summary

## Overview of the legal system

1. The Republic of Kiribati is an independent country comprising one island and 32 atolls in 3 main groups (the Phoenix, Gilbert and Line islands) running 4,000 kilometres along the equator. The population is approximately 112,000. The capital is Tarawa. The official languages are I-Kiribati and English.
2. Kiribati was known as Gilbert Islands when it was part of the British protectorate between 1892-1916. Between 1916-1975 it was a British colony and named the Gilbert and Ellice Islands. From 1975-1979 it was the separate British colony of Gilbert Islands. The Gilbert Islands were granted self-rule by the United Kingdom (UK) in 1971 and gained independence on 12 July 1979 under the new name of Kiribati.
3. Kiribati is a presidential republic with the President being both Head of State and Head of the Government. The legislature consists of the unicameral House of Assembly / Maneaba ni Maungatabu. There is a three-tiered court system. In addition, there are six districts and 21 island councils - one for each of the inhabited islands.
4. Kiribati has a mixed legal system of English common law and local customary law. Sources of law are the Constitution (as the supreme law), ordinances, Acts and subsidiary legislation, as well as some prior UK statutes, common law, and customary law.

## Legislation impacting waste governance

5. Waste management issues in Kiribati are governed under general environmental and public health legislation. There is no specific legislation for waste management. Another important law establishes a container deposit scheme (CDS), which is regarded as effective in separating out these containers from other waste streams and promoting their recovery.
6. Some analysis of the national waste situation has been undertaken through the Draft National Solid Waste Strategy 2007, which also covered the period 2008-2011, with biennial reviews. This strategy identifies priorities for different waste streams and provides a basis for assigning tasks for this work to specific institutions.
7. The following tables provide a stocktake of the existing legislative environment for waste management and governance in Kiribati, located in the UoM desktop review. Each table includes hyperlinks (current as of the date of this report) to electronic versions of these instruments.
  - Table 1 details the legislation for waste management and governance in Kiribati found through the UoM's stocktake research.
  - Table 2 lists the key policy instruments and reports.
  - Table 3 notes the relevant departments with responsibilities for waste management.



**Table 1: Legislation impacting waste governance in Kiribati**

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

|  |  |
|--|--|
|  | garbage shall be placed in tins and covered with fly-proofed covers, and such tins shall be placed daily in positions convenient for collection. |
| <b>Public Highways Protection Act 1989</b><br><br>The dumping of rubbish or litter of any kind on any public highway is prohibited by s 4(1)(c)(ii) without consent of the Highways Authority.   | None identified.   |
| <b>Public Utilities Ordinance 1977 (as at 1977)</b><br><b>Public Utilities (Amendment) Act 1983</b><br><br>This Ordinance sets up the Public Utilities Board which has powers and functions to operate and maintain a sewerage system. | None identified.   |
| <b>Local Government Act 1984</b><br><br>Provides that the Minister may establish local councils. These councils have responsibility for various functions under the legislation, including collection of solid waste.                  | None identified.   |

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

| Policy  | Description   |
|---|---|
| <b>Kiribati National Implementation Plan for Persistent Organic Pollutants (2019)</b> | Submitted in fulfilment of Kiribati's obligations as a Stockholm POPs Convention party. Provides an excellent and up to date summary of legislation, MEAs and policies.   |
| <b>National Quality Policy 2017-2023</b>  | This policy was launched by the Kiribati Government in 2018. It seeks to raise the quality and safety levels of products and services in Kiribati, both locally manufactured and imported, with the aim of protecting consumers, achieving better social and environmental protection, and improving livelihoods. MELAD is responsible for accelerating implementation of the framework for waste management and recycling. |
| <b>Kiribati Trade Policy Framework 2017-2027</b>                                      | The policy framework seeks to implement measures including an environmental licensing system to support waste management and pollution control. It also seeks to build capacity to facilitate the notification and reporting requirements under existing waste and chemical related conventions. The trade policy broadly seeks to ensure trade and environmental sustainability.   |
| <b>Kiribati Development Plan 2016-19</b>  | The summary of KPA 4: 'Environment' states that 'Significant efforts on solid waste management have been made with donor partner support, upgrading three landfill areas, launching private waste collection, and processing e-waste and bulky waste for export'. Waste management is identified as one of the five key environmental policy areas identified by the Government.  |



|  |   |
|--|---|
| <b>Kiribati Integrated Environment Policy (2013)</b>             | Goal is: To strengthen national capacity to ensure a safe and healthy environment for the people of Kiribati through effective and sound management of chemical and waste. Kiribati adopts the 'Waste Hierarchy' approach in its management of waste, starting with avoidance and minimisation first then looking at the opportunities for reuse, recycling and recovering before finally considering safe disposal.  |
| <b>Draft National Solid Waste Management Strategy (Oct 2007)</b> | <u>Aims:</u> <ul style="list-style-type: none"> <li>• To help ensure a safe and healthy living environment for all people of Kiribati;</li> <li>• To assign tasks for this work to specific institutions and to provide those institutions with necessary administrative support; and</li> <li>• To plan for future solid waste management activities in a manner that raises public awareness of the issues and allows for public input into the process.</li> </ul> |

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

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

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

# Pipeline activities

1. The following sections provide details of identified pipeline legislative activities for waste management and governance in Kiribati, summarised in Table 4 below.
2. Information on these activities was obtained primarily from the desktop research and the online survey. The UoM team hopes to obtain further information on pipeline activities through interviews with in-country stakeholders.
3. A key pipeline activity concerns ongoing work between the Ministry of Environment and the Office of the Attorney-General to review the Environment Act (as amended in 2007). In addition, a new National Waste Management Strategy has been drafted and is under review by key stakeholders before it is submitted for cabinet approval.
4. The Kiribati Integrated Environmental Policy (2013) is also under review with SPREP assistance. There is a plan to develop an integrated strategy on waste management, and assistance from PacWastePlus has been requested for this work.
5. Under the Chemicals and Waste Management Programme administered by UNEP, a national information-sharing system is to be developed to strengthen national capacity to undertake regular data collection and analysis, and to establish a central location for data on chemicals and waste. The intention is that this repository will enhance the Environment Database maintained by the Environment Conservation Division of MELAD, which is presently a work in progress.
6. The Environment and Conservation Division is working on various initiatives to reduce plastic waste. These include a new 'seeds for plastic' swap scheme, efforts to ban the import of single use plastic shopping bags, and implementation of the Plastic Free School initiative.

**Table 4: Pipeline activities for Kiribati**

| Pipeline activities                                       | Description  | Timeframe  |
|---|--|--|
| <b>Review of the Environment Act (as amended in 2007)</b> | Work between MELAD and AG's office to review the Environment Act.  | Ongoing.   |
| <b>Revised National Waste Management Strategy</b>         | Development of a new National Waste Management Strategy and review by stakeholders.  | Under review prior to submission to cabinet for approval.    |
| <b>Review of Kiribati Integrated Environmental Policy</b> | Review of Integrated Environmental Policy (2013) with SPREP assistance and development of integrated strategy on waste management.                   | Ongoing.   |
| <b>National information-sharing system</b>                | UNEP Chemicals and Waste Management Programme support for developing a <u>national-information sharing system</u> .                                  | Ongoing.   |
| <b>Initiatives to reduce plastic waste</b>                | Several community-based and awareness raising initiatives around plastic waste, including a <u>proposed ban on import of single use plastic bags</u> | Ongoing – MELAD in conjunction with AG's and Customs office. |

# Stocktake of Relevant Multilateral Environmental Agreements

1. The relevant multilateral environmental agreements 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).
2. The Table below provides details of the membership of Kiribati in these MEAs. Specifically, it lists:
  - The relevant MEAs to which Kiribati is party and the date the MEA was in effect;
  - Details of designated national authorities (DNAs) or national focal points for these MEAs; and
  - Details of any implementing legislation or policies for the relevant MEA.

**Table 5: MEAs and implementing legislation**

| MEA                         | In effect for country | Designated National Authority or National Focal Point   | Implementing legislation  |
|-----------------------------|-----------------------|---|---|
| <b>Stockholm Convention</b> | 6 Dec 2004            | Ms. Nenenteiti Teariki-Ruatu<br>Director, Environment and Conservation Division<br>Ministry of Environment, Lands and Agricultural Development<br>Bikenibeu<br>P.O. Box 234<br>Tarawa, Kiribati<br>Phone: +686 752 28211<br>Email: <a href="mailto:nenenteitit@environment.gov.ki">nenenteitit@environment.gov.ki</a> | No specific implementing legislation but see <a href="#">Kiribati National Implementation Plan for Persistent Organic Pollutants (2019)</a> .                         |
| <b>Basel Convention</b>     | 6 Dec 2000            | Customs Controller<br>Kiribati Customs Service<br>Ministry of Finance and Economic Development<br>P.O. Box 503<br>Betio Tarawa, Kiribati<br>Phone: +686 267 50<br>Fax: +686 265 32<br>Email: <a href="mailto:customs@tskl.net.ki">customs@tskl.net.ki</a>   | No specific implementing legislation but see National Report Basel Convention 2004 (submitted in 2006) and National Report Basel Convention 2006 (submitted in 2008). |
| <b>Minamata Convention</b>  | 26 Oct 2017           | Ms. Taare Aukitind<br>Secretary, Ministry of Environment, Lands and Agricultural Development<br>Bikenibeu Village<br>Tarawa, Kiribati<br>Email: <a href="mailto:secretary@melad.gov.ki">secretary@melad.gov.ki</a>  | No specific implementing legislation.   |

|                             |             |  |  |
|-----------------------------|-------------|--|--|
| <b>Waigani Convention</b>   | 21 Oct 2001 | Mr. Timi Kaiekieki<br>Secretary, Ministry of Environment, Lands, and<br>Agriculture Development (MELAD)<br>PO Box 234, Bikenibeu<br>Tarawa, Kiribati<br>Tel: (686) 28647/28211<br>Fax: (686) 28334<br>E-mail: <a href="mailto:timikb@gmail.com">timikb@gmail.com</a> | No specific implementing<br>legislation. |
| <b>Rotterdam Convention</b> | Not party   |  |  |



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