



Assessment of Legislative Frameworks Governing **Waste Management** in the Solomon Islands



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Our vision: A resilient Pacific environment sustaining our livelihoods and natural heritage in harmony with our cultures.

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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 the Solomon Islands, 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 the Solomon Islands. It provides:

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

Legislative Summary

Legislation impacting waste governance

Responsibilities for waste and environmental management exist within a range of legislation and regulations, but no single point of control exists to regulate planning and operation.

An analysis of the main national waste situation has been undertaken in the National Waste Management and Pollution Control Strategy 2017-2026.

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

LEGISLATION	REGULATIONS
<p>Environment Act 1998 (in force September 2003)</p> <p>In section 3(c)(ii), objects of the Act include to regulate the transport, collection, treatment, storage, and disposal of wastes and to comply with and give effect to regional and international conventions and obligations relating to the environment.</p> <p>Section 5 establishes an Environment and Conservation Division consisting of a Director and Environmental Inspectors who enforce provisions of the Act.</p> <p>Waste is dealt with in Part IV Control of Pollution.</p>	<p><u>Environment Regulations 2008</u></p> <p>Part 5 details the considerations the Director must take in approving a licence application for waste discharge.</p> <p>Regulation 14(1)(d) states the Development may issue a Development Consent if satisfied that ‘the proposed prescribed development will not contravene any relevant environmental obligation under any international treaty, convention or instrument to which Solomon Islands is a party’.</p> <p>Under r 18(1)(c), an appeal may be made against a decision of the Director under s 32 of the Act on the grounds the decision was ‘inconsistent with any international treaty, convention or regional arrangement to which Solomon Islands is a party to’.</p> <p>Regulation 23(1)(c) states the Director may issue a license in Form 8 (a license to discharge waste) if ‘the amendment will not contravene any environmental obligation under any international treaty, convention or arrangement to which Solomon Islands is a party’.</p> <p><u>Environment Regulation (Amendment) Regulation 2014</u></p> <p>Alters prescribed fees.</p>
<p>Environmental Health Act 1980 (version as at 1996)</p> <p>Section 24 states wastewater flow into streets or similar areas constitutes a nuisance.</p> <p>Section 80 states waste discharge into a public sewer or drain is an offence.</p> <p>Section 94 prohibits depositing waste in water sources of urban sanitary districts.</p>	<p>None identified.</p>

<p>Forest Resources and Timber Utilisation Act 1990 (version as at 1996) Forest Resources and Timber Utilisation (Amendment) Act 2000</p> <p>Section 13(g) allows the Minister to make regulations for the disposal of waste products and the protection of the environment.</p>	<p><u>Forest Resources and Timber Utilisation (Prescribed Forms) Regulations LN 42/1978</u></p> <p>Provision for penalties but nonrelevant to waste.</p>
<p>Honiara City Act 1999 (as at 1999)</p> <p>Sch 5 part I section 4 assigns refuse collection and street cleaning and refuse disposal to Honiara City Council</p>	<p><u>Honiara City Council (Litter) Ordinance 2009</u></p> <p>Outlines littering offences and penalties.</p>
<p>Mines and Minerals Act 1990 (as at 1996) Mines and Minerals (Amendment) Act 1996 Mines and Minerals (Amendment) Act 2008 Mines and Minerals (Amendment) Act 2014</p> <p>Under s 31(h)(i), applications for mining must include an environmental assessment with a detailed programme for waste disposal.</p> <p>Under s 80(j) the Minister may make regulations for the disposal of waste products and the protection of the environment.</p>	<p>None identified.</p>
<p>Petroleum Act 1987 (as at 1996)</p> <p>Section 5 prohibits escape or discharge of petroleum from any vessel or vehicle into inland or tidal water. Section 6 requires strong transport of petroleum only in packages from which it cannot escape.</p>	<p>Petroleum Rules 1997</p> <p>Regulation 31 requires protections to be taken to prevent the escape of petroleum into any drain, creek or outlet to the sea, stream, or river.</p>
<p>Provincial Government Act 1997 (as at 1997)</p> <p>Schedule 3, made under s 26(3), identifies waste disposal as a function of Provincial Assemblies.</p>	<p>None identified.</p>
<p>River Waters Act 1964 (as at 1996)</p> <p>Section 5 states that any person who (c) in any manner obstructs or interferes with a river or riverbed; or (e) damages or interferes with the banks of any river; is guilty of an offence.</p>	<p>None identified.</p>
<p>Solomon Islands Water Authority Act 1996 (as at 1996)</p> <p>Section 7(d) states a function of the Authority shall be ‘to provide, construct, operate, manage and maintain buildings, works, systems and services for the conveyance, treatment and disposal of sewage, disposal of trade and industrial waste and other connected purposes...’</p>	<p><u>Solomon Islands Water Authority (Catchment Areas) Regulations LN 42 1995 (as at 1997)</u></p> <p>Regulation 7 restricts introduction of pollutant or wastes into catchment areas.</p>

Table 2: Policies and reports impacting waste governance in the Solomon Islands

POLICY	DESCRIPTION
National Development Strategy 2016-2035	Objective 4 is resilient and environmentally sustainable development. Medium-Term Strategy 11 is to promote a holistic, sustainable approach to waste management. Percentage of urban households with regular solid waste collection 'to be developed'.
National Implementation Plan for Stockholm Convention on Persistent Organic Pollutants 2018	Submitted in fulfilment of Solomon Islands obligations as a party to the Stockholm POPs Convention.
National Solid Waste Management Strategy 2009-2014	Predecessor to National Waste Management and Pollution Control Strategy 2017-2026.
National Waste Management and Pollution Control Strategy 2017-2026	Comprehensive overview of waste sources, legal frameworks, issues, and objectives.
Rural Water Supply, Sanitation and Hygiene Policy 2014	Government policy on improvement of Rural Water Supply, Sanitation and Hygiene standards.
Strategic Plan for Rural Water Supply, Sanitation and Hygiene 2015-2020	Strategic plan to improve water supply, sanitation, and hygiene (WASH) in rural areas.
REPORTS	DESCRIPTION
Baseline Study for the Pacific Hazardous Waste Management Project – Healthcare Waste: Solomon Islands 2014	Document prepared for SPREP, with focus on healthcare waste. Analysis of various hospitals in Solomon Islands and key issues, including recommendations.
Eco-Bag Pilot Project Report 2016	Report on the program to reduce use of plastic bags. Includes section on institutional/regulatory/legislative framework, methodology and results of the eco-bag pilot, as well as issues and recommendations.
Honiara Waste Characterisation Audit Report 2011	Audit of waste found in homes and businesses in Honiara. Identifies issues in waste management and gives recommendations.
PacWaste E-Waste Country Assessments – Solomon Islands Country Report Extract 2014	Analysis of progress and possibility of e-waste recycling in Solomon Islands.
Public Environment Report (Ranadi Dump site Environment Impact Assessment) 2013	Environmental impact assessment for Ranadi dumpsite rehabilitation in Honiara.
Review of Natural Resource and Environment Related Legislation: Solomon Islands (SPREP) 2018	SPREP review of environment-related legislation in 2018. Includes section on Waste Management and Pollution.
Solid Waste Management in Honiara 2008	Outlines the sources of waste in Honiara and the various forms of storage and collection. Includes current issues with the system and recommendations.
Solid Waste Management in the Pacific: Solomon Islands Country Snapshot 2014	Asian Development Bank overview of solid waste management in Solomon Islands as part of wider Pacific project.

Solomon Islands Profile in the Solid Waste and Recycling Sector 2018	Data on solid waste and recycling in Solomon Islands.
SPREP Solid Waste Management Project 2000	Previous SPREP project on solid waste management in Solomon Islands. Includes various details of solid waste on Solomon Islands and an integrated solid waste management plan.
Taro Integrated Solid Waste Management Workshop Program Report 2015	Taro is a small island in the Solomon Islands (2009 population: 507). Training program for residents around solid waste management. Includes outline of training, residents' response and recommendations.
Urban Water Supply and Sanitation Sector Project, Environmental Assessment and Review Framework 2019	Environmental assessment of impact of various water supply upgrades planned in Solomon Islands. Includes analysis of legislative/regulatory/institutional framework, anticipated environmental impacts and assessment.

Table 3: Government departments with waste responsibilities in the Solomon Islands

GOVERNMENT DEPARTMENTS	RESPONSIBILITIES
Ministry of Environment, Climate Change, Disaster Management and Meteorology, Environment and Conservation Division	Administers the <i>Environment Act 1998</i> which establishes Environment and Conservation Division consisting of a Director and Environmental Inspectors who enforce provisions of the Act. Responsibilities for implementation of MEAs.
Ministry of Health and Medical Services, Environmental Health Division	Administers <i>Environmental Health Act 1980</i> . Section 5 allows the Minister to delegate powers to Enforcement Authorities. Section 6(1) designates the Provincial Governments and Honiara City Council as Enforcement Authorities.
Ministry of Forestry and Research	Administers <i>Forest Resources and Timber Utilisation Act 1990</i> .
Honiara City Council	Responsibilities for refuse collection and street cleaning and refuse disposal under the <i>Honiara City Act 1999</i> .
Ministry of Lands, Housing and Survey	Administers <i>River Waters Act 1964</i> .
Solomon Water	Authority created by <i>Solomon Islands Water Authority Act</i> to manage and maintain sewerage and water treatment facilities.

Pipeline activities

The following sections provide details of identified pipeline legislative activities for waste management and governance in the Solomon Islands. Information on pipeline activities was located through the desktop review together with interviews with in-country stakeholders and from data collected in the online survey.

The assessment identified a large number of ongoing pipeline activities in the Solomon Islands including:

- development of a healthcare waste policy,
- development of a Honiara City Council litter by-law,
- development of a section on nuisance in the *Environmental Health Act*,
- development of a National Waste Strategy for the period 2021-2025,
- reviews of the Solomon Islands *Water Authority Act* and *River Waters Act*.

The Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) is developing new guidelines for disaster waste management, due to be launched in 2020.

There are a number of ongoing projects and initiatives relating to plastic waste. For instance, the Western province has moved to ban single use plastic bags and have endorsed an action plan for this purpose. There was a pilot program run in 2016 on eco-bag alternatives by MECDM but it is unclear if this has led to further efforts.

Table 4: Pipeline activities for the Solomon Islands

PIPELINE ACTIVITY	DESCRIPTION	TIMEFRAME
Various reviews and policy development relevant to environmental health and sanitation	Proposals for development of a healthcare waste policy, a Honiara City Council litter by-law, a section on nuisance in the <i>Environmental Health Act</i> , development of a National Waste Strategy for the period 2021-2025, and reviews of the <i>Solomon Islands Water Authority Act</i> and <i>River Waters Act</i> .	Ongoing.
Guidelines for disaster waste management	J-PRISM and SPREP joint initiative building on experience from several Pacific nations including Solomon Islands.	Due to be launched in 2020.
Plastic waste initiatives	Western province initiative to ban single use plastic bags and community awareness initiatives such as PlasticWise Gizo .	News reports of proposed ban in May 2019.

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 the Solomon Islands to these MEAs.

Table 5: MEAs active in the Solomon Islands

MEA	IN EFFECT FOR COUNTRY	DESIGNATED NATIONAL AUTHORITY OR NATIONAL FOCAL POINT	IMPLEMENTING LEGISLATION
Basel Convention	Not party		
Minamata Convention	Not party		
Rotterdam Convention	Not party		
Stockholm Convention	26 Oct 2004	Not specified	No specific implementing legislation but see National Implementation Plan for Stockholm Convention on Persistent Organic Pollutants 2018
Waigani Convention	21 Oct 2001	Director Environment and Conservation Division Ministry of Environment, Climate Change, Disaster Management and Meteorology PO Box 21, Honiara Solomon Islands Telephone: (677) 28611 Fax: (677) 22824 E-mail: horokoujoe@gmail.com Dr. Melchior Mataka Permanent Secretary Ministry of Environment, Climate Change, Disaster Management and Meteorology PO Box 21, Honiara Solomon Islands Telephone: (677) 27751/23031 E-mail: psmataka@mecm.gov.sb	No specific implementing legislation.

SECTION 2: LEGISLATIVE ASSESSMENT



This qualitative assessment of the Solomon Island's legislative environment has classified the Solomon Islands' 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 the Solomon Islands 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 the Solomon Islands' legislation against the criteria, gaps in existing legislation relating to waste were identified. These gaps provide a basis for understanding what opportunities exist for the Solomon Islands to develop and/or implement additional legislative instruments to in achieving waste management and environmental outcomes.

Overview of the legal system



The Solomon Islands is an archipelagic state situated in the south-west Pacific Ocean. Its land mass of 28,400 km² extends over nearly 1000 islands comprising nine main island groups. The population is estimated to be around 685,000. The official language is English but Melanesian pidgin is the most spoken language. There are about 120 indigenous languages.



Between 1893 and 1900 Britain gained control over all the islands in what is now the Solomon Islands. They became a British Protectorate, named the British Solomon Islands. On 2 January 1976, the country became self-governing, proceeding to full independence from Britain on 7 July 1978.



Solomon Islands is a constitutional monarchy and a parliamentary democracy based on the Westminster system. The administrative regions of the Solomon Islands consist of nine provinces and one city (Honiara).



The Head of Government is the Prime Minister. The legislative branch is the unicameral National Parliament. There is a three-tiered system of general courts as well as Local Courts for customary law and minor local disputes and Customary Land Appeal Courts.



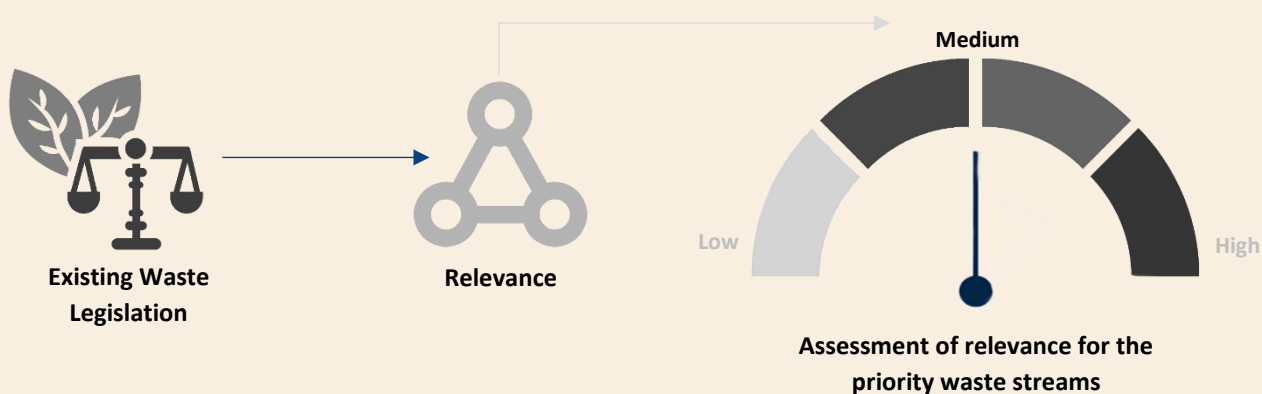
The Solomon Islands has a mixed system of common law and local customary law. Sources of law are the Constitution (as the supreme law), legislation (e.g., Acts of the National Parliament and from the United Kingdom), common law and customary law.

Legislative Assessment

This section contains a qualitative legislative assessment for the Solomon Islands 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



The Constitution of the Solomon Islands devolves responsibilities to the provincial governments and the Honiara City Council for various aspects of the protection and management of the environment.

Devolved ‘local matters’ include:

- waste disposal and cleaning services,
- public conveniences,
- public nuisances, and
- regulation of markets.

Under the delegation of powers, pursuant to the *Honiara City Council Act* and *Provincial Government Act 1997*, waste management is largely implemented at a local municipal level, with an emphasis on activities such as refuse collection.

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

Table 6: Definitions of waste in the Solomon Islands’ legislation

Legislation	Definitions
<i>Environment Act 1998</i>	<p>‘Waste’ is defined to be <i>‘liquid, solid, gaseous or radioactive, whether toxic or not, which is discharged into the environment’</i> or as prescribed by regulation. Waste is specifically included under the notion of pollution pursuant to section 35 of the <i>Environment Act</i>.</p> <p>Pollution’ is defined as <i>‘the direct or indirect alteration of the environment ... to its detriment or degradation’</i> and there is capacity to prescribe pollution by regulation.</p> <p>The broad definition of waste and its alignment to pollution laws may, in certain situations, limit a more targeted approach for giving effect to waste policy objectives that standalone legislation might provide.</p>
<i>National Strategy for Solid Waste Management 2009</i>	<p>Defines ‘healthcare wastes’ as <i>‘special wastes’ identified by reference to activities such as medical diagnosis and treatment</i> (p. 46).</p> <p>The strategy also identified, ‘hazardous health care wastes’ as <i>infectious; pathological; sharps; pharmaceutical; chemicals; heavy metals; pressurised containers and radioactive materials</i>.</p>

Further discussion on relevance follows.

Healthcare waste

The powers to provide health education would cover community awareness-raising healthcare waste management, but these functions are performed by the personnel from the Ministry of Health with guidance from external agencies such as the World Health Organization. Designated functions beyond the collection of refuse, such as the control of nuisance, could extend to dealing with healthcare waste, especially where it is causing odours or infecting waterways and groundwaters. These matters are also pertinent to the control of the landfill where healthcare wastes are contained.

In the provinces, it is the relevant provincial governments that have responsibilities for health and by implication for regulating healthcare wastes.

While legislative objectives in The *Environment Act* provide overarching guidance for the operation of the relevant law, typically they do not create directly enforceable obligations to deal with, for example, ‘risks to human health’ as they are couched in general terms.

Moreover, the phrasing of these sections suggests that general ‘wastes’, nuisances and pollutants are the primary object of the legislation and this would tend to focus on contaminants rather than expanding to cover specific medical and biohazardous materials.

Asbestos

Asbestos could potentially be regulated under several pieces of legislation: for example, as a waste under the *Environment Act 1998* where it has been abandoned. It is more likely to be incorporated into buildings or other construction and thus subject to building, EIA, and development controls under the *Environment Act 1998*. Moreover, as a hazardous substance posing a health risk it could be regulated by the Ministry of Health, or municipal and provincial governance laws.

It was difficult to identify the direct legislative powers to deal with asbestos. In terms of handling, removal, and disposal (which is likely to be project-based) there are relevant provisions under the *Safety at Work Act 1982* and *Workmen's Compensation Act 1996*, which covers occupational disease.

E-waste

E-waste is comprised of 'discarded electrical and electronic equipment that no longer serves its original purpose.' E-wastes may contain hazardous substances including heavy metals and chemicals. As a form of solid waste, e-waste could fit within the general waste definition of waste in the *Environment Act*, described above. Nonetheless, there are issues with how free-standing waste fits the category of wastes conceived as 'discharges and pollution'.

Similarly, e-waste could fall within the definition of refuse for the purposes of the Environmental Health Act, and the *Honiara City Council Act* and the *Provincial Government Act* regarding municipal collection services. The fit with existing legislative definitions is ambiguous. The legislative framework does not clearly provide a framework or definition of e-wastes that is directed to recovery or recycling, nor does it deal with them as generating hazardous substances.

Recyclables

In relevant legislation there is also a lack of a clear separation of hazardous recyclable 'waste' materials, such as lead acid batteries (including specialist regimes for their handling, storage, and disposal), from non-hazardous recyclables. One of the largest volumes of waste materials that are recovered and exported is waste oil as much of the country depends on diesel power generation. Waste oil would fit the definition of wastes as nuisances and pollutants within the *Environment Act*.

Powers in ancillary legislation, such as the *Petroleum Act 1939* (relating to the carriage and storage of petroleum), may also cover waste oil. Regulations under this Act refer to proper storage and transport of petroleum substances and to preventing damage from petroleum releases.

There are requirements for, among others, contractors to control and clean up any released petroleum or other materials, together with obligations to mitigate damage at the cost of the contractor or operator.

Plastic wastes would fall under Part IV of the *Environment Act 1998* as a 'waste', although there may be some query as to whether it constitutes an actual nuisance or pollutant. Similarly, plastic waste could form an environmental nuisance under the *Environmental Health Act 1980*, and thereby fall under the Honiara City Council and provincial government legislation.

Organics

For the main urban area, the *Honiara City Council Act* is the primary governing legislation in terms of waste collection and disposal. Authorised officers under the *Environmental Health Act* undertake functions, such as inspections of food handling premises.

Interview data indicated that much of the organic waste regulation related to 'local matters' focused on areas such as the central market and its wastes.

The Act makes provision for securing and maintaining environmental health by:

- (i) prohibiting health nuisances (with solid waste categorised as a nuisance)
- (ii) reducing breeding spots for mosquitoes arising from refuse
- (iii) prohibiting the deposit of refuse in watercourses in urban sanitary districts
- (iv) prohibiting the deposit of refuse on beaches and foreshores
- (v) for regulating authorities (e.g., the Council) to maintain cleanliness and prevent nuisances.

Organic wastes are a major component of litter in the street and public areas of Honiara and surrounds with limited waste collection from these sites. The *Honiara City Council (Litter) Ordinance 2009* prohibits littering in public places and imposes administrative fines but is rarely enforced.

Bulky waste

The broad definition of wastes under the *Environment Act* as liquid, solid, gaseous, or radioactive materials, whether toxic or not, which are discharged into the environment or prescribed by regulation to be waste would cover all forms of bulky waste. The linking of wastes with pollution control in the Act, however, may qualify that interpretation, especially as wastes in Part IV are associated with ‘discharges’. Nonetheless, as a practical matter it seems all forms of solid bulky waste are regulated by that Act.

This regulation works in association with environmental health powers (governing hazardous substances in bulky waste) and municipal powers of refuse collection and clean up.

The National Waste Strategy 2017-2026 identifies the Solomon Islands as undergoing rapid socio-economic change. In this context, there may be value in expanding the definition of waste to include white goods and other household electrical items and furniture with respect to municipal collection regulation.

Wastes associated with power generation, including solar batteries, are a growing area of bulky waste, but no specific regulations or legislative provisions appear targeted to these types of wastes.

Wastewater

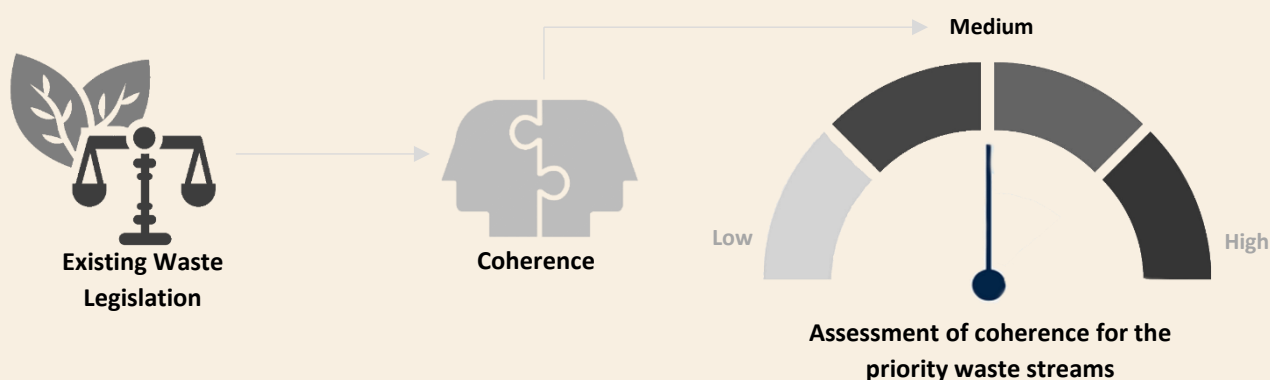
Wastewater typically is seen as including water used in sanitation services and various forms of industrial or trade wastewaters containing solid wastes. Street and stormwater runoff may be contaminated with various solid wastes, including from refuse, plastics, and sanitary sources.

Many parts of Honiara City are not served by a sewage system. While septic systems service some other parts of the city, septic sludge is discharged untreated at the landfill site (see Urban Water Supply and Sanitation Sector Project, Environmental Assessment and Review Framework 2019). The informal settlement outside the municipal area has very limited sanitation services. Provincial areas also have minimal sanitation services. In these situations, there is a high risk of pollution of waterways and groundwater. Thus, wastewater management is identified as a high priority waste for the nation.

Various powers under the *Environment Act 1998* and the *Town and Country Planning Act 1979* (later redesignated the *Planning and Development Act 2017*) are applicable in terms of environmental protection, and for the design and approval of projects and buildings that generate wastewater. Wastewater is regulated under Part IV of the *Environment Act*, which deals with pollution control and noxious discharges. The legislation does not further define such substances, but these are likely to cover contaminants regularly found in wastewater discharges from residential and commercial buildings. The *Environment Regulation (Amendment) Regulation 2014* introduced fees for various discharges of wastewaters.

Regulations under the Environmental Health Act reference wastewater focused on residential buildings. There are general powers under the legislation to regulate buildings and sites that generate wastewater. Further, the *Honiara City Act* confers on that authority legislative competence in respect of rivers and waters. The *Roads Act*, under section 23, requires ‘owners and occupiers of land not to allow water and filth to flow onto public road’.

Coherence



The legislative model in the Solomon Islands for managing wastes appears, at one level, to be relatively coherent. It is focused on the *Environment Act 1998* that covers most of the priority wastes under a broad definition of waste, and it has objectives that seek to regulate the transport, collection, treatment, storage, and disposal of wastes, and to promote recycling, re-use and recovery of materials in an economically viable manner. The breadth of the legislative coverage of wastes is limited by associating them with ‘discharges and pollution’, although this is offset by references to the recovery of the economic value of the wastes and the promotion of recycling. In turn, there are opportunities to strengthen the implementation and cohesiveness of the legal framework by adopting identified measures for institutional cooperation and lead agency functions.

In practice, the devolution of powers to the Honiara City Council and provincial governments complicates the legislative structure and institutional arrangements for waste management. While subsidiarity principles for environmental management indicate that there are advantages to regulating at more local levels, this needs to be balanced by national coordination. The Honiara City Council within its jurisdiction has taken leadership in developing waste management policies and experimenting with new measures. At a provincial government level, however, there are challenges in developing and implementing effective waste management laws.

There are also overlaps and gaps in regulatory powers for waste management between the *Environment Act*, on the one hand, and the *Environmental Health Act* and the *Honiara City Council Act*, on the other. Waste management occurs in a range of other legislation that is not well coordinated by either the *Environment Act* or *Environmental Health Act*.

Overall, the devolution of many of the waste management functions to the Honiara City Council and provincial governments fragments the national waste management coverage. This is notwithstanding the fact that the *Environment Act* is more of an overarching framework, with a focus on impact assessment, development controls and environmental protection than waste management. The wide range of responsibilities can mean that waste management may not be given clear attention considering the wide range of responsibilities under this legislation.

Effectiveness



The legal framework for waste management in the Solomon Islands does not appear to meet many of the legislative objectives, largely due to severely limited resources for funding many waste services, the pressures of increasing urbanisation, together with the challenges facing the nation's economy. There is a progressive extension of wastewater treatment and sanitation services across the nation, but many areas are left un-serviced, allowing solid wastes, including plastics and human wastes, to pollute land and waterways.

This situation exists alongside the legislative duty under sections 34 and 35 of the *Environment Act* not to emit pollution from premises, nor to cause or allow wastes to be in a position where it is reasonably to be expected that it will impact the environment and cause pollution. There are substantial penalties in place: breach of these sections is an offence that on conviction can lead to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment. It appears there is limited capacity for enforcement, nor it is clear that such penalties would be either equitable or effective in a community where many face inadequate income and housing, a point stressed by interviewees.

There may be more scope to impose such penalties in the more developed residential, industrial and tourist areas, which yet, are not extensive in Honiara or in the provincial capitals. In these contexts, it may be more appropriate to require higher fees for licences for waste discharges (as per section 36 of the *Environment Act*) and to have substantial penalties for non-compliance in relation to scheduled premises, although sufficient capacity to enforce such penalties still would be necessary. Under section 36 there is a requirement for a licence to discharge wastes, and penalties include fines of up to five thousand dollars and imprisonment for up to 6 months. There is a statutory process for applying for a licence for a prescribed premise.

There is a spectrum of enforcement actions under the *Environment Act*, including pollution abatement notices (s 43). Environment Inspectors may serve a stop notice where abatement notices are not complied with. There is a requirement for Ministerial recording of information about licences and enforcement actions undertaken. Extensive information on enforcement actions for licensed premises was not available (see Capacity Assessment report, Annex 1) but compliance may be more effective for some forms of waste, such as e-waste, given the nature of commercial operations involved and the recording requirements.

It is encouraging to see Solomon Islands legislation at several levels dealing with disaster waste management and the provisions for disaster and emergency planning. The identification of how wastes, particularly hazardous wastes of a healthcare or chemical nature, are to be managed in such planning would strengthen how disaster management deals with the priority waste streams.

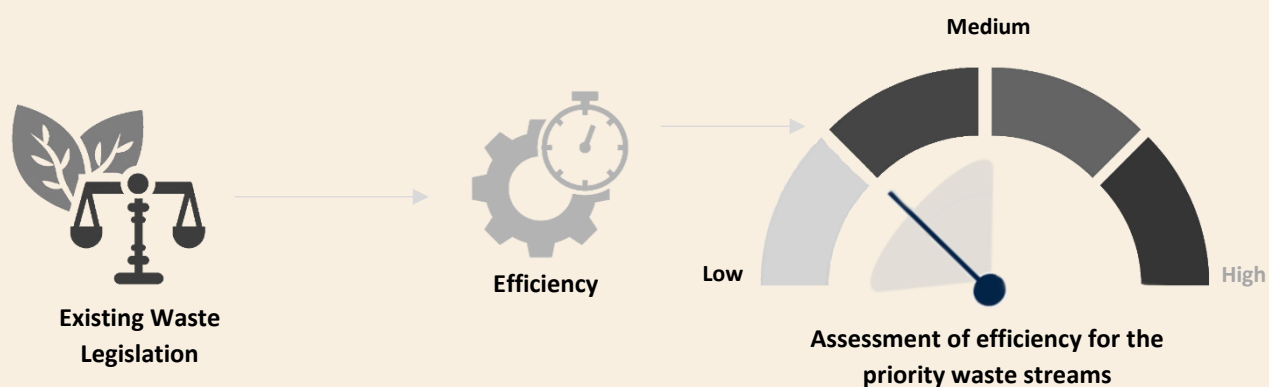
The *Environmental Health Act* provides for extensive powers for authorised officers to deal with health matters identified in the regulations. If the relevant definitions were clarified and expanded, it would provide more comprehensive coverage of healthcare wastes, and other wastes, such as organics and plastics.

The types of implementation and enforcement powers that are available to authorities under the Act often rely on a requirement to identify wastes as a form of nuisance (where nuisance has a specific legal meaning). There are also penalties under a range of other laws, such as the littering ordinance, that seem seldom enforced.

There are major shortfalls in dealing with many routine aspects of waste management, such as rubbish collection, due to very limited funding and the inability of many in the community to pay for or have access to these services. There are efforts being made by dedicated staff and responsible authorities to place waste services on a more user-pays basis and/ or looking to ways to reduce or prevent wastes entering the country (see Honiara City Council Solid Waste Management Plan 2018-2027).

There is a clear need, however, to improve the effectiveness of waste management laws to ensure public health and environmental standards are maintained for the local community, in public areas, in the commercial and tourism sectors, and for residential premises if the Solomon Islands is to be successful in increasing socio-economic well-being in the nation.

Efficiency



The overriding position in assessing the efficiency of the waste management laws in the Solomon Islands that needs to be acknowledged is the severe constraint on funding waste management, as well as the range of competing priorities that are facing the Solomon Islands. The Environment Department has a very broad range of functions to perform, including planning, EIA, and development controls, in addition to measures for environmental protection in a country with many pristine natural areas but also significant natural resource extraction pressures. The Honiara City Council has similar extensive responsibilities, and it is reliant on the external governmental allocation of funds given its limited fee and user-pays basis for waste management.

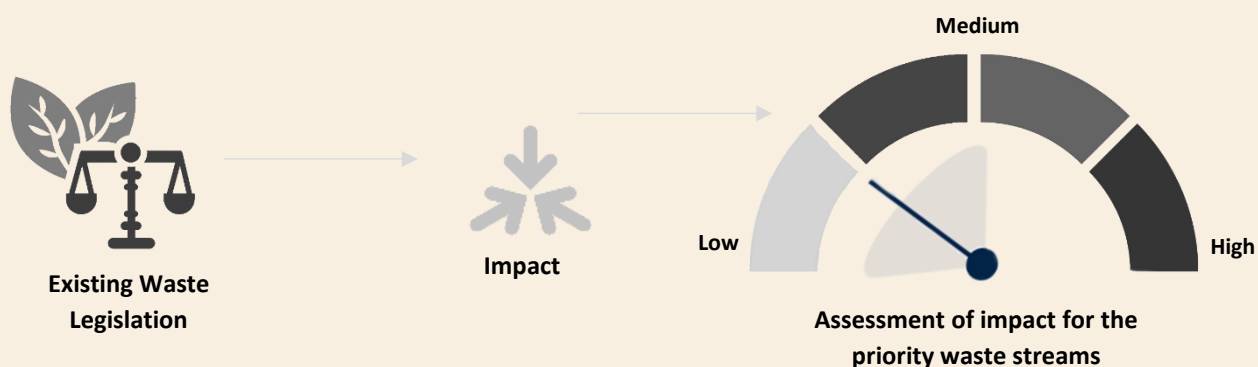
The allocation of personnel and finances under several older pieces of legislation appears based on historic areas of responsibility, such as the role of environmental health officers, but new areas of waste management, such as e-waste, are receiving less attention. For specific waste streams there is a need for greater clarity in tracking the allocation of the responsibilities of various regulatory agencies.

There is potential for some reorientation of waste management from a public utility/service provision model to have more private sector involvement in recycling and waste recovery, although interview data indicated that the available facilities and amount of recycling in the country was low.

The allocation of personnel and finances are not evenly distributed across the country; with most focus on the city areas, leaving many provincial areas largely un-serviced. A significant proportion of the operating budget of the Honiara City Council is taken up with providing refuse collection services, but these are largely inadequate in terms of the municipal households covered and do not extend to informal settlements. There is an urgent need to consider incorporation of a range of user-pays and economic measures into the governing legislation where these can be supported, i.e., in the growing urban areas and tourist centres.

One possible way to increase efficiency may be to consider stronger adoption of procedures 'at the border' that could strengthen financial measures to recover waste management costs and/or reduce the flow of goods and harmful substances into the country, such as plastics, chemicals and asbestos that result in wastes. Specific allocation measures in-country may also leverage donor or philanthropic funding that could assist in waste management collection, treatment, and disposal, noting the range of public sector and non-governmental organisation (NGO) initiatives already undertaken in the country.

Impact



In assessing the overall difference that the legislation makes to waste management, environmental protection, and human health and community well-being, the challenges facing waste management governance in the Solomon Islands need to be acknowledged. While there are gaps in regulating some areas, notably healthcare wastes are still non-segregated and often still sent to landfill, the laws relating to the core functions of waste management for ensuring human and environmental health have a reasonable impact. There are marked differences between where Honiara City Council laws operate, for example, and areas outside that jurisdiction. It appears there may be a need to increase the scope and effectiveness of waste management laws as tourism increases and more consumer products make their way to these areas.

Within Honiara, the measures for regulating waste discharges from buildings and ‘scheduled premises,’ and the development approval system, appear to be reasonably effective in preventing major pollution, again with clear geographic differences.

Regulation of key community spaces, such as the market are effective, within the resource constraints. There is also a growing sophistication in the range of legislative measures to support recycling and the diversion of organic and plastic wastes from landfill.

The proliferation of litter, plastic wastes and organic materials in public places, beaches and many open spaces in the Solomon Islands suggests that there are ongoing challenges in building community awareness of waste management laws and in providing the requisite capacity to develop and implement a more effective legal framework.

One of the areas of waste management law that has clear impact is the extension of the provision of sewage in urban and peri-urban areas of increasing population density. This will have impact in reducing waste discharges into sensitive environments and in decreasing health risks. Nonetheless, there will remain a need for comprehensive and well-enforced legislation to support the ongoing operation of such systems and to ensure adequate protection of waterways and catchment areas.

SECTION 3: CAPACITY ASSESSMENT



This qualitative assessment of the Solomon Islands' 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 the Solomon Islands' 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 the Solomon Islands' 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



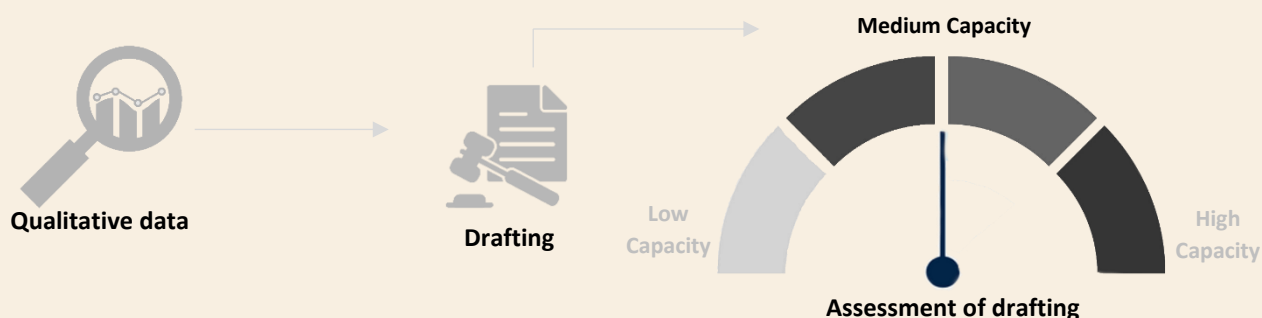
Reporting under relevant MEAs

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 the Solomon Islands' 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



The Solomon Islands has overall medium capacity to support drafting of legislation for waste governance. Specifically, drafting capacity is assessed at medium for the national government and Honiara City Council, but low for provincial governments.

The Solomon Islands has a devolved constitutional structure that is the backdrop for considering the drafting capacity for new, modified, or additional waste management and associated legislation across the nation. This devolved model means there may be different institutional arrangements for drafting laws or making by-laws within individual provincial levels of government, and hence the capacity for drafting may vary from national to municipal level. Constitutionally, all these institutions are involved in setting waste management policies and in developing new or amending legislation and/or regulations (known as ordinances). In effect, there is an oversight and certification role undertaken by the national drafting office and national government.

Within the Honiara City Council, there are several pipeline activities around new measures for plastic wastes. Any ban (i.e., prohibition) on single-use plastics would be a policy position for the National Government to make as there are not requisite powers for the Honiara City Council to deal with matters of external affairs i.e., use of the customs power to make requisite legislation. Within the Council's jurisdiction there are a range of measures that might be drafted, including prohibiting single-use shopping bags in the central market and local stores using the Council's by-law making powers.

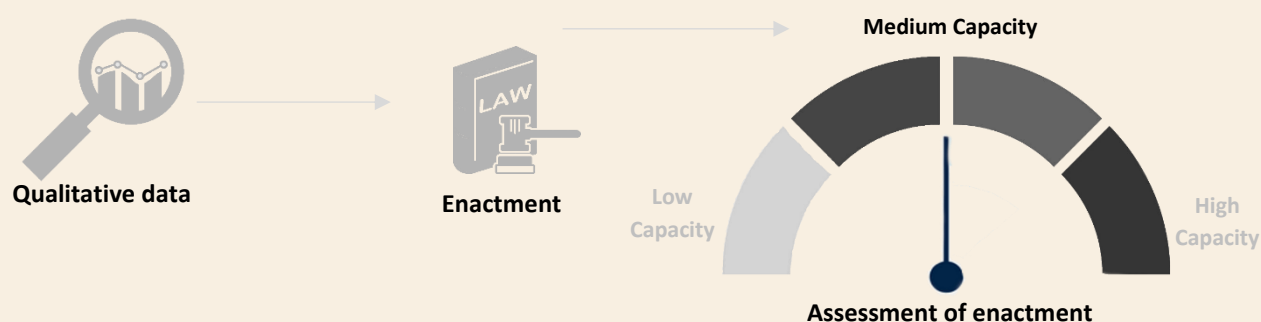
Nationally, the *Environment Act* was introduced in 1998 and it requires significant updating to reflect current waste management practices. Amendments to introduce a waste management component were drafted in 2016 but, on available information, appear not to have been enacted.

The process within the Honiara City Council for developing waste policies and adopting new measures is reasonably well-established. Under the *Honiara City Act*, there is provision for an ad hoc committee. A consultative committee on waste for the Council was established under that arrangement to guide the working committee. Several waste initiatives are in process including introduction of tipping fees. According to interview data, the committee has a legislative basis but a consultative structure. The Honiara City Council appears to work with businesses, NGOs, and the private sector to expand available information and expertise to develop new policies and initiatives for solid waste management focused on recyclables, including plastics. However, there appear to be resource and personnel constraints within the Council, which limit capacity to adopt these initiatives.

Within the public health area, the capacity to develop policies and draft new legislative measures was not as evident. Interview data suggested that the divided responsibilities between the *Environment Act* and the *Environmental Health Act* on waste management may limit this potential. The existing legislation model itself is out-dated in terms of emergent areas of public health and waste management, and it has some major gaps in coverage. There is a current review of the Act. Overall, this would suggest significant constraints on the capacity for drafting new measures.

There are constraints operating within provincial governments in terms of available information flows on environmental protection and technical waste management requirements that limit drafting capacity at this level. Environmental protection and waste management have only recently gained prominence as areas for policy attention and there appear to be many competing demands on provincial government capacity that limit the ability to adopt laws on waste management. There also appears to be limited technical and scientific expertise available to assist in drafting or revising laws at this level.

Enactment



There is a complex system in the Solomon Islands with respect to powers to legislate and make ordinances. Under the *Provincial Government Act*, there was a repeal in 1997 of existing provisions but a reinstatement of earlier legislation and ordinances for provincial governments (s 48). Provincial governments were then able to make laws for the provinces, subject to certain constraints. In effect, there is a devolution of many governance powers to the provincial governments, including powers to make ordinances which relate to local matters including waste management. Section 30(1) of the *Provincial Government Act* provides that, subject to section 31, laws may be made for a province by Ordinance of the Provincial Assembly.

Areas covered by provincial powers that are relevant to the priority waste streams include not only local matters such as waste and clean up, but also regulation of public nuisance, rivers and waters, culture and environment, health, and tourism. These powers are confined, however, to the area of the province and do not extend to other provinces or to international matters (s 31, *Provincial Government Act*). There is a by-law making power under schedule 5 to the *Provincial Government Act*. A Provincial Fund is established under section 34. In effect, the system functions as a federated system, although national Ministers retain control over certain functions, such as allocations of funding. There is a similar devolution of identified powers under the national laws of the *Honiara City Council Act*, including with respect to waste and pollution and cleaning services, such as refuse collection. Effectively, Honiara City Council acts as a national capital municipal authority, with a wide range of responsibilities, including for waste management.

The capacity for enactment of new or revised legislation appears to largely rest with the national government primarily through the Ministry of Environment, Climate Change, Disaster Management and Meteorology's (MECCDMM), Environment and Conservation Division (ECD), in association with the Ministry of Health and Medical Services. However, much of the operational aspects and relevant ordinances, as well as by-law making, appear to rest with provincial governments and the Honiara City Council. As noted above, amendments to the legislation to introduce a dedicated waste management section under Part IV-A of the *Environment Act* were drafted in 2016 but were not enacted.

It is not clear on available information why enactment did not occur. The new Solomon Islands Waste Management and Pollution Control Strategy 2017-2026 was formally endorsed by Cabinet in November 2017.

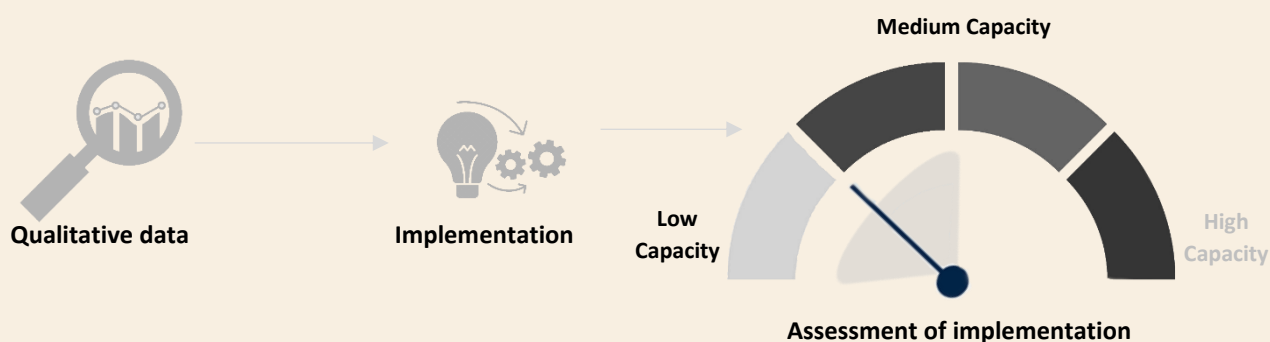
While there are a number of discussions and pipeline activities around measures to encourage recycling, especially for plastics and valuable components from e-waste, these have not yet translated into legislation or regulations. This may reflect the lack of available facilities in the nation to undertake these activities.

It is unclear on available information whether the protocols and management systems for managing healthcare wastes within hospitals in the Solomon Islands have a legislative basis or are developed as part of general hospital operations. The Infection Control Policy – Guidelines for Health Facilities, Solomon Islands (2004) is of general application to Solomon Island hospitals but does not appear to have a formal reflection in legislation or regulation.

In relation to disaster waste, strategies are being developed at a national level with the MECCDMM as lead agency and input from other national agencies and the Honiara City Council. The joint J-PRISM II/SPREP 2020 Guidelines for Disaster Waste Management in the Pacific are an opportunity to enhance existing legislation and/or regulations. The National Disaster Management Office in the Solomon Islands has responsibilities to ensure that the national disaster plan and other related plans are prepared and periodically reviewed. This would be a useful point at which to incorporate Pacific regional guidelines for disaster waste management, either by regulation or adoption of protocols.

The provincial governments do not seem well-placed to review, revise, or enact specific waste management laws, according to interview data.

Implementation



There are major implementation challenges facing the Solomon Islands authorities' efforts to implement waste management and environmental protection laws. The burgeoning population growth in and around the Honiara City Council area, including large informal settlements outside municipal borders and in-migration to the capital area, appear to be placing great pressures on available resources for waste management. Thus, many of the available resources must be directed at an operational level (e.g., waste collection and clean up, development controls and pollution controls). This constrains the resources available for deploying personnel to implement and administer the laws, and directly limits the levels of monitoring, enforcement and compliance achieved.

In rural areas and outer Islands, many people still follow a customary lifestyle, with limited waste management and recycling facilities or even disposal sites.

Resource and capacity constraints and the level of economic development thus are major implementation barriers. Resources and staff are unevenly allocated across the country, given the pressures on the capital municipal area.

In the healthcare waste area, the overlap of administrative functions between health and environmental areas has created complex settings that make the relevant administrative delegations unclear and have impacted implementation capacity. In other areas, the administrative delegations appear more clearly organised as there have been a number of recommendations for stand-alone solid waste management legislation to harmonise the various pieces of legislation relevant to waste, but such a view may need to consider the devolved institutional structure and the separate responsibilities for waste laws and regulation that would need to be coordinated and either a new agency implemented or responsibilities added to existing departments. Solid waste development plans at both the provincial and national levels may be a lower cost option.

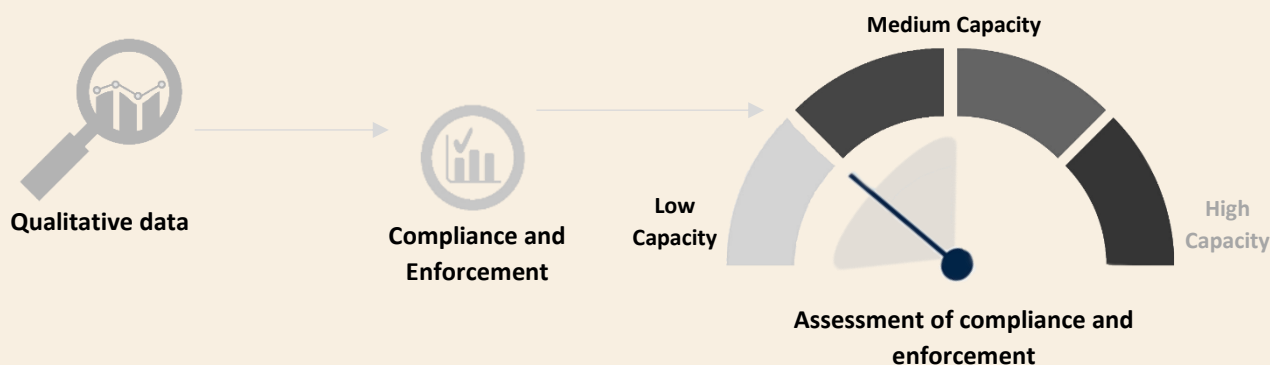
The National Solid Waste Strategy 2009 identified the need for sustainable financing and user-pays systems in the Solomon Islands' waste sector. Such measures, if extended, could assist stronger implementation, but the ability of many in the community to pay for these services may limit in-country measures. Stronger efforts to control consumer, electronic and bulky waste coming into the country may then allow more resources for implementation and dealing with the legacy wastes that exist in the country.

While there appear to have been a range of healthcare waste measures implemented, such as the Honiara City Council introducing segregation bins for healthcare waste, an improved healthcare waste disposal system, and measures to deal with handling of healthcare waste at the landfill, there remain significant implementation challenges in this sector according to interview and survey data. Healthcare wastes continue to be sent to landfill, with inadequate treatment, and this area remains a high priority for the Solomon Islands.

In provincial areas, high implementation needs, including for healthcare waste training and community awareness programs. There are very high priorities in relation to addressing the pervasive lack of laws and facilities to address wastewater and its hygiene impacts. These areas merit attention. Independent of such measures, it is noted that the Solomon Islands has a dedicated program to address 'WASH' problems in rural communities (see Solomon Islands Government Strategic Plan Rural Water Supply, Sanitation and Hygiene 2015-2020).

Ensuring effective wastewater management is a pivotal part of implementing waste management in these communities, but there are major resource and funding constraints in achieving this model. There appears to be testing of water quality in Honiara and wastewater standards in place under the planning and building controls in that jurisdiction, but it was not able to be ascertained the extent to which such standards operate across provincial areas.

Compliance and enforcement capacity



Overall, compliance and enforcement capacity in the Solomon Islands for its waste management legislation is assessed as low-to-medium based on significant resource and personnel constraints and the need to update legislation, particularly regarding healthcare wastes, and to designate and resource administrative arrangements for implementation of the laws more effectively. Specifically, while, the legislative capacity to enforce waste management laws and to ensure compliance is assessed as medium, the actual capacity to implement the enforcement and compliance framework is assessed as low-to-medium.

In the *Environment Act* (as amended by the *Penalties Miscellaneous Amendments Act 2009*) there is a clear licencing and enforcement regime for managing wastes as discharges and in a pollution context. The extent to which waste laws can be enforced where 'free standing' wastes, such as e-waste, causes soil or water contamination is less clear. There are clear powers for authorised officers to enforce these laws. Draft amendments to the *Environment Act* in 2016 strengthened the role of authorised officers, gave priority to obtaining a development consent before other approvals, restructured the operational licencing model and introduced waste controls for vehicles and vessels. Importantly, these amendments also introduced strategic environmental assessments that could cover a range of waste management impacts.

Most significantly, the proposed 2016 amendments to the *Environment Act* introduced a range of measures for dealing with waste as a discrete entity including: principles for management, the necessity for a licence prohibition on illegal dumping with attached penalties, measures to deal with the import and export of wastes and regulations for waste management. A new Part IV-b for chemicals management and dealing with dangerous substances and preparations was also drafted. If such revisions were in place it would provide an effective and comprehensive enforcement and compliance model for the *Environment Act*.

With respect to enforcement and compliance at other levels, there are some delegations of powers from national ministries to Honiara City Council or provincial city councils. Other powers are vested with second level officers (at city level) to implement some of those laws. Under Council ordinances, officers will hold powers and be given authority, either due to their appointment, or on special operations. Police are involved in enforcement under a national arrangement, to cover Honiara City. According to interviewees, the Council normally invites them to participate in some of its operations. The Honiara (Refuse Disposal) By-law 1994 provides for segregated bins for healthcare waste and their handling, but enforcement of the by-law is not always effective due to resource constraints.

Under the *Honiara City Council Act* there are broad powers to appoint enforcement officers under section 37. There are powers for inspection of premises and the issuing of litter notices. There was a need for a more consistent approach and that was hampered by a lack of capacity in that inspectors did not have the presence on the street. Recommendations were for such enforcement and compliance to be shared or delegated to other sectors.

There was a role for the private sector, business sector, and business actors in waste management compliance but increased staffing levels in relation to enforcement by-laws were needed according to interviewees. Penalty provisions under the *Honiara City Council Act* cover diverse matters that touch on waste, with a \$1000 penalty specified. It is not clear that there are updating provisions or differentiated penalties. The process for authorised officers to take enforcement action is relatively clear at the 'notice' stage, but it is not fully clear which courts have jurisdiction to hear offences.

Compliance can cover both 'formal' legal measures, such as penalties for non-compliance, with specific rules such as 'no littering', but it can also engage soft law or normative models that create momentum for behavioural change around waste management. 'Soft law' models such as sustainability codes of practice can be adopted by individual businesses or across an industrial or commercial sector, often working in conjunction with government agencies. Honiara City Council, for example, has a waste Advisory committee where there can be mutual learning between the public and private sector on how best to achieve compliance. There are industry certification models, such as quality standards, that give a hard edge to various codes that apply in the waste sector, but typically these rely on certification acting as a consumer choice or value add for the respective industry. More generic models such as social licence to operate and corporate responsibility can be helpful in leveraging momentum for a gradual tightening of prescriptive laws. Legal research identifies various 'beyond compliance' models where there are incentives for compliance by industry or the commercial sector, such as reduced licence fees for waste discharges, where there is a record of strong compliance by a company over a given time frame. These business-led models are helpful as an alternative to models that rely on conventional monitoring penalties and enforcement to achieve compliance, especially where nations face large costs for enforcement of waste laws but have very limited resources to devote to that function.

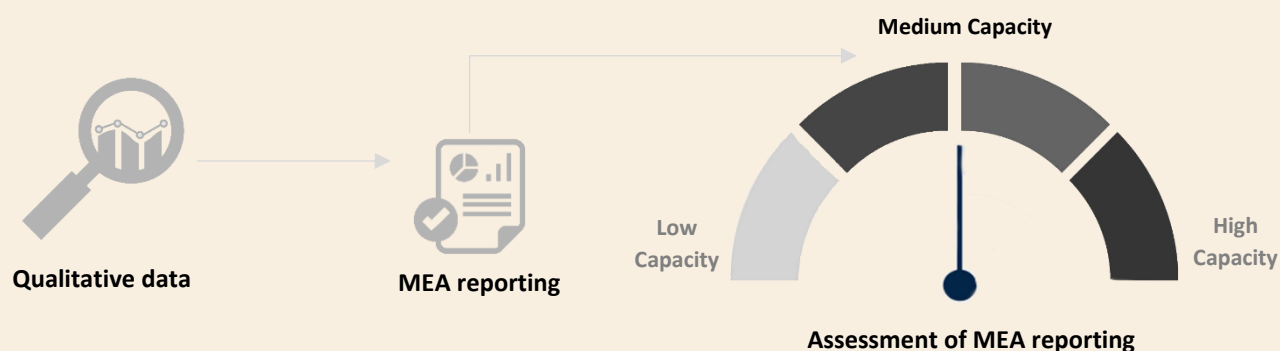
Generally, it would not be appropriate for the business sector to take on a conventional government or agency enforcement role in relation to fines, clean up notices etc, but self-regulation models, such as self-reporting of environmental pollution and requirements for notification of risks regarding waste storage, transport etc., may be a means for business actors to be involved in waste law compliance.

Similar considerations apply in relation to the private sector and community groups, but the 'actors' are likely to be more diffuse in terms of organisational capacity, although non-governmental organisations typically can build capacity in this regard. In the Western Province in the Solomon Islands, community led organisations are filling a gap in encouraging compliance with waste management practices, such as recycling plastics in the absence of government or agency ability to build community awareness around compliance.

In relation to health, in the relevant Act under sections 5-6, the Minister may delegate powers to the Provincial Governments and the Honiara City Council, which are designated as Enforcement Authorities. The Enforcement Authority is given power to make its own by-laws under the Act to facilitate the efficient operation of environmental health services. The Enforcement Authorities are given power under section 15 to instigate their own prosecutions in their area.

Research into civil and criminal enforcement for breaches of waste management laws (i.e., across both environmental and environmental health areas) in the Solomon Islands did not reveal any enforcement actions through the courts. This gap, however, may in part be due to a lack of capacity in the relevant environment and health departments given a relatively small staff. Issues in providing evidence of breaches may also contribute. In terms of deterrence, heavy penalties may not always correlate to strong compliance and/ or may induce reluctance on the part of regulators to initiate enforcement actions. Where non-compliance is the result of socio-economic factors, such as poverty, which interview data indicated was a relevant constraint, then there are also equity and human rights considerations. A more carefully targeted penalty and enforcement strategy that does not rely so heavily on monetary fines may be more appropriate.

MEA reporting



The Solomon Islands is party to the Stockholm and Waigani Conventions. The Solomon Islands has designated national focal points and competent authorities for administering these conventions and in 2018 submitted a comprehensive National Implementation Plan (NIP) for the Stockholm Convention. This NIP has been validated by UNEP and is pending transmission to the Stockholm Convention Secretariat.

The Solomon Islands has not complied with national reporting obligations under either the Stockholm or Waigani Convention. Based on the evidence available, the Solomon Islands is assessed as having low-to-medium capacity to support reporting under the relevant MEAs to which it is party.

A key limitation on the Solomon Islands capacity to implement and report under the Stockholm and Waigani Conventions is the lack of specific implementing legislation for these conventions. The Solomon Islands' NIP notes that, in respect of the Stockholm Convention, the nation has 'no specific legislation addressing the management of POPs chemicals, [and] a limited overall framework for chemical management, focused mainly on agricultural chemicals, pharmaceuticals, drugs, and poisons. Responsibilities for administering this legislative framework are also spread across different pieces of legislation and different government departments, creating 'conditions for the unrestricted importation of most chemicals, including POPs chemicals covered under the Stockholm Convention'.

Particular pieces of legislation in the Solomon Islands, such as the *Environment Act*, have only general provisions relevant to the implementation of international conventions to which the country is party. For example, section 3(d) of the *Environment Act* provides that one of the objects of the Act is 'to comply with and give effect to regional and international conventions and obligations relating to the environment'. The Director of the ECD of MECCDMM also has power under section 7(f) to 'ensure the fulfilment of obligations of Solomon Islands under the relevant international and required treaties and conventions.'

In meetings of the conference of the parties to the Waigani Convention, the Solomon Islands has put several requests for assistance in developing legislation to meet its obligations under the Convention and for Waigani Convention training. This suggests that the lack of a strong legislative framework for implementation, as well as a lack of familiarity with the requirements of relevant MEAs within MECCDMM and other implementing agencies, pose ongoing problems for the Solomon Islands in fulfilling its obligations and reporting requirements under relevant conventions.

Table 7: Compliance with MEA reporting requirements

Relevant MEAs party to	Comments
<i>Stockholm</i>	<p>Secretariat lists no National Focal Point specified for information exchange, but National Implementation Plan identifies this as Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM).</p> <p>National Implementation Plan finalised in 2018, including action plan for implementation and reporting, and pending transmission to Stockholm Convention Secretariat.</p> <p>No national reports submitted in first four reporting cycles.</p>
<i>Waigani</i>	<p>Competent authority and focal point designated (updated 3 Jul 2014).</p> <p>No national reports submitted. Appears to be based on lack of resources to support reporting. The Solomon Islands has put requests to COP at previous meetings for assistance in developing legislation to meet its obligations under the Convention and for Waigani Convention training.</p>

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 the Solomon Islands on possible actions they may wish to take to strengthen the legislative frameworks governing waste management

Legislative models for waste governance

Waste management has become a pressing concern for the PacWastePlus participating countries. These nations are impacted by growing levels of hazardous and non-hazardous wastes, which cause environmental pollution, and may threaten human health. The mounting levels of waste place socio-economic burdens on these nations and may pose risks to important cultural values and customary land ownership that distinguish these countries and the region. Internationally, Goal 12 of the 2015 United Nations Sustainable Development Goals calls for ensuring sustainable consumption and production patterns.

Trends in waste governance across the participating countries

Waste is a particular problem for many Pacific region countries due to increasing imports of waste-producing items (such as electronic and consumer goods), limited in-country facilities for collection, treatment and storage of many wastes, and a reduced availability of suitable land for conventional waste disposal methods, such as landfills.

In several cases, participating countries have adopted innovative legislation and instruments to better manage and minimise waste, such as: dedicated legislation for waste management, measures to incentivise recovery and recycling, prohibitions on specific waste-generating items entering the country, and measures to promote waste minimisation and cost recovery. Several Pacific countries are also exploring new institutional arrangements, such as identifying lead agency responsibilities for coordination of waste management laws, arrangements for more effectively managing responsibilities across different levels of government, and/or approaches to increase private sector involvement in waste management through licencing regimes and partnerships for extended producer responsibility.

Many countries in the Pacific adopted applicable laws and institutional structures for managing wastes some time ago that may no longer serve current needs. Significant challenges remain in some nations in establishing a firm economic basis to underpin waste management within the relevant legal frameworks, and in dealing with longstanding waste management issues, such as the sorting of wastes and their diversion, where possible, from landfill.

Increasing attention is being directed to questions of how to promote effective implementation of existing laws and to the development of new legislation and regulation for waste management if this is required. This raises critical issues for resourcing of various components of the waste management cycle within each nation, as well as the possibilities for regionally harmonised approaches. A range of ancillary legislation beyond specific waste management laws may be important for facilitating implementation, and there is a need in some participating countries to develop more coherent cross-agency referral models.

Compliance with, and enforcement of, waste management laws is also vital to their effectiveness and impact. At the same time, these measures must be sensitive to the community context, realistic in terms of the available staffing and technical expertise in government departments and municipal organisations, and cognisant of the competing compliance priorities in the legal system. There is scope within the legislation of several participating countries to widen the range of compliance and enforcement measures beyond monetary penalties and criminal prosecutions.

In addition, there are opportunities to broaden the engagement with communities and the non-governmental sector, and to provide a legislative basis or more formal designation for measures such as community education, consultation, and partnerships in managing wastes, particularly those of a non-hazardous nature. The participation of the private sector, whether as waste collector contractors, operators of recycling companies, sewage transporters or tourism agents, is likewise important for effective waste management laws. Regulation needs to be carefully targeted but also to ensure transparency and accountability.

Key recommendations to increase national legislative and institutional capacity

Overall, the existing legislation of the Solomon Islands for waste governance was assessed as performing at a low-to-medium level. The capacity of the Solomon Islands with respect to various aspects of the administration of its waste legislative framework was assessed overall as low-to-medium, with the greatest needs arising in respect of support for revising and updating legislation, introducing new laws/regulations, and in implementation, compliance, and enforcement of laws.

The central legislation and the governing regulatory framework for waste management in the Solomon Islands was developed over 30 years ago. It could be strengthened in a number of ways, including by considering the respective advantages and disadvantages of a dedicated waste management regime under the *Environment Act* that operates in conjunction with controls over waste discharges and pollution controls. There are some advantages in developing highly specialised regimes for various waste streams, not least in streamlining implementation and enforcement.

Opportunities for improving legislative instruments to support improved waste management

The *Environment Act 1998* has broad provisions relating to environmental impact assessment and development controls, as well as controls over pollution and noxious discharges that cover waste management. The *Environmental Health Act 1980* (apparently amended to the *Environmental Health Ordinance* and provisions on nuisances) governs waste management in a public health context. The central legislation governing waste management is an environmental protection and regulatory control model.

Pursuant to the *Honiara City Council Act* and *Provincial Government Act 1997*, waste management in practice is largely implemented at a local municipal level, with an emphasis on activities such as refuse collection and regulation of premises and public areas including markets.

Key opportunities for legislative reform arise in respect of:

- Consideration of a dedicated legislative waste management regime under the *Environment Act*. An alternative is to provide targeted coverage of the PacWastePlus priority wastes within the definition of wastes under the *Environment Act 1998*.
- Introduction of regulations under the *Environment Act* (or any new *Waste Management Act*) to promote waste segregation (sorting) and to support diversion from landfill of emerging waste areas that have economic recovery potential, such as recyclables and e-waste. Cross referrals of the reforms to the *Honiara City Council Act* and *Provincial Government Act* may be necessary.
- Development of a dedicated regulatory framework under the *Environment Act* for emerging waste areas that have economic recovery potential, such as recyclables, e-waste, and bulky waste.
- Development of a dedicated regulatory framework under the *Environment Act* for hazardous wastes and hazardous substances to adequately manage issues included in the MEAs ratified in the Solomon Islands.
- For e-waste, consideration of a standalone regulation under the *Environment Act*, with cross-referrals to the *Honiara City Council Act* and *Provincial Government Act*.
- Measures for institutional cooperation and lead agency functions.
- Development of a container deposit scheme.
- Provision for a wider range of regulatory strategies for plastic wastes, such as a prohibition on single-use plastics or extended producer responsibility models, and targeted provisions to deal with plastic waste impacts in waterways, coastal and protected areas.
- Development of a clearly targeted regulation for recovery of waste oil and/or its treatment or final disposal.
- Programs and standards under legislation to address areas such as wastewater, sanitation, and hygiene (WASH) problems in rural communities.
- Updating of the offences and penalties included in the *Environment Act* and associated legislation managing waste issues.

Recommendations to address legislative capacity needs

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

- **Governance**
 - Support for drafting and implementation of new dedicated national waste legislation and amendments to existing municipal (Honiara City Council) and provincial legislation, to address in-country personnel and resource constraints, including to support implementation of MEAs.
 - Common institutional arrangements for drafting laws or making by-laws across national, Honiara City and provincial areas.
 - External assistance for drafting of new legislation and amendments, to address personnel and resource constraints.
 - Clarification of administrative powers between health and environmental areas.
- **Transparency & Community Consultation**
 - Healthcare waste training and community awareness programs in provincial areas.
 - Access to information and scientific/technical expertise to support drafting and implementation of waste management laws, particularly at a provincial level where needs are greater than at the national and Honiara municipal levels, potentially also providing support for fulfilment of reporting requirements under relevant MEAs.
 - Stronger measures at the customs point to prohibit and/or regulate consumer plastics and beverage containers coming into the country for example through a waste disposal fee, to free up staff and financial resources for implementation of waste laws and dealing with existing legacy wastes.
 - Review and clarification of respective administrative powers between Ministry of Health and environmental health areas of responsibility for waste management, particularly regarding healthcare waste, and the development of institutional coordination procedures, as included in the *Public Health Act*.
 - Support for healthcare waste training in hospitals and clinics and building community awareness programs in provincial areas.
 - Additional support and training for relevant national and municipal level staff to develop extended producer responsibility measures that are targeted to recyclables, e-waste, and bulky waste.
 - Additional support for developing and/or augmenting water quality standards under legislation to address problems such as wastewater, and pollution of waterways, with accompanying community awareness programs, particularly in informal settlements and in rural communities.
 - Additional training on Pacific regional models to inform the development of new laws and to address institutional gaps, for example, the J-PRISM II/SPREP Guidelines for Disaster Waste Management in the Pacific.
- **Sustainable Funding**
 - Develop a sustainable financing and user-pays systems to address waste management resourcing constraints.
 - Support for the development of sustainable financing for waste collection and waste streaming, including at the landfill site in Honiara, to augment introduction of tipping fees. These measures might be implemented together with the adoption of a sliding scale, user-pays system for waste management that adopts higher fees for commercial/ tourist premises than residential and public areas, in order to address waste management resourcing constraints.

- **Enforcement**

- Stronger measures to control consumer, electronic and bulky waste coming into the country to free up resources for implementation and dealing with legacy wastes.
- Increased resourcing for inspection of premises and issuing of littering notices, which might be achieved through a sharing of powers with or delegation to other sectors.
- Review of waste offences and penalties structure in relevant legislation with a view to adopting more targeted powers for authorised officers to encourage compliance rather than ‘punishment of offences’, and to introduce measures, including incentives for industry compliance, and for building behavioural change toward waste management. This has a particular urgency in provincial areas.
- Additional support and training for authorised officers to adopt more comprehensive waste management audit procedures when undertaking inspection of premises and in issuing of littering notices. The staffing and resource gaps in implementation capacity for these first-level waste management laws may be mitigated through institutional arrangements for a sharing of enforcement powers with, or delegation of some compliance responsibilities to, other sectors.
- Additional support for the review and updating of penalties for breaches of waste related laws, recognising community financial constraints on meeting monetary fines, and the development of differentiated compliance measures, such as clean up notices and community service orders, as well as clarification of court jurisdiction and powers to enforce relevant waste offences.

Annex 1: Glossary of legal terms

Table 8: Glossary of legal terms

Term	Definition
<i>Accession</i>	Accession is the act by which a country accepts the offer or the opportunity to become a party to a convention already signed by other states. It has the same legal effect as ratification.
<i>Acts</i>	Also called statutes or laws. An Act is a document stating the law that has been passed by the legislature (the law-making body of government).
<i>Acts as made</i>	Also called Acts as passed, Acts as enacted, and Sessional Acts. An 'Act as made' is an Act with its contents exactly as they were when passed by the legislature.
<i>Amending Acts</i>	Amending Acts are Acts that change one or more provisions of the Principal Act, often titled, for example, as the Environment Protection (Amendment) Act. Amending Acts must also be passed by Parliament. Where amendments have not been included in the Principal Act, the Principal Act and the Amending Acts must be read together.
<i>Bills</i>	Proposed Acts. Once passed by the legislature and enacted by any formalities required in the country (for example, signature, assent, publication, or notification in the official Gazette), a bill becomes an Act.
<i>Chapter</i>	Some countries consolidate all their Acts at the same time. For example, Tonga consolidated all its legislation (both Acts and Regulations) in 2016. Each Act in the Consolidation was given a Chapter number, so the front cover of an Act in this consolidation states e.g., Environment Management Act, Chapter 47.02, 2016 Revised Edition. The Act as made was the Environment Management Act, Act 27 of 2010. 'Chapter' is often abbreviated to Cap. An Act made after the Consolidation will not have a chapter number.
<i>Code</i>	<p>Several countries are former U.S. territories and arrange legislation into Codes. Such Codes contain all the Acts enacted by the legislature that are current (in force) at the time of the compilation of the Code.</p> <p>Codes are arranged by numbered topic. Each topic is called a Title. As each Principal Act is made it is assigned to a Title. The Act may become a chapter in that Title or only a single new section in an existing chapter, or it may amend an existing chapter or section.</p> <p>Example: in the Marshall Islands, all environmental Acts are contained in Title 35: Environment. Chapter 2 of this Title is the 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.
<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).

Term	Definition
<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"> • Articles in Constitutions – abbreviated to Art. or art. • Sections in Acts – abbreviated to s (or § in the case of Codes) • Regulations within a Regulation - abbreviated to r • Clauses in Schedules at the end of Acts or subordinate legislation
<i>Ratification</i>	Ratification is the act by which a country indicates its consent to be bound to a convention.
<i>Subordinate legislation</i>	Subordinate legislation is also called subsidiary legislation, delegated legislation, and statutory instruments. These are collective terms. Individual pieces of subordinate legislation are most called regulations, but other types of subordination legislation include: <ul style="list-style-type: none"> • Rules • Ordinances • By-laws • Orders-in-council • Executive orders • Decrees • Decree-Laws (this terminology is used in Timor-Leste) <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 <i>National Environmental Protection Act 1984</i> include the <i>Solid Waste Regulation 1989</i>, the <i>Toilet Facilities and Sewage Disposal Regulation 1990</i>, and the <i>Public Water Supply Regulation 1994</i>.</p>

Annex 2: Acronyms

Table 9: Acronyms

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

Annex 3: Priority Waste Definitions

The PacWastePlus definitions of the priority waste streams included in the programme are detailed below.

Please note, PacWastePlus programme's waste definitions *do not always directly correspond with definitions found in national legislation*.

For example, public health and water/sanitation legislation may reference 'sewage' within concepts of wastewater or broader definitions of solid waste. Where countries' legislation dealing with wastewater or other waste streams includes sewage in the legislative definitions of wastes, these references have been retained for this assessment. This ensures that of the assessment's reproduction of the legislative provisions are accurate, even though human wastes are not encompassed within the PacWastePlus definition of 'wastewater'.

Table 10: PacWastePlus programme definitions

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

Annex 4: Existing Legislation Addressing Waste Management

A summary of existing Solomon Islands legislation related to waste management is provided in

Table 11.

Table 11: Legislation impacting waste governance in the Solomon Islands

Legislation	Regulations	Description
<u><i>Environment Act 1998 (in force September 2003) Amendments proposed in 2016</i></u>	<u>Environment Regulation 2008</u> <u>Environment Regulation (Amendment) Regulation 2014</u>	<p>Although the Solomon Islands does not have a dedicated waste management law, the <i>Environment Act 1998</i> specifically provides legislative competence in respect of wastes.</p> <p>Section 3, the objects of the Act include to regulate the transport, collection, treatment, storage, and disposal of wastes, and to ‘comply with and give effect to regional and international conventions and obligations relating to the environment.’</p> <p>The <i>Environment Act</i> also provides powers in relation to controls over pollution and noxious discharges in Part IV. These powers are applicable to all the priority waste streams at a general level.</p> <p>The <i>Environment Act</i> confers powers on the Environment Department in relation to dealing with wastes, particularly as forms of discharge or pollution, and through ancillary powers, such as requirements for Environmental Impact Assessment (EIA) and development controls. The Environment Act prevails over other relevant laws where there is any inconsistency.</p> <p>The <i>Environment Act 2008</i> includes the following responsibilities:</p> <ul style="list-style-type: none"> • section 3c (i) ‘to reduce risks to human health and prevent the degradation of the environment by all practical means’. • Section 3(c)(ii) seeks ‘to regulate the transport, collection, treatment, storage and disposal of wastes’.
<u><i>Environmental Health Act 1980 (version as at 1996)</i></u>	<u>Environmental Health (Public Health Act) Regulations</u>	<p>The <i>Environmental Health Act</i> empowers environmental health officers to manage waste and confers powers of inspection and clean-up of wastes that pose a risk to health.</p> <p>The Act is directed to environmental (public) health in terms of food safety, cleanliness of premises, adoption of sanitary measures, and controls on infectious diseases, vermin, and vectors. Thus, the actual legislation has limited direct reference to healthcare waste in the sense of medical waste generated in hospitals and clinics or to specific, hazardous healthcare wastes such as pharmaceuticals. Instead, there are general references to powers with respect to buildings and sites that are sources of infection and disease, and where identified wastes form ‘nuisances’.</p>
<u><i>Forest Resources and Timber</i></u>	<u>Forest Resources and Timber Utilisation</u>	Relevant to rural areas, the <i>Forest Resources and Timber Utilisation Act 1990</i> provides that the Minister may make regulations for ‘... (g) the disposal of waste products and the protection of the environment’. The Act operates with respect

Legislation	Regulations	Description
<u><i>Utilisation Act 1990</i></u> <i>(version as at 1996)</i> <u><i>Forest Resources and Timber Utilisation (Amendment) Act 2000</i></u>	<u>(Prescribed Forms) Regulations LN 42/1978</u>	<p>to customary land and commercial timber operations. The waste generated presumably includes sawdust and wood offcuts. Stockpiling of such wastes may constitute a fire risk, or if disposed of near waterways, may be a pollutant in the waterway.</p> <p>On the limited information available, further regulation of this waste stream may be warranted.</p>
<u><i>Honiara City Act 1999</i></u> <i>(as at 1999)</i>	<u>Honiara City Council (Litter) Ordinance 2009</u> <u>Honiara Litter By-Laws 1994</u> <u>Honiara (Refuse Disposal) By-Laws 1994</u>	<p>A delegation of the Ministry of Health’s powers under the <i>Environmental Health Act</i> to the Council, which was inaugurated in 1996, creating a multilevel legislative model. There are definitions of general waste under the Honiara City Council legislation and the identification of responsibilities for promoting environmental health and cleaning up of reuse, which are pertinent to healthcare waste.</p> <p>The <i>Honiara City Council Act</i> gives broad designations of municipal functions to the Council, specified under Schedule 5 Part 1 to the Act. It confers powers to ‘control Environment Health’ and to, ‘provide and promote Health Education’. powers would cover healthcare wastes even without specific mention. Interviewees also noted that healthcare wastes are covered to the extent that they are disposed at the landfill. These waste management functions are not performed in terms of internal hospital management but relate primarily to collection and disposal of healthcare wastes from the premises.</p> <p>The <i>Honiara City Council Act</i> and associated ordinances regulate refuse collection and disposal by the Council and within local government areas. Not all areas were covered regularly and much waste from the streets was not collected regularly.</p> <p>The <i>Honiara City Council (Litter) Ordinance 2009</i> prohibits littering in public places and imposes administrative fines.</p> <p>The <i>Honiara City Council Act</i>, under section 31, confers powers to deal with a sudden disaster or emergency that would extend to dealing with disaster wastes within the area of authority of the City Council. The City Clerk is authorised to take emergency actions with respect to an emergency plan; a power that presumably could cover wastes. All decisions in respect of a national disaster are to be made, ‘as far as practicable be in consultation with National Disaster Council’.</p>
<u><i>Mines and Minerals Act 1990</i></u> <i>(as at 1996)</i> <u><i>Mines and Minerals (Amendment) Act 1996</i></u>	None identified.	<p>An Act to provide for the development of mining that prescribes procedures for granting of licenses, permits, and leases, as well as the establishment of a Minerals Boards to regulate and control mining. Includes provisions for waste management from these activities.</p>

Legislation	Regulations	Description
<u><i>Mines and Minerals (Amendment) Act 2008</i></u>		
<u><i>Mines and Minerals (Amendment) Act 2014</i></u>		
<u><i>Customs and Excise Act Cap 121 (consolidated to 31 December 2003)</i></u>	None identified.	An Act to provide for the imposition, collection and management of customs and excise duties, the licensing and control of warehouses and of premises for the manufacture of certain goods, the regulation and control and prohibition of imports and exports, etc. This Act will give effect to any import bans implemented by the Fiji government.
<u><i>Petroleum Act 1987 (as at 1996)</i></u>	<u><i>Petroleum Rules 1997</i></u>	Provides controls on Waste oils.
<u><i>Provincial Government Act 1997 (as at 1997)</i></u>	Provincial Government by-law making powers.	An Act that establishes governance in Solomon Islands. This Act provides powers to local authorities to manage waste issues for their communities.
<u><i>River Waters Act 1964 (as at 1996)</i></u>	None identified.	An Act to provide for the control of river waters and for the equitable and beneficial use of those waters.
<u><i>Solomon Islands Water Authority Act 1996 (as at 1996)</i></u>	<u><i>Solomon Islands Water Authority (Catchment Areas) Regulations LN 42 1995 (as at 1997)</i></u>	The Solomon Islands <i>Water Authority Act 1993</i> establishes the authority as a state-owned enterprise with designated functions 'to provide, construct, operate, manage, and maintain buildings, works, systems and services for the conveyance, treatment and disposal of sewage, disposal of trade and industrial waste and other connected purposes'. The priority for the Authority has been water supply, but the extension of sewage was also identified as a key action item under the Authority's most recent 5-year plan.
<u><i>Town and Country Planning Act 1996 (as amended by Planning and Development Act 2017)</i></u>	None identified.	An Act that sets out planning, zoning, and development requirements, includes some minor waste management requirements

Legislation	Regulations	Description
<u><i>National Disaster Council Act 1990</i></u>	None identified.	The <i>National Disaster Council Act 1990</i> establishes a National Disaster Council in the Solomon Islands and confers powers upon the Council to deal with natural disasters, including providing advice on all matters to the Minister. The specific functions of the Council include approving and coordinating all necessary activities regarding disaster preparedness, response, and recovery, and assuming control in operations connected with disasters. Such functions would, by implication, extend to dealing with wastes (including hazardous wastes) that arise due to any natural disaster. The advice powers extend to planning for how wastes are to be managed as part of disaster preparedness. The National Disaster Management Office has responsibilities to ensure that the national disaster plan and other related plans are prepared and periodically reviewed.
<u><i>Pure Foods Act 1996</i></u>	None identified.	An Act to make provision for securing the safety and wholesomeness of food for sale and for human consumption.
<u><i>Roads Act 1996</i></u>	None identified.	Section 21 of the <i>Roads Act</i> states that the relevant Minister has powers to remove any obstruction or encroachment onto public road and thus abandoned vehicles are likely to be covered. The recovery of recyclable materials from such vehicles appears not to be expressly covered in legislation unless it constitutes a pollutant. The <i>Roads Act</i> includes a litter prohibition in section 26 that would cover organic wastes, but data was not available on its level of implementation or enforcement.
<u><i>Safety at Work Act 1982</i></u>	None identified.	There are relevant provisions under the <i>Safety at Work Act 1982</i> and <i>Workmen's Compensation Act 1996</i> , which covers occupational disease, and therefore would be relevant to the handling, removal, and disposal of asbestos.
<u><i>Workmen's Compensation Act 1996</i></u>	None identified.	There are relevant provisions under the <i>Safety at Work Act 1982</i> and <i>Workmen's Compensation Act 1996</i> , which covers occupational disease, and therefore would be relevant to the handling, removal, and disposal of asbestos.

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 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
Basel Convention	<p>To protect, by strict control, human health and the environment against the adverse effects which may result from the generation, management and transboundary movement of hazardous wastes and other wastes (preamble).</p> <p>Ban Amendment (in force 5 Dec 2019) prohibits all transboundary movements of hazardous wastes from OECD countries to developing country parties.</p>	<p>Parties must notify Secretariat of wastes considered hazardous under national legislation and update as appropriate (Art. 3)</p> <p>Obligation to designate one or more competent authorities (which receive notifications of movements of hazardous wastes) and one focal point (responsible for transmitting decision on import bans) (Art 5.1).</p>	<p>Provision of information to other parties on import bans (Art.4 and Art. 13).</p>	<p>Obligation for annual national reports (Art. 13(3)).</p>
Stockholm Convention	<p>Mindful of the precautionary approach, to protect human health and the environment from persistent organic pollutants (Art. 1).</p>	<p>Notifications to Secretariat for registration of specific exemptions for import/ export (Art. 4)</p> <p>Obligation to designate national focal point for information exchange Art. 9(3) –</p>	<p>Obligation to develop and transmit to Conference of Parties a national implementation plan (NIP), and to review and update plan, as appropriate, on a periodic basis (Art. 7).</p>	<p>Article 15 requires periodic reporting on national implementation measures. At the 1st Conference of the Parties it was decided that national reports should be submitted every four years).</p> <p>Four reporting cycles since convention entered into force (2006, 2010, 2014, 2018). Fourth report was required to be submitted by 31 Aug 2018.</p>

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
Rotterdam Convention	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. 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 severely 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.
Minamata Convention	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).	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.

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
Waigani Convention	To prohibit the importation of hazardous and radioactive wastes into Pacific Island developing countries and to facilitate environmentally sound management of such wastes (preamble).	<p>Obligation to notify Secretariat of wastes considered/ defined as hazardous wastes under legislation beyond those listed in Annex I and inform of any significant changes (Art. 3).</p> <p>Must designate one competent authority and one focal point (Art. 5).</p> <p>Notifications of transboundary movements of hazardous wastes (Art. 6).</p>	<p>Obligation to forward to Secretariat information on any illegal hazardous wastes import activity in jurisdiction (Art. 4).</p> <p>Obligation to provide information to Secretariat on changes to competent authorities/ focal points or changes to national definitions of hazardous wastes (Art. 7).</p>	<p>Deadline for 1st biennial short report 31 Dec 2019, 1st long report 31 Dec 2021.</p> <p>Requirement to submit ‘such reports as COP may require’ regarding hazardous wastes generated in jurisdiction (Art. 4).</p> <p>At its Second Meeting in 2004, the COP agreed that Reporting and Transmission of Information forms should be filled out annually by parties and submitted to SPREP in its role as the Convention Secretariat. Parties were requested to begin reporting starting at the 2004 calendar year.</p>

Annex 6: Models and Concepts for Waste Management

There are a number of general models and concepts that inform contemporary waste management regulation and practice. These models often require quite significant supporting institutional and economic infrastructure that may not be in place or possible in many participating countries. Adopting these models may, therefore, be a long-term strategic goal rather than an immediate policy priority for nations.

The Waste Hierarchy

The generally accepted model for waste management that appears in the strategies of a number of countries in the Pacific region, is the 'waste hierarchy' model.

The aims of the hierarchy are:

- To generate as little waste as possible in the first place; and
- To extract the maximum practical benefit from the waste that is still produced.

The waste hierarchy suggests that as a priority order in waste management legislation and policy, governments should pursue waste avoidance, reduction (prevention or minimisation), re-use, recycling, and other recovery (e.g., waste-to-energy) (see **Figure 1**). The hierarchy dictates that the last option is disposal for end-of-life products.



Figure 1: Waste hierarchy (Creative Commons Licence BY-SA 3.0)

The Circular Economy

The 'circular economy' is also increasingly regarded as relevant to waste management legislation and policy. A 'circular economy' is one that values resources by keeping products and materials in use for as long as possible. This contrasts with a linear economy – take, make and dispose – approach. In waste management, this means placing a value on re-use and recycling, with the aim of zero waste.

Related to the circular economy are producer responsibility approaches, where producers are required, to design and make products that are recoverable, or recyclable, and accept the return of waste produced by their products. Producer responsibility can be encouraged by importing countries via legislative mechanisms, such as levies on imported products that can be recycled at the end of their operational life.

Environmental Models

These newer policy models sit alongside other general environmental models for managing waste safely and preventing waste pollution. These models may adopt tools such as EIA for waste generating activities, permitting, or licensing of waste management facilities, regulation of waste collection and offences for harmful actions with respect to waste such as littering or dumping, as well as incentives to segregate and separate wastes. Few of the participating countries, however, have extensive testing, monitoring, and tracking measures in their waste management legislation to support the successful operation of these models. Effective compliance and enforcement of standards are also necessary.

The model used to formulate the waste management legislative framework will necessarily influence the efforts and input needed to manage not only waste, but the legislation and the government's required management:

- Different types of legislative models can be adopted to give effect to different types of policy objectives. In turn these different models require differing levels of institutional support and administrative arrangements to make them work.
- Operation, regulation, and enforcement are distinct functions that can be divided among different agencies. Sometimes these roles are divided among public and private bodies, but in some cases, they are all the responsibility of government or semi-public entities. All these functions may involve the community in different ways, such as providing information to the community and involving the community in enforcement activities.

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

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

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

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

Table 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



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