



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



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



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Secretariat of the Pacific Regional Environment Programme (SPREP)

PO Box 240

Apia, Samoa

[www.sprep.org](http://www.sprep.org)

[sprep@sprep.org](mailto:sprep@sprep.org)

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# Table of Contents

About this Report .....4

Legislative Summary .....6

Pipeline activities .....10

Stocktake of Relevant Multilateral Environmental Agreements .....11

## List of Tables

Table 1: Legislation impacting waste governance in Nauru .....7

Table 2: Policies and reports impacting waste governance in Nauru.....8

Table 3: Government departments with waste responsibilities in Nauru.....9

Table 20: Pipeline activities for Nauru .....10

Table 5: MEAs and implementing legislation .....11

# 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 Zhunwey 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. Nauru is an island republic in the Pacific Ocean, 42 kilometres south of the Equator. The population was estimated at 11,000 in 2019. Nauru has a total land area of 21 square kilometres.
2. In 1888, Germany annexed Nauru as a German colony. It was occupied by Australian forces in World War I and subsequently became a League of Nations mandate under the administration of Australia, New Zealand and the United Kingdom (UK). Nauru later became a United Nations trust territory, administered by Australia on behalf of its fellow trust powers, New Zealand and the UK.
3. Nauru gained self-government through the Australian Nauru Independence Act 1967 (Cth) and, following a two-year constitutional convention to establish a constitution, achieved full independence on 31 January 1968.
4. The Constitution adopted on 29 January 1968 and amended on 17 May 1968 established Nauru as an independent republic with a Westminster-style parliamentary system of government. It is the world's smallest independent democratic republic.
5. The President is the Head of State and the Head of Government. Nauru's parliament is unicameral, comprising 19 members.
6. The Nauru court system is three-tiered with the District Court, Supreme Court and new Court of Appeal.
7. Nauru has a mixed legal system of English-style common law and customary law. The Constitution is the supreme source of law. Other sources of law are laws of the Nauru parliament (as well as unrepealed ordinances from the pre-independence period), adopted laws (from the UK and Australia) and customary law.

## Legislation impacting waste governance in Nauru

8. Nauru has very limited legislation relevant to waste management and governance, and no specific legislation on this topic.
9. An Environment Management Bill 2006 and 2011 are discussed in the National Solid Waste Management Strategy 2017-2026, Waste and Dumpsite Management Report 2018, the Solid Waste Management in the Pacific: Nauru Country Snapshot 2014 and the Stockholm Convention Initial National Implementation Plan 2012, respectively. However, the UoM team was unable to locate evidence of the Environment Management bills being passed into law.
10. It appears that the Litter Prohibition Act is still, therefore, the major piece of legislation regulating solid waste management in Nauru.
11. A preliminary analysis of the main national waste situation was undertaken through the National Solid Waste Management Strategy 2017-2026, although recent data on waste flows is limited.
12. No inter-sectoral coordination mechanism exists. The position of 'Waste Management Officer' in the Department of Commerce, Industry and Environment, Environment Division was filled on 21 May 2018 by Ms Grace Garabwan. This position has responsibility for planning and coordinating development of the National Waste Management Policy Framework in response to 'incomplete or inappropriate' waste management legislation.
13. The following tables provide a stocktake of the existing legislative environment for waste management and governance in Nauru, located in the UoM desktop review. Each table includes hyperlinks (current as of the date of this report) to electronic versions of these instruments. It is noted that the Nauru official government legislation database, RonLaw, appears to contain current legislation but the link for this database is not functional.
  - Table 1 details the legislation relevant for waste management and governance in Nauru 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 Nauru**

Legislation	Description
<b>Litter Prohibition Act 1983 (as at 1983)</b> <b>Litter Prohibition (Amendment) Act 2014</b>	General prohibition on littering and offence provisions. Legislation contains no power to make regulations under it.
<b>The Derelict Sites Management Act 2017</b>	<p>‘An Act to make provision for the identification, control, removal, disposal and management of derelict properties, buildings and vehicles in the Republic and for related purposes’.</p> <p>s4: definition of ‘derelict sites’ includes: ... (c) the presence, deposit or collection of litter, rubbish, debris or waste’.</p> <p>s17 provides for the making of regulations by Cabinet to give effect to this Act but as yet no regulations have been made (or none are online).</p>
<b>Naoero Roads Act 2017</b>	Contains prohibition on discharge of wastewater or other liquids on public roads.
<b>Sanitary Inspectors’ Ordinance 1921 (as at 1921)</b> <b>Ordinance Revision Ordinance 1967</b>	Section 5 requires a sanitary inspector to direct an owner or occupier to clean an unclean or unsanitary area and report it to the Administrator for further instructions if it is not cleaned.
<b>Ports and Navigation Act 2019</b>	Part 5: Environmental Protection and Part 4: Liability and Limitation of Liability - Division 6 – Hazardous and noxious substances – deals with obligations under international conventions.
<b>Environment Management Bill 2006 (not yet in force)</b>	It proposed to set a framework vesting powers and responsibilities in the government and permitting regulations to be made to deal with a full range of environment related issues.
<b>Environment Management Bill 2011 (not yet in force)</b>	<p>Solid Waste Management report (see below) notes:</p> <p>‘The Environmental Management Act was submitted for approval to the Parliament in mid-2011, but it has still not been enacted. There is a need to strengthen the legislation against illegal waste disposal in line with international best practices. The by-laws and ordinances on littering need to be reviewed to increase their effectiveness, due to lack of provisions for enforcement and implementation. Some also need to be amended to address the changing nature of today’s wastes.’</p>

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

Policy	Description
<b>Economic Infrastructure Strategy and Investment Plan, 2011</b>	Includes analysis of infrastructure related to sanitation and waste management, and priorities for this sector. Also includes a solid waste management infrastructure stocktake.
<b>Framework for Climate Change Adaptation and Disaster Risk Reduction, 2015</b>	Waste management prioritised as a strategy under Objective A2.7 Land management and rehabilitation
<b>National Environmental Management Strategy 1996</b>	Although dated, this comprehensive report is referred to in many other reports. Chapter 4, s 4.3.5: Environmental issues and Challenges - Inadequate, or Non-enforcement of Environmental Legislation and s 4.7: Pollution and Waste Management Chapter 5: National Environmental Action Plan <ul style="list-style-type: none"> <li>• Objective 3: Strengthening Environmental Institutions and Legislation</li> <li>• Program 3.8 Enactment of New Environmental Legislation</li> </ul>
<b>National Integrated Environment Policy, 2018 (NB: Final draft)</b>	Waste management and pollution control identified as theme 4 of policy.
<b>National Solid Waste Management Strategy 2017-2026</b>	Analysis of current solid waste management situation in Nauru, with future recommendations and thematic priorities including legislation, education, capacity and waste management.
<b>National Sustainable Development Strategy 2005-2025, 2005</b> <b>National Sustainable Development Strategy 2005-2025, 2009 (revised)</b>	Priority regarding infrastructure sector is increased use of waste management. Poor waste management identified as threat to target 10 (halving proportion of people without safe drinking water).
<b>National Water, Sanitation and Hygiene Implementation Plan, 2012 (NB: Draft)</b>	Includes discussion of wastewater and sewage. Waste identified as risk to water quality. Policy objective 3.1 includes activity to establish regulations for disposal of septic tank and cesspit wastes.
<b>Water and Sanitation Master Plan 2015–2035, 2015</b>	Technical report including analysis of existing water and sewerage system and planning of system with 20-year program.
<b>National Implementation Plan for Persistent Organic Pollutants (POPs) (2012)</b>	Submitted as part of Nauru's obligations as a party to the Stockholm POPs Convention. Section 2.2.4 states that 'There are currently no laws or regulations targeted directly at addressing POPs, and consequently the Department of Commerce, Industry and Environment as lead agency is unable to fully implement the Convention's requirements.



Reports	Description
<b><u>Distribution and Status of Asbestos: Nauru Country Report 2015</u></b>	Includes survey of asbestos-use in Nauru, risk assessment, remedial options and significant discussion of disposal, including local burial.
<b><u>Environmental Due Diligence Report for Nauru Regional Processing Centre 2012</u></b>	Provides an overview of environmental legislation in Nauru and international treaties, agreements and conventions that relate to environmental issues to which Nauru is a signatory. Relevant Nauru Acts are discussed at pp 22–7 but based on outdated National Environmental Management Strategy from 1996.
<b><u>Fifth National Report to the Convention on Biological Diversity 2014</u></b>	Ineffective pollution control and solid waste management identified as a key threat to Nauru biodiversity. Case Study 3 on the Clean and Green Programme discusses the waste situation in Nauru.
<b><u>Infrastructure Review 2018</u></b>	Report assessing Australia’s infrastructure investments in Nauru. Waste management recommended as future investment area.
<b><u>Review of Natural Resource and Environment Related Legislation: Nauru 2018</u></b>	Overview of environment-related legislation in Nauru as of January 2018. Includes section on waste management and pollution.
<b><u>Second National Communication to the UNFCCC 2014</u></b>	Includes discussion of waste on Nauru and associated emissions.
<b><u>Solid Waste Management in the Pacific: Nauru Country Snapshot 2014</u></b>	Asian Development Bank overview of solid waste management in Nauru as part of wider Pacific project.
<b><u>Waste and Dumpsite Management Report 2018</u></b>	Includes discussion of legal and institutional context, issues with existing dumpsite, options for a new dumpsite and possible different approaches for waste disposal. This includes a resource recovery centre, waste billing and organic waste.
<b><u>Basel Convention National 2004 Report</u> (submitted in 2006)</b>	Report submitted in fulfilment of Nauru’s obligations as a Basel Convention party.

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

Government departments	Responsibilities
<b>Department of Commerce, Industry and Environment</b>	Waste Management Officer in Department of Commerce, Industry and Environment, Environment division is responsible for planning and coordinating development of the National Waste Management Policy Framework.
<b>Department of Health</b>	Administers the Litter Prohibition Act 1983, amended by the Litter Prohibition (Amendment) Act 2014, and the Sanitary Inspectors’ Ordinance 1921.
<b>Department of Finance and Economic Planning (DFEM)</b>	Responsible for the Economic Infrastructure Strategy and Investment Plan 2011 which included a solid waste management infrastructure stocktake.

# Pipeline activities

1. The following sections provide details of identified pipeline legislative activities for waste management in Nauru, summarised in Table 4 below.
2. Limited information on these activities was obtained from the desktop research. The UoM team hopes to obtain further information from in-country contacts through the online survey and during in-country visits or interviews.
3. A key long-term 'pipeline' activity for Nauru is the development of Environment Management legislation. Previous Bills developed in 2006 and 2011 appear not to have been enacted by the parliament.
4. The Nauru Bulletin of 31 Dec 2018, produced by the Government Information Office, notes the country's intention to produce a strategy to reduce single-use plastics.
5. Nauru is working with the Chemicals and Waste Management Programme in UNEP as part of a three-year project to strengthen institutional capacity for chemicals and waste management in accordance with relevant MEAs to which Nauru is party. This will involve creation of a waste profile, review of the national legislative framework for chemicals and waste management, and also development of an Integrated Chemicals and Waste Management policy.

**Table 4: Pipeline activities for Nauru**

Pipeline activities	Description	Timeframe
<b>Development of Environment Management legislation</b>	Previous Bills from 2006 and 2011 but not enacted	No details available.
<b>Single-use plastics strategy</b>	Planned development of a strategy to reduce single-use plastics	Mentioned in <a href="#">Nauru Bulletin</a> of 31 Dec 2018.
<b>Work with UNEP Chemicals and Waste Programme to strengthen institutional capacity for chemicals and waste management</b>	Waste profile, legislative review and policy development to strengthen capacity to implement Stockholm and Basel Convention commitments	<a href="#">Three-year program</a> from 2019.

# 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 Nauru in these MEAs. Specifically, it lists:
  - The relevant MEAs to which Nauru 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>Basel Convention</b>	10 Feb 2002	Secretary for Commerce Industry and Environment Department of Commerce Industry and Environment Government Office Building Yaren District, Nauru Phone: +674 557 31 33 ext. 293 Email: secretarycienauru@gmail.com	No specific implementing legislation but see <a href="#">Basel Convention National 2004 Report</a> (submitted in 2006).
<b>Stockholm Convention</b>	17 May 2004	Secretary for Commerce Industry and Environment Department of Commerce Industry and Environment Government Office Building Yaren District, Nauru Phone: +674 557 31 33 ext. 293 Email: secretarycienauru@gmail.com	No specific implementing legislation but see <a href="#">National Implementation Plan for Persistent Organic Pollutants (POPS) (2012)</a>
<b>Rotterdam Convention</b>	Not party		
<b>Minamata Convention</b>	Not party		
<b>Waigani Convention</b>	Signed 16 Sep 1995; not ratified.		



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