



Stocktake of Existing and Pipeline **Waste Legislation:** **TIMOR-LESTE**



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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 Democratic Republic of Timor-Leste is situated on the island of Timor. Timor-Leste has a population of around 1.2 million. The official languages of Timor-Leste are Tetum and Portuguese, while English and Indonesian are working languages.
2. Timor-Leste was colonised by Portugal from the 16th century until 1975, when a declaration of independence was swiftly followed by occupation by Indonesia. In 1999, a United Nations backed referendum resulted in a clear vote for independence. That year, the administration of Timor-Leste was taken over by the United Nations Transitional Administration in East Timor (UNTAET). In 2002, East Timor was renamed to Timor-Leste and became an independent state.
3. Timor-Leste is a Parliamentary republic. Its National Parliament is unicameral. The President of the Republic is the Head of State and the Prime Minister is the Head of Government.
4. The Parliament has exclusive authority to pass ordinary laws and may authorise the Government to make laws in specific areas through 'Decree-Laws'. The Government has exclusive authority to legislate on matters concerning its own organisation and functioning, as well as on the direct and indirect management of the State.
5. The Court system is two tiered: there are four District Courts (Dili, Suai, Baucau and Oecusse) which hear cases from surrounding districts (thirteen in total), and a Court of Appeals (Tribunal de Recurso) which hears appeals from the District Courts and exercises the powers assigned to the Supreme Court of Justice in the Constitution until such time as the Supreme Court is established. Additionally, the Audit Chambers (Câmara de Contas) review government acts and spending.
6. Timor-Leste's legal system is civil law system. Its Constitution and many of its statutes are modelled on Portugal's legal system. International treaties ratified by Timor-Leste are incorporated into its legal system and supersede any contrary legislation pursuant to Article 9 of the Constitution. It is noted, however, that Timor-Leste is not currently party to any of the MEAs relevant for waste management.
7. Legislation passed prior to independence remains in force if compatible with the Constitution and if it has not been repealed by subsequent laws. Since independence in 2002 all legislation is written and published in Portuguese. Relevant databases for legislation are not always updated in a timely fashion so it is difficult to ascertain whether legislation available online is the most up-to-date version.

Legislation impacting waste governance

8. The Constitution allows Parliament to delegate legislative authority on environmental matters to the Government. Such delegation was effected by Law 3/2012, which sets out broad directives for the Government to legislate for the protection of the environment. This law prompted the enactment of Decree-Law 26/2012, the Basic Law on the Environment, which contains a section on solid waste management.
9. Decree-Law 3/2016, the Statute of Municipal Administrations, sets out the authority of Municipal Administrations to establish and manage water and solid waste systems. This authority is regulated by the Joint Ministerial Diploma 43/2017, sanctioned by the Ministry of Public Works, Transport and Communications and the Ministry of State Administration.

10. Decree-Law 2/2017 approved the urban solid waste management system for Timor-Leste. Until the enactment of this Decree, there was no legislation establishing a waste management system in Timor-Leste.
11. No analysis of the national waste situation appears to have been undertaken at this stage although the National Sanitation Policy 2012 makes extensive prescription for the roles of different ministries and agencies.
12. The following tables provide a stocktake of the existing legislative environment for waste management and governance in Timor-Leste located in the UoM desktop review. Each table includes hyperlinks (current as of the date of this report) to electronic versions of these instruments. We note that all relevant legislation is in Portuguese and has been translated into English for the purposes of this review.
 - Table 1 details the legislation relevant for waste management and governance in Timor-Leste 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 Timor-Leste

Legislation	Orders
<p>Law 3/2012 - Legislative Authorisation on Environmental Matters</p> <p>Art 2, vv: Establishes the necessity of creating a solid waste management system comprising the collection, transportation, storage, reduction, reutilisation and recycling of solid waste, especially through the creation of landfills built so as to avoid the contamination of groundwater.</p> <p>Art 2, xx: Prohibits the importation of dangerous waste and subjects the importation of dangerous chemicals to previous consent by the State.</p> <p>Art 1, x: Defines waste as including any effluents, substances or solid, liquid or gas materials considered useless, superfluous or without value, generated by human, commercial or industrial activity, which need to be eliminated or recycled.</p> <p>Art 1, y: Defines dangerous waste as waste which due to its inflammable, explosive, corrosive, toxic, infectious radioactive or other characteristics constitutes a danger to people’s health and to the environment.</p> <p>Art 39, 2: Establishes the responsibility of public entities for the collection, transportation, storage, processing, reduction, reutilisation and recycling of solid domestic and commercial waste.</p> <p>Art 39, 3: Establishes the responsibility of the producer of solid hospital waste, industrial waste and waste from construction activities for its collection, transportation, storage, processing, reduction, reutilisation and recycling.</p> <p>Art 39, 4: Establishes the responsibility of every citizen to ensure the appropriate deposit of solid waste in indicated locations.</p> <p>Art 39, 5: Urges the creation of mechanisms to ensure the use of solid waste for the production of alternative energy sources.</p> <p>Art 40, 1: Establishes the responsibility of the State for the creation and maintenance of landfills so as to prevent the contamination of groundwater and negative impacts on public health.</p> <p>Art 41, 1: Determines that the State will create the necessary means to ensure the appropriate treatment of domestic, commercial and industrial wastewater and of sewage effluents.</p> <p>Art 42, 1: Prohibits the importation of dangerous waste.</p> <p>Art 42, 2: Subjects the identification, control, production, transportation, storage, exportation and use of dangerous waste to special legislation.</p>	<p>None identified.</p>

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<p>Enforcement powers and penalties specified in Art 59-61.</p>	
<p>Decree-Law 26/2012 – Basic Law on the Environment</p>	<p>None identified.</p>
<p>Decree-Law 3/2016 - Statute of Municipal Administrations (municipal administrations and authorities to develop solid waste management systems)</p> <p>Art 11, 1, ‘c’ and ‘j’: Determines the authority of Municipal Administrations and Municipal Authorities to invest in the construction, conservation and maintenance of wastewater management systems and solid waste management systems in populated areas.</p>	<p><u>Joint Ministerial Diploma 43/2017</u> (solid waste treatment systems)</p> <p>Requires that Municipal Administrations and Authorities study and develop municipal solid waste treatment systems, consulting the Ministry of Public Works, Transportation and Communications. Also requires them to take appropriate steps towards the provision of construction or rehabilitation works of solid waste treatment systems, up to the maximum value of 150000 USD and to manage solid waste treatment and disposal systems in coordination with the competent departments of Central Administration.</p>
<p>Decree-Law 5/2016 – National System of Protected Areas</p> <p>Art 46, 1, ‘e’ and ‘h’: Defines as an offence the abandonment or deposit of rubble, scraps, or any other waste outside the appropriate locations, as well as damage to protected areas through the use of chemicals, toxic substances, fire, waste leakage or analogous means.</p> <p>Art 46, 2: Punishes infringements described in the previous provision with fines ranging from 100-2000 USD for natural persons and from 1000-10000 USD for companies.</p>	<p>None identified.</p>
<p>Decree-Law 2/2017 – Urban Solid Waste Management System</p> <p>Art 2: provides the law applies to all the national territory except Special Administrative Regions (e.g. the Special Administrative Region of Oecusse-Ambeno).</p>	<p>None identified.</p>

Art 5: Determines the authority of Municipal Administrations and Authorities to establish urban solid waste management systems and allows them to delegate or to set up concessions for the management of urban solid waste.

Art 6: Defines urban solid waste as wastes originating from housing, the service sector, commercial or industrial establishments, and healthcare units, as long as the daily output does not exceed 1100 litres. Includes bulky waste; organics; waste produced in public places; animal waste; construction waste; dangerous waste; and healthcare waste.

Art 7: Defines as recoverable waste all waste capable of being selected and whose transformation leads to a useful end, such as packaging, paper and cardboard, glass, used tyres, scraps, batteries, electrical and electronic equipment, and used cooking oils.

Art 14: Establishes the obligation of Municipalities to guarantee urban waste management for waste which does not exceed 1100 litres per day per producer. Establishes the obligation of Municipalities to ensure the adequate collection and transportation of waste.

Art 16: Establishes the obligation of users not to abandon waste in public areas, to take care of the equipment provided for waste collection, and to pay a service fee.

Art 23: Establishes rules for waste collection, such as: waste should only be deposited in approved locations and containers; the use of selective waste/waste sorting equipment is mandatory whenever it is available; used cooking oils must be disposed in closed plastic bottles.

Art 25: The waste collection entity should establish the location and install urban waste collective equipment, whether undifferentiated or selective. The waste collection entity must ensure the existence of urban waste collective equipment at a distance of less than 150 metres from the buildings in urban areas and of 250 metres in predominantly rural areas.

Art 29: In urban areas, waste collection should happen at least once a week or according to another collection plan by the waste collection entity. In rural areas, waste collection can be spaced according to the collection plan approved by the waste collection entity.

Art 31: Selective collection of electrical and electronic waste shall occur by a request to the waste collection entity. Collection will happen at a time, date and location agreed between the waste collection entity and the interested party after the payment of a fee determined by the waste collection entity. The waste collection entity must respond to a request in a maximum of 5 working days.

Art 32: The collection of bulky domestic waste is done by a request to the waste collection entity. Collection will happen at a time, date and location agreed between the waste collection entity and the interested party after the payment of a fee determined by the waste collection entity. The waste collection entity must respond to a request in a maximum of 5 working days.

Art 34: Whenever the waste collection authority deems it necessary or the non-domestic user believes it is more convenient, the urban waste management service may be the object of a contract between the waste collection authority and the non-domestic user.

<p>Art 39: Users to which the urban waste management service is provided are subject to a fee for the provision of this service. Users are classified as domestic or non-domestic for the purpose of determining the fee for the service.</p> <p>Art 42: The fee is indexed to the consumption of electricity by users and follows the general rule that who consumes more electricity produces more waste.</p> <p>Art 56: The fees for the solid waste management system are only due once the system is effectively available.</p> <p>Art 46, 51-55 provide for offences and enforcement.</p>	
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Table 2: Policies impacting waste governance in Timor-Leste

Policy	Description
Strategic Development Plan 2011-2030	Sets a pathway to improve the protection of the environment, to control pollution and to introduce urban waste management guidelines. The National Directorate of Basic Sanitation Services, under the Ministry of Public Works, is responsible for planning and policymaking.
National Sanitation Policy (Resolução do Governo 8/2012)	Determines the roles and responsibilities of relevant agencies and sets standards and guidelines. The policy stipulates a five-year plan for the reduction, reuse and recycling of solid waste.
Program of the VIII Constitutional Government	Contains a section on water and sanitation that sets the government’s priorities and goals concerning sanitation and waste management.
Investment Strategy for the Management of Solid Urban Waste in Dili (Resolução de Governo 32/2016)	Stipulates the investment needed and the policy choices taken to improve waste collection services in Dili and to reform the Tibar landfill.
Parliament Resolution 12/2018 (Resolução do Parlamento Nacional 12/2018)	Recommends government to take measures to preserve the environment.

Table 3: Governments with waste responsibilities in Timor-Leste

Government departments	Responsibilities
Public Prosecutors Office (Ministério Público)	Administers Decree-Law 26/2012 – Basic Law on the Environment.
Municipal Administrations and Municipal Authorities	Authorities established under Decree-Law 3/2016 - Statute of Municipal Administrations to invest in the construction, conservation and maintenance of wastewater management systems and solid waste management systems in populated areas.
Directorate-General of Public Works, Ministry of Public Works, Transportation and Communications	Consults with Municipal Authorities on development of solid waste management systems.

Directorate of Urban Organisation, Directorate of Local Development and Management, Directorate of Local Administration and Directorate of National Support and Administration of Villages, Ministry of State Administration	<p>Under Ministry of State Administration. Directorate of Urban Organisation has responsibility for study and development of solid waste management systems.</p> <p>In addition, under the National Sanitation Policy, the Ministry of State Administration, through the Directorate of Local Development and Management, the Directorate of Local Administration, and the Directorate of National Support and Administration of Villages, has responsibility for: the management of solid waste in urban areas, including markets and public places.</p>
Directorate of Community Health, Ministry of Health	Under the National Sanitation Policy, the Ministry of Health, through its Directorate of Community Health, has responsibility for sanitation and hygiene, including: coordinating sanitation and hygiene on a national and district level; leading research on hygiene and sanitation; facilitating the construction and use of sanitary installations in family homes; sanitary facilities in healthcare buildings.
Directorate of National Basic Sanitation, Ministry of Infrastructure	Under the National Sanitation Policy, the Ministry of Infrastructure, through the Directorate of National Basic Sanitation, has responsibility for: maintenance of norms for the improvement of sanitation and hygiene; strengthening the provision of sanitation goods and services in urban and rural areas; determining and collecting fees; planning, development and management of collection, elimination, and treatment of excretions and wastewater from septic tanks; the operation of centralised and decentralised sewage systems; and consulting with the Ministry of State Administration in relation to solid waste.
State Secretary for the Environment and the State Secretary for Rural Development and Cooperatives, Ministry of the Economy and Development	Under the National Sanitation Policy, in the Ministry of the Economy and Development: the State Secretary for the Environment is responsible for pollution control and the control of dangerous waste; the State Secretary for Rural Development and Cooperatives is responsible for developing the private sector for sanitation goods and services; motivating small businesses to use sanitary installations.
Ministry of Education	Under the National Sanitation Policy, the Ministry of Education has responsibility for: planning, developing and managing sanitary and hygiene installations in schools; the curriculum on sanitation and hygiene in schools; educating children, teachers and staff on better sanitation and hygiene.
Ministry of Tourism, Commerce and Industry	Under the National Sanitation Policy, the Ministry of Tourism, Commerce and Industry has responsibility for the promotion of clean waters and the monitoring of sanitation and hygiene in tourist, commercial and industrial areas.
Ministry of Finance	Under the National Sanitation Policy, the Ministry of Finance has responsibility for guaranteeing the planning and the provision of integrated budgets, following national and local priorities.
Ministry of Social Solidarity	Under the National Sanitation Policy, the Ministry of Social Solidarity is responsible for assisting people, families and vulnerable communities to have access to sanitation and hygiene facilities.

Pipeline activities

1. The following sections provide details of identified pipeline legislative activities for waste management in Timor-Leste, summarised in Table 4 below.
2. Limited information was available on pipeline activities through the desktop review. The UoM team will seek to obtain further information through interviews with in-country stakeholders.
3. The principal pipeline initiative identified for Timor-Leste was the government's announced intention to become the first 'plastics-neutral' economy globally. This initiative is based on the development of a \$US40 million chemical recycling plant by Mura Technology.
4. There also appear to be a number of individual and community initiatives underway to reduce plastic waste on beaches in Timor-Leste.

Table 4: Pipeline activities for Timor-Leste

Pipeline activities	Description	Timeframe
Recycling Plant	Government of Timor-Leste signed a memorandum of understanding at the University of Sydney with Mura Technology for the development of a \$US40 million chemical recycling plant.	<u>News reports</u> from 17 May 2019. The project is subject to securing funding.
Plastic clean-up initiatives	Local initiatives for beach clean-up.	Reported in <u>World Bank news feature</u> .

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 Timor-Leste in these MEAs. Specifically, it lists:
 - The relevant MEAs to which Timor-Leste 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
Basel Convention	Not party.		
Stockholm Convention	Not party.		
Rotterdam Convention	Not party.		
Minamata Convention	Not party.		
Waigani Convention	Convention only open to signature from members of South Pacific Forum.		



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