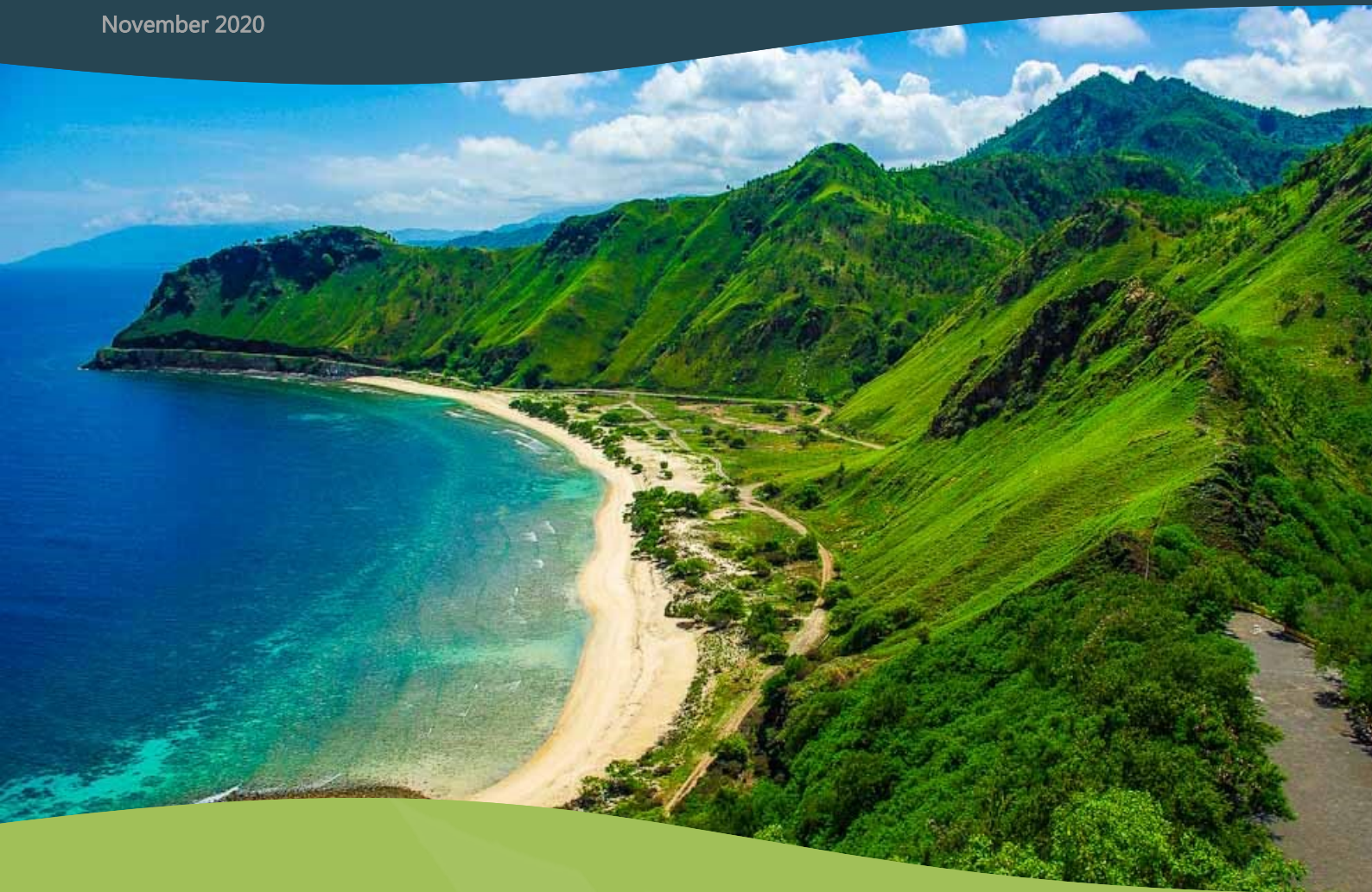




Assessment of Legislative Frameworks Governing Waste Management in Timor-Leste



November 2020



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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 Timor-Leste, 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 waste water) 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 Timor-Leste. It provides:

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

Legislative Summary

Legislation impacting waste governance

The Constitution allows Parliament to delegate legislative authority on environmental matters to the Government. Such delegation was affected by Law 3/2012, which sets out broad directives for the Government to legislate for the protection of the environment. This law prompted the enactment of *Decree-Law 26/2012*, the Basic Law on the Environment, which contains a section on solid waste management.

Decree-Law 3/2016, the Statute of Municipal Administrations, sets out the authority of Municipal Administrations to establish and manage water and solid waste systems. This authority is regulated by the Joint Ministerial Diploma 43/2017, sanctioned by the Ministry of Public Works, Transport and Communications and the Ministry of State Administration.

Decree-Law 2/2017 approved the urban solid waste management system for Timor-Leste. Until the enactment of this Decree, there was no legislation establishing a waste management system in Timor-Leste.

No analysis of the national waste situation appears to have been undertaken at this stage although the *National Sanitation Policy 2012* makes extensive prescription for the roles of different ministries and agencies.

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

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

LEGISLATION**REGULATIONS**

Art 42, 2: Subjects the identification, control, production, transportation, storage, exportation and use of dangerous waste to special legislation.

Enforcement powers and penalties specified in Art 59-61.

Decree-Law 26/2012 – Basic Law on the Environment**Decree-Law 3/2016 - Statute of Municipal Administrations (municipal administrations and authorities to develop solid waste management systems)**

Art 11, 1, 'c' and 'j': Determines the authority of Municipal Administrations and Municipal Authorities to invest in the construction, conservation and maintenance of wastewater management systems and solid waste management systems in populated areas.

Decree-Law 5/2016 – National System of Protected Areas

Art 46, 1, 'e' and 'h': Defines as an offence the abandonment or deposit of rubble, scraps, or any other waste outside the appropriate locations, as well as damage to protected areas using chemicals, toxic substances, fire, waste leakage or analogous means.

Art 46, 2: Punishes infringements described in the previous provision with fines ranging from \$100-2000 USD for natural persons and from \$1000-10,000 USD for companies.

DECREE-LAW 2/2017 – URBAN SOLID WASTE MANAGEMENT SYSTEM

Art 2: provides the law applies to all the national territory except Special Administrative Regions (e.g. the Special Administrative Region of Oecusse-Ambeno).

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

None identified.

Joint Ministerial Diploma 43/2017 (solid waste treatment systems)

Requires that Municipal Administrations and Authorities study and develop municipal solid waste treatment systems, consulting the Ministry of Public Works, Transportation and Communications. Also requires them to take appropriate steps towards the provision of construction or rehabilitation works of solid waste treatment systems, up to the maximum value of 150000 USD and to manage solid waste treatment and disposal systems in coordination with the competent departments of Central Administration.

None identified.

None identified.

LEGISLATION

REGULATIONS

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

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

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

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

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

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

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

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

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

LEGISLATION

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

Art 39: Users to which the urban waste management service is provided are subject to a fee for the provision of this service. Users are classified as domestic or non-domestic for the purpose of determining the fee for the service.

Art 42: The fee is indexed to the consumption of electricity by users and follows the general rule that who consumes more electricity produces more waste.

Art 56: The fees for the solid waste management system are only due once the system is effectively available.

Art 46, 51-55 provide for offences and enforcement.

REGULATIONS

Table 2: Policies and reports impacting waste governance in Timor-Leste

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

Table 3: Government departments with waste responsibilities in Timor-Leste

GOVERNMENT DEPARTMENTS	RESPONSIBILITIES
Public Prosecutors Office (<u>Ministério Público</u>)	Administers <i>Decree-Law 26/2012</i> – Basic Law on the Environment.
Municipal Administrations and Municipal Authorities	Authorities established under <i>Decree-Law 3/2016</i> - Statute of Municipal Administrations to invest in the construction, conservation and maintenance of wastewater management systems and solid waste management systems in populated areas.
Directorate-General of Public Works, Ministry of Public Works, Transportation and Communications	Consults with Municipal Authorities on development of solid waste management systems.
Directorate of Urban Organisation, Directorate of Local Development and Management, Directorate of Local Administration and Directorate of National Support and Administration of Villages, <u>Ministry of State Administration</u>	Under Ministry of State Administration. Directorate of Urban Organisation has responsibility for study and development of solid waste management systems. In addition, under the National Sanitation Policy, the Ministry of State Administration, through the Directorate of Local Development and Management, the Directorate of Local Administration, and the Directorate of National Support and Administration of Villages, has responsibility for: the management of solid waste in urban areas, including markets and public places.
Directorate of Community Health, Ministry of Health	Under the National Sanitation Policy, the Ministry of Health, through its Directorate of Community Health, has responsibility for sanitation and hygiene, including coordinating sanitation and hygiene on a national and district level; leading research on hygiene and sanitation; facilitating the construction and use of sanitary installations in family homes; sanitary facilities in healthcare buildings.

Directorate of National Basic Sanitation, Ministry of Infrastructure	Under the National Sanitation Policy, the Ministry of Infrastructure, through the Directorate of National Basic Sanitation, has responsibility for: maintenance of norms for the improvement of sanitation and hygiene; strengthening the provision of sanitation goods and services in urban and rural areas; determining and collecting fees; planning, development and management of collection, elimination, and treatment of excretions and wastewater from septic tanks; the operation of centralised and decentralised sewage systems; and consulting with the Ministry of State Administration in relation to solid waste.
State Secretary for the Environment and the State Secretary for Rural Development and Cooperatives, Ministry of the Economy and Development	Under the National Sanitation Policy, in the Ministry of the Economy and Development: The State Secretary for the Environment is responsible for pollution control and the control of dangerous waste; the State Secretary for Rural Development and Cooperatives is responsible for developing the private sector for sanitation goods and services; motivating small businesses to use sanitary installations.
Ministry of Education	Under the National Sanitation Policy, the Ministry of Education has responsibility for: planning, developing, and managing sanitary and hygiene installations in schools; the curriculum on sanitation and hygiene in schools; educating children, teachers and staff on better sanitation and hygiene.
Ministry of Tourism, Commerce, and Industry	Under the National Sanitation Policy, the Ministry of Tourism, Commerce, and Industry has responsibility for the promotion of clean waters and the monitoring of sanitation and hygiene in tourist, commercial and industrial areas.
Ministry of Finance	Under the National Sanitation Policy, the Ministry of Finance has responsibility for guaranteeing the planning and the provision of integrated budgets, following national and local priorities.
Ministry of Social Solidarity	Under the National Sanitation Policy, the Ministry of Social Solidarity is responsible for assisting people, families, and vulnerable communities to have access to sanitation and hygiene facilities.

Pipeline activities

The following sections provide details of identified pipeline legislative activities for waste management and governance in Timor-Leste. Limited information was available on pipeline activities through the desktop review.

The principal pipeline initiative identified for Timor-Leste was the government's announced intention to become the first 'plastics-neutral' economy globally. This initiative is based on the development of a \$US40 million chemical recycling plant by Mura Technology.

There also appear to be a number of individual and community initiatives underway to reduce plastic waste on beaches in Timor-Leste.

Table 4: Pipeline activities for Timor-Leste

PIPELINE ACTIVITY	DESCRIPTION	TIMEFRAME
Recycling Plant	Government of Timor-Leste signed a memorandum of understanding with Australia for a General Recycling Plant that is now implemented by Mercy Corp	<u>News reports</u> from 17 May 2019. The project is subject to securing funding.
Plastic clean-up initiatives	Local initiatives for beach clean-up.	Reported in <u>World Bank news feature</u> .

Stocktake of Relevant Multilateral Environmental Agreements

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 Timor-Leste to these MEAs.

Table 5: MEAs active in Timor-Leste

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	Not party		
Waigani Convention	Convention only open to signature from members of South Pacific Forum.		

SECTION 2: LEGISLATIVE ASSESSMENT



This qualitative assessment of Timor-Leste's legislative environment has classified Timor-Leste's waste-related laws on a scale of low-to-high against the criteria of relevance, coherence, effectiveness, efficiency, and impact.

Legislative Framework Assessment

Methodology

Approach and Criteria

This legislative assessment was undertaken utilising a qualitative approach.

Legislation in Timor-Leste 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 Timor-Leste's legislation against the criteria, gaps in existing legislation relating to waste were identified. These gaps provide a basis for understanding what opportunities exist for Timor-Leste to develop and/or implement additional legislative instruments to in achieving waste management and environmental outcomes.

Overview of the legal system



The Democratic Republic of Timor-Leste is situated on the island of Timor. Timor-Leste has a population of around 1.2 million. The official languages of Timor-Leste are Tetum and Portuguese, while English and Indonesian are working languages.

Timor-Leste was colonised by Portugal from the 16th century until 1975, when a declaration of independence was swiftly followed by occupation by Indonesia. In 1999, a United Nations backed referendum resulted in a clear vote for independence. That year, the administration of Timor-Leste was taken over by the United Nations Transitional Administration in East Timor (UNTAET). In 2002, East Timor was renamed to Timor-Leste and became an independent state.



Timor-Leste is a Parliamentary republic. Its National Parliament is unicameral. The President of the Republic is the Head of State and the Prime Minister is the Head of Government. The Parliament has exclusive authority to pass ordinary laws and may authorise the Government to make laws in specific areas through 'Decree-Laws'. The Government has exclusive authority to legislate on matters concerning its own organisation and functioning, as well as on the direct and indirect management of the State.



The Court system is two tiered: there are four District Courts (Dili, Suai, Baucau and Oecusse) which hear cases from surrounding districts (thirteen in total), and a Court of Appeals (Tribunal de Recurso) which hears appeals from the District Courts and exercises the powers assigned to the Supreme Court of Justice in the Constitution until such time as the Supreme Court is established. Additionally, the Audit Chambers (Câmara de Contas) review government acts and spending.



Timor-Leste's legal system is civil law system. Its Constitution and many of its statutes are modelled on Portugal's legal system. International treaties ratified by Timor-Leste are incorporated into its legal system and supersede any contrary legislation pursuant to Article 9 of the Constitution. It is noted, however, that Timor-Leste is not currently party to any of the MEAs relevant for waste management.



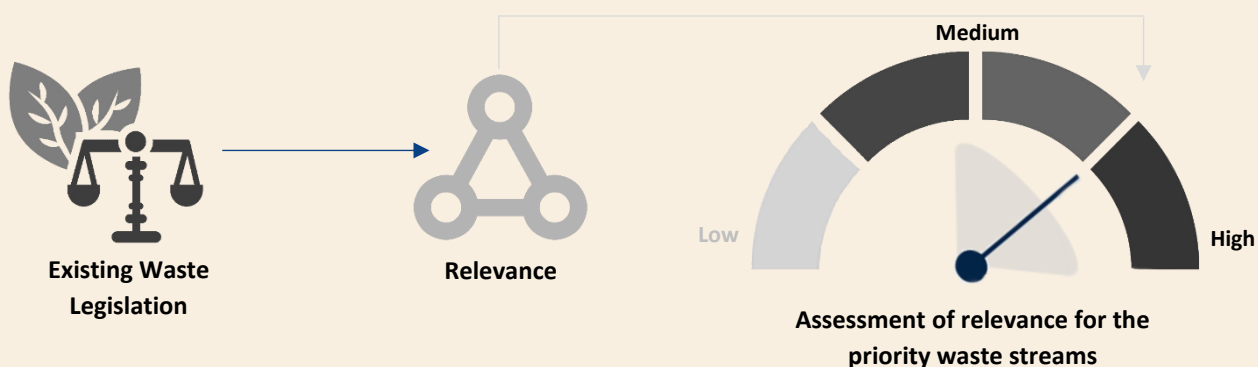
Legislation passed prior to independence remains in force if compatible with the Constitution and if it has not been repealed by subsequent laws. Since independence in 2002 all legislation is written and published in Portuguese. Relevant databases for legislation are not always updated in a timely fashion so it is difficult to ascertain whether legislation available online is the most up-to-date version.

Legislative Assessment

This section contains a qualitative legislative assessment for Timor-Leste 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 Timor Leste'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 general framework of laws governing the priority wastes is to be found within several divisions of Timor-Leste's laws, with no single, comprehensive waste law.

Three core areas of responsibility:

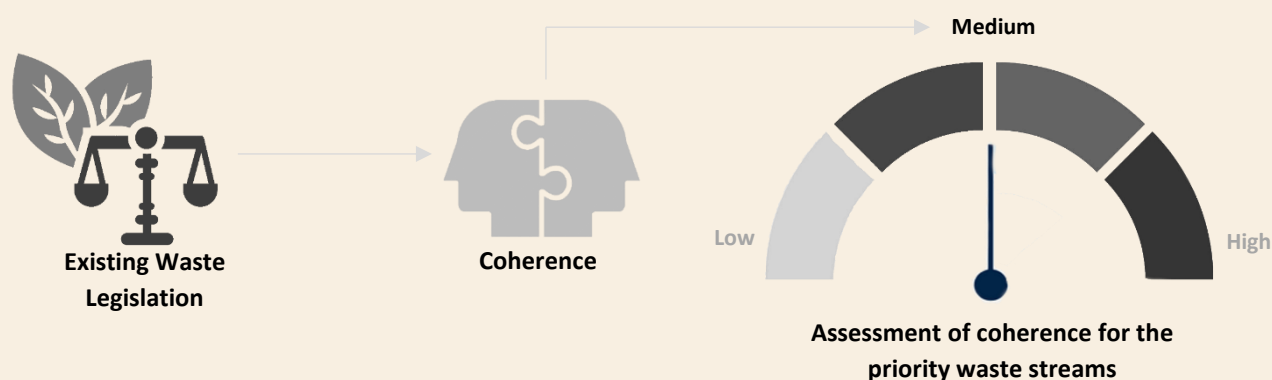
- an environmental grouping
- state administration with respect to solid waste
- municipal organisations. Healthcare wastes form a specialty area of responsibility

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

Table 6: Definitions of waste in Timor-Leste’s legislation

Legislation	Definitions
<p><i>Article 1 of Decree-Law 26/2012, the Basic Law on the Environment</i></p>	<p>‘waste’ is defined as including any effluents, substances or solid, liquid or gas materials considered useless, superfluous or without value, generated by human, commercial or industrial activity, which need to be eliminated or recycled; and</p> <p>‘hazardous waste’ is defined as waste which due to its inflammable, explosive, corrosive, toxic, infectious radioactive or other characteristics constitutes a danger to people’s health and to the environment.</p> <p>It is noted that asbestos waste would fall within the general definitions of ‘waste’ and ‘hazardous waste’ under the Basic Environment Law (<i>Decree-Law 26/2012</i>).</p> <p>Where disaster waste is produced, it would be likely to fall within the scope of ‘waste’ or ‘hazardous waste’ as defined in <i>Decree-Laws 26/2012 and 2/2017</i>.</p>
<p><i>Article 1(s) Decree-Law 5/2011</i></p>	<p>‘pollution’ as ‘the direct or indirect introduction through human action, of microorganisms, substances, waste or heat into the environment, which may harm human health or the quality of the environment or cause the deterioration of the material assets or the deterioration or impediments to the use of the environment and to the legitimate use of the water and soil’</p>
<p><i>Article 1(x) Decree-Law 5/2011</i></p>	<p>‘Waste’ is defined in Article 1(x) as ‘any solid, liquid, gaseous or radioactive substance or matter that causes alterations when discharged into the environment, resulting from the activities of individual, public or private institutions</p>
<p><i>Article 6 Decree-Law 2/2017</i></p>	<p>contains a broad definition of waste (resíduos) as “any substances or objects that the producer or holder disposes of or has the intention or obligation to dispose of. Urban solid wastes are defined as those originating from housing, the service sector, commercial or industrial establishments, and healthcare units, if the daily output does not exceed 1100 litres”.</p> <p>The Article 6 definition also includes urban green waste, waste produced in public places, animal waste, demolition and construction waste, hospital wastes and hazardous wastes.</p>
<p><i>Article 7 of Decree-Law 2/2017.</i></p>	<p>E-waste is listed among the recoverable waste definition</p>

Coherence



On paper, the waste laws appear relatively comprehensive in their coverage of the priority waste streams, with supporting administrative arrangements for the Ministries and governing institutions. The role of the Public Prosecutors Office is also important for compliance, together with the Municipal Administrations under *Decree-Law 33/2008*, which are charged with ensuring compliance with that law. The division of responsibilities for waste management is a familiar one in many jurisdictions, including broad legislative mandates, with national policy and administrative functions, together with a more operational implementation at the state administration, municipal and local (rural) level. Internal organisation of relevant administering departments has been formalised through the Organic Laws that were most recently decreed in 2019. These laws give an overview of core functions for the respective Ministries, which include various waste responsibilities.

Despite what appears to be a clear alignment between policy-setting, administration and operations in the legal framework, significant gaps in relation to the coordination between various agencies charged with waste management. Major gaps in implementation of the laws are acknowledged. Together with limited compliance, these factors weaken the coherence of the laws relevant to waste management.

Waste management in Timor-Leste functionally was divided between the Secretary of State for the Environment, which has a policy-setting and awareness-raising function, and the Ministry of State Administration, which is responsible for waste management, collection, dump-site management, as well as developing plans and policies for waste management.

Currently the main functions and operations relating to solid waste management appear to be consolidated around the Ministry of State Administration, and as delegated to Municipal Authorities. These are the entities that organise neighbourhood/household waste collections and have responsibilities under *Decree-Law 33/2008*.

Given the limited waste technologies and facilities available across much of the country, and the rudimentary collection system, the current administrative arrangements would seem appropriate for this level of waste administration. It does not appear a sufficiently wide basis, however, to support and implement the ambitious waste management laws that are evolving in Timor-Leste. For any such expansion, the State Administration needs to be directly involved and to facilitate information sharing due to the central role that the Municipal Authorities play in managing waste. In addition, there are critical implementation gaps in relation to solid waste and further differentiation of practices for handling healthcare waste, e-waste and bulky waste that are required.

Effectiveness

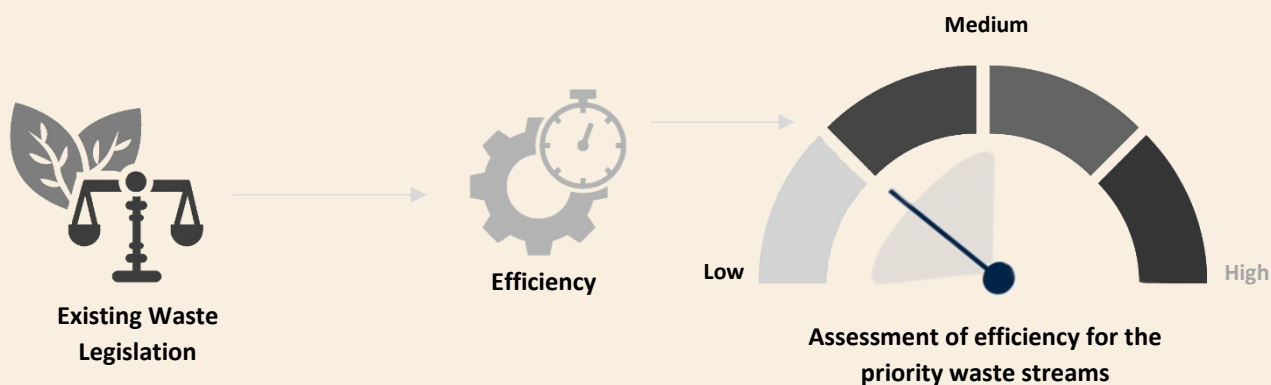


It appears that Timor-Leste is at the very early stages of establishing and implementing a legislative framework for waste management. Older laws, such as *Decree-Law 33/2008* adopt a basic model of prohibitions, based on securing hygiene and public order, rather than a broader system of waste management. *Decree-Law 2/2017* articulates key elements for a modern waste management system, such as collection and disposal requirements, and coverage of a range of wastes, including newer waste categories such as recyclables and e-wastes. Once fully implemented, the law should provide a reasonably effective legislative basis for ensuring that the state's goals regarding waste management, environmental protection and promotion of recycling are taken forward.

A key limitation on current effectiveness suggested by survey responses was technical challenges, as well as insufficient engagement with businesses and communities impacted by waste management laws. In particular, survey respondents noted that while waste management laws are implemented by the government, there is a gap regarding compliance of the private sector and community with the laws and regulations created by the government.

As noted, the new Decree-Law on plastics, when it comes into effect, will add significantly to broadening the range of legislative measures supporting the plastics neutral policy. Several of the key measures of this new initiative appear to take effect at the customs point and within the industry sector (e.g. around in-country plastics production). These aspects may need to be supported by efforts to build community awareness of the problem of plastic waste and to extend practices such as waste streaming.

Efficiency



Several limitations on the efficient administration of the country's waste-related laws that are suggestive of low-to-medium capacity in this regard.

These included:

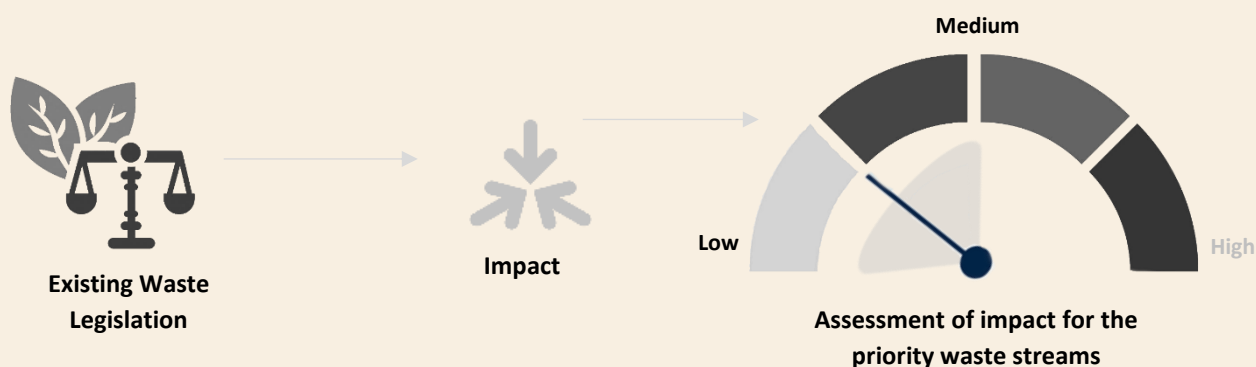
- a lack of information on relevant waste streams
- lack of information on the implementation of laws
- insufficient resources for monitoring waste management activities
- limited technical capacity or resources
- insufficient staff training; and lack of awareness of laws in the private sector and broader community
- insufficient funding available to build Municipality staff capacity to implement elements of the Decree Laws

There are fees applied for waste collection but that there are not sufficient resources for effectively administering and enforcing compliance with waste management laws. Community awareness and engagement with waste management laws was also noted to be 'very weak'. Interviewees indicated that the lack of public awareness of waste issues was evident in the communities' approach to littering and reported that littering is still prevalent.

Some conflicts between different laws relevant to waste management as a factor creating gaps or problems of effectiveness in the country's waste governance system were identified. Several ministries and departments play roles in administering waste-related laws. These include the Ministry of Health, which has responsibility for the management of medical healthcare waste, and the National Directorate of Basic Sanitation Services, under the Ministry of Public Works, which has responsibility rural and urban water supply and sanitation.

As one example, there are potential overlaps between pollution controls under the Basic Environmental Law 26/2012 and wastewater controls. It is not clear that there are coordination mechanisms between these various authorities to deal with gaps and overlaps and to improve efficiency of administration of waste laws.

Impact



Bearing in mind the recent development of Timor-Leste’s specific waste management laws, the ambition of the program but also the number of administration and implementation issues to be resolved, the assessment of impact is in the range of low-to-medium to medium, with the latter rating reflecting the potential for impact to improve over time with the implementation of new initiatives.

Timor-Leste’s laws are reasonably comprehensive in their coverage of the priority waste streams, with some exceptions, such as asbestos, which can otherwise be regulated under generic waste and hazardous waste laws. On the other hand, the general awareness of the primary waste laws in the community is not strong and effectiveness is compromised by a lack of clear responsibilities for driving waste management beyond the municipal level.

The existing situation regarding waste-related pollution in Timor-Leste would suggest that the legislative framework, up to this point, has had relatively little impact in terms of regulating the effects of waste streams on the environment. Pollution control measures for industry-related discharges are slowly being tightened.

There are a number of encouraging developments that point to the potential for waste-related laws in the country to contribute more strongly to improved outcomes on waste management and related environmental protection goals in the future. This includes the detailed provisions and administrative arrangements made in *Decree-Law 2/2017* for the urban solid waste management system, as well as ambitious initiatives that are being adopted under the ‘plastic neutral policy’.

SECTION 3: CAPACITY ASSESSMENT



This qualitative assessment of Timor-Leste's capacity to engage in different aspects of waste governance is on a scale ranging from low to high. It considered drafting, enactment, implementation, ensuring compliance with, and enforcing its existing and proposed legislation relevant to waste management, as well as its capacity to comply with reporting obligations under relevant Multilateral Environmental Agreements (MEAs).

Methodology

Approach and Elements

This legislative capacity assessment was undertaken utilising a qualitative approach, evaluating the capacity of Timor-Leste's to engage in different aspects of waste governance on a scale ranging from low to high.

The evaluation was made based on the following aspects of Timor-Leste's waste management legislation/governance:



Drafting

Relating to processes for the drafting of new, modified or additional legislation, including the availability of legal expertise, personnel and supporting technical knowledge or information.



Enactment

Relating to processes for enacting new, modified or additional legislation, including the existence of appropriate powers to legislate on the topic and relevant obligations of the country under international conventions and agreements, such as MEAs, as well as trade and investment agreements.



Implementation

Capacity to carry out existing or proposed legislation, including the availability of appropriate personnel, information, powers, administrative delegations, and resources.



Compliance and Enforcement

Capacity to ensure those bound by obligations under legislation comply with those obligations, as well as the capacity to prosecute or otherwise take action in response to breaches of legislative requirements, including the availability of enforcement personnel, powers, administrative delegations, tribunals for bringing enforcement actions and resources



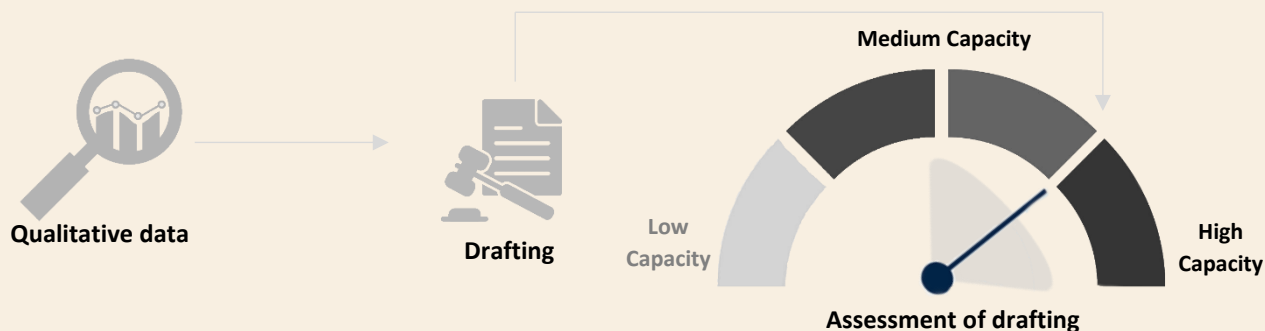
Reporting under relevant MEAs

Capacity to comply with reporting and other notification requirements specified under relevant MEAs to which the participating country is party, including availability of data, personnel and resources to produce the required reports. The assessment of MEA reporting compliance adopted a coding approach that rated the countries' level of compliance based on several indicators.

Capacity Assessment

This section contains a qualitative assessment of Timor-Leste’s capacity with respect to drafting, enactment, implementation, ensuring compliance with, and enforcing its existing and proposed legislation relevant to waste management, as well as its capacity to comply with reporting obligations under the MEAs to which it is party.

Drafting



Constitutional position in Article 6 stating that a fundamental objective of the State is ‘[t]o protect the environment and to preserve natural resources.

- Constitution provides for a right to a humane, healthy, and ecologically balanced environment, and the duty to protect it and improve it for the benefit of future generations.
- State is required to preserve and rationalise natural resources and promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy (Art. 61).



Article 96(1)(h) of the Constitution allows the Parliament to delegate legislative authority on environmental matters to the Government.



This delegation was put into effect by **Law 3/2012**, which sets out broad directives for the Government to legislate on the **protection of the environment**.



This led to **Decree-Law 26/2012**, the **Basic Law on the Environment**, and **Decree-Law 2/2017** approving the urban solid waste management system. The development of a wide-ranging suite of laws related to the priority waste streams, environmental protection and sustainable development indicates sound legislative capacity to draft further reforms and to develop new laws, such as those related to healthcare wastes.

The Ministry of Legislative Reform and Parliamentary Affairs is the government department responsible for ‘designing, implementing, coordinating and evaluating the policy, defined and approved by the Council of Ministers on the development, harmonization and consolidation of the legal system, judicial reform [and] parliamentary affairs’.



It appears that this Ministry coordinates with the Minister of State for the Presidency of the Council of Ministers and with each proposing Ministry on draft legal instruments. The National Parliament under Article 98 of the Constitution has a role in appraising draft legislation.



The Organic Laws (2019) for Ministries and Secretaries of State in certain instances direct the relevant agency to ‘prepare draft normative acts’ (see e.g., *Decree-Law 8/2019* – Organic Law of the Ministry of Public Works). Other Organic Laws require the initiation of studies to support the development of relevant legal frameworks. The Organic Law pertaining to the Secretary of State for the Environment, under Article 8, assigns responsibility to the National Directorate of Pollution Control for evaluating environmental and pollution control measures.

More generally, there have been initiatives to support legal drafting in Timor-Leste. The Timor-Leste Law and Justice Survey 2013 commented that ‘ongoing initiatives [aimed] at strengthening justice actors and private lawyers’ capacity in legal best practice have resulted in dozens of formally qualified Timorese lawyers. The UNDP Justice System Programme (JSP) has been active in the country since 2002.

Significantly, the International Association of Legislation reported that on 22 May 2019 the Council of Ministers of Timor-Leste approved a Resolution on Legislation Drafting Rules (No 21/2019), which provides a set of new rules for the government to draft legislation. The purpose of this Resolution is to provide a framework to guide the development of legislation in the country.

The Association noted the resolution is: ‘[t]o be applied in all ministries, [and] it encompasses new standards for government legislative procedures. The purpose is to enhance accuracy on both the preparatory research and the justification for new decrees and by-laws from the Council of Ministers. It will also apply to proposed new Acts from the Council of Ministers to the National Parliament, thus aiming to ensure higher quality legal diplomas. Diplomas is the terminology used in Timor-Leste for the equivalent of secondary laws or regulations.

Nevertheless, survey and interview respondents indicated that several barriers still arise for the review or reform of waste management laws in the country.

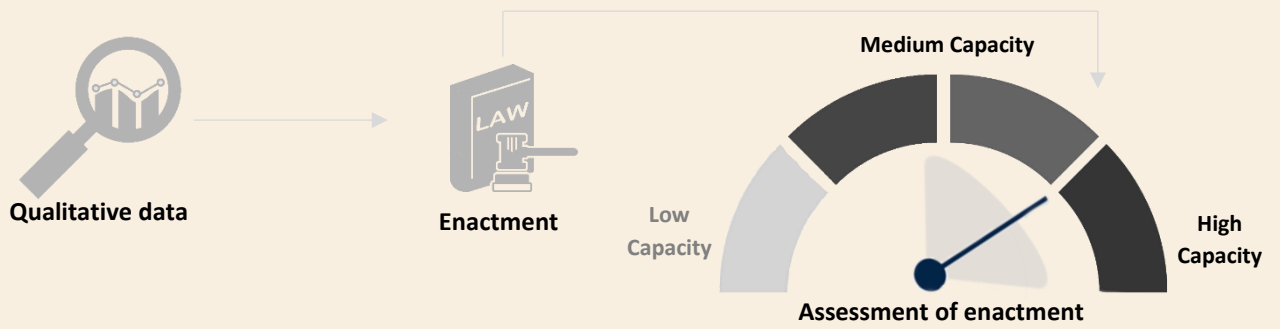
These include:

- lack of information
- insufficient financial resources
- unclear responsibilities of agencies or departments
- lack of capacity to draft new laws

Provision of specific drafting assistance, for example, to introduce regulatory mechanisms seen in other Pacific Island countries, such as container deposit schemes and extended producer responsibility models, may enhance Timor-Leste’s drafting capacity. This process, however, should note the need to ensure that drafting assistance is adjusted to the specific needs of Timor-Leste.

Under Timor-Leste’s Constitution, Tetum and Portuguese are the official languages of the country (Art. 13). This means that laws must be drafted in both languages. Interviewee data noted that ‘all legal documents produced are written in Portuguese or Tetum’ and that the Decree-Laws produced are available in an online portal (Jornal da República). Laws are presently promulgated mainly in Portuguese whereas most of the population speaks the local language, Tetum. More information is needed on whether laws are disseminated in the local language, and this may be an area for further capacity-building as the coverage of waste laws is extended across the nation.

Enactment



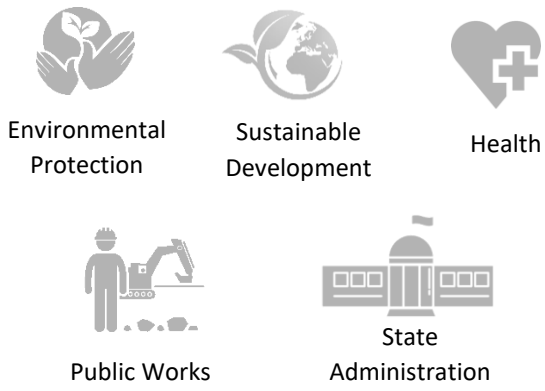
The Head of State in Timor-Leste is the President, elected for a 5-year term (Arts. 74-76 of the Constitution).

The Prime Minister is designated by the political party/parties with a parliamentary majority after elections and is appointed by the President (Art. 106).

The Government of Timor-Leste comprises the Prime Minister, Ministers and Secretaries of State (Art. 104). The National Parliament is the legislature in Timor-Leste (Art. 92).

Legislation is made by the Parliament (Art. 95 of the Constitution), which may also authorise the Government to make laws on certain matters (Art. 96 of the Constitution) through **'Decree-Laws'**.

In addition, there are **'Organic Laws'** for each ministry. These laws provide the scope of powers, duties and responsibilities for Ministries and Secretaries of State (such as the Secretary of State for the Environment), including powers with respect to compliance.



This extensive law-making and governmental architecture indicates that there is a clear set of powers and procedures for the **enactment of laws and governmental responsibilities for law-making in respect of the priority waste streams.**

Enactment of laws for priority wastes fall within the general scope of law-making in Timor-Leste.

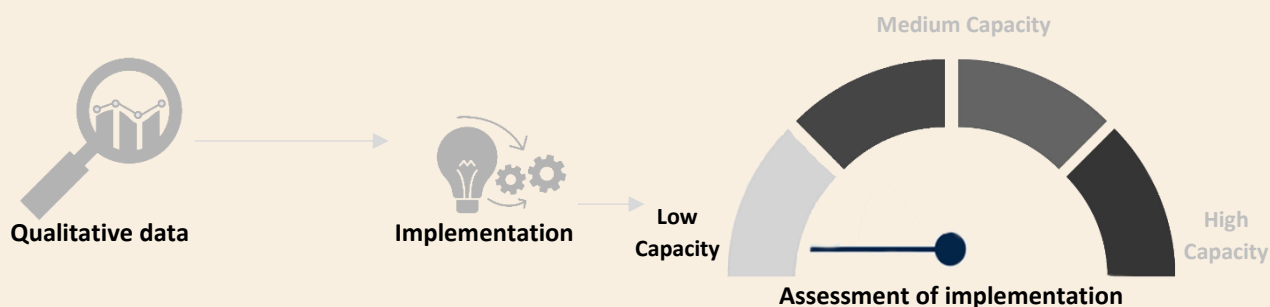
From the existence of recent enactments regarding healthcare waste regulation, it would appear there is the capacity to enact laws in response to pressing problems, as well as to carry out a longer-term translation of policy objectives into legislative instruments, as exemplified by the *Basic Law on the Environment and the Decree-Law 2/2017* approving the urban solid waste management system. There are a series of laws in process, such as the draft Decree-Law regulating plastics. There may be short term fluctuations in the formal enactment of laws due to political crises, but generally it appears there is robust capacity to enact national laws relating to waste management in the country.

The legal and administrative framework for Timor-Leste incorporates structures to support decentralisation and local administration (e.g., *Decree-Law 11/2019 Organic Law of the Ministry of State Administration*, Article 1). The powers extend to managing hygiene and the solid waste system, with requirements for policy coordination and administration.

From the perspective of international law, Timor-Leste's Constitution provides that 'rules provided for in international conventions, treaties and agreements shall apply in the internal legal system of East Timor following their approval, ratification or accession by the respective competent organs and after publication in the official gazette' and that Timor-Leste adopts the principles of customary international law.

This means that international laws are incorporated directly into Timor-Leste's legal system. They also supersede any contrary legislation (Art. 9 of the Constitution). This legal position has implications for Timor-Leste's entry into MEAs relevant to waste, discussed further below.

Implementation



Timor-Leste's Strategic Development Plan 2011-2030 (Plano Estratégico de Desenvolvimento 2011-2030) sets a pathway to improve the protection of the environment, to control pollution and to introduce urban waste management guidelines. In this regard, the *Decree-Law 26/2012* the Basic Law on the Environment, and, approving the urban solid waste management system, together with relevant Organic Decree-Laws, are positive steps, pending the development of institutional infrastructure and physical facilities to support these legislative priorities. The country's plan to become the first plastics-neutral country in the world is supported by an expanding range of legislation and regulatory measures.

In respect of other priority waste streams, more focus is required on the adoption of specific measures to support implementation. The gap between legislative frameworks and actual implementation appears highest for solid wastes, such as bulky wastes, and hazardous wastes, such as asbestos. There is also no specific provision in Timor-Leste's laws for dealing with disaster waste. While these wastes fall within generic waste categories under existing laws, specific measures for their safe handling, treatment, storage, and long-term disposal are not evident. There are general policy and legal objectives, such as sustainable development, guiding the laws, but these goals need to translate into direct tangible outcomes in improved waste management.

It is noted that the various Organic Laws, which were enacted in 2019, in various ways assign responsibilities for implementation and take up the challenge of evaluating the laws in terms of outcomes (see, e.g., *Art. 32 Decree-Law 11/2019 Organic Law of the Ministry of State Administration: Art. 26 Decree-Law 8/2019 Organic Law of the Ministry of Public Works*). It is acknowledged also that the general economic and social position of the nation has a strong influence on the resources and staff that are available to undertake implementation, as well as evaluation, monitoring and compliance. Interview data indicated that Timor-Leste faces a lack of resources and expertise, which is common to many developing countries.

One of the main barriers to effective implementation was a lack of clear coordination between line ministries and a clear division of responsibilities for waste management. To assist integration, the adoption of cross-agency working groups or lead agency nominations for various aspects of waste management could assist the laws to function better. It is noted that there is a *Joint Ministerial Diploma 43/2017*, Article 10 of which requires Municipal Administrations and Authorities to develop, construct and manage municipal solid waste treatment systems, appropriately coordinating with competent departments of the Central Administration.

Lines of management and communication between Directors and the national level possibly require stronger coordination. There was a perceived need to align the policy and administrative sectors with the municipalities and enforcement personnel, such as police.

There is liaison between ministries and the Municipality of Dili, Department of Waste Management to access waste management information, and various meetings with the waste management team about waste management decreed law and regulation.

Due to the relatively recent introduction of the waste law framework and the Organic Laws in Timor-Leste, there may need to be a settling-in period before these aspects of implementation will improve. Nonetheless, overall, implementation could be assisted by a clear designation of responsibilities and assignment of tasks.

Information gaps were also regarded as contributing to implementation problems. This included a lack of scientific expertise and knowledge for setting baseline standards for pollution licences, as well as gaps in information about how the implementation of the laws is proceeding. The key systems used to collect information about the administration and enforcement of waste management laws in Timor-Leste are related to monitoring of the landfill area, assessment, and survey of that location.

The State Administration and Municipalities are the key institutions responsible for the operationalisation of waste management. The Ministry also undertakes regular monitoring of the dump site, including testing for leachate. There is liaison, and reporting of outcomes, to the Secretary of State for the Environment, but the resourcing of that activity sits with the Municipality. The lack of a government resolution or diploma/regulation on household waste segregation is reducing waste law implementation capacity.

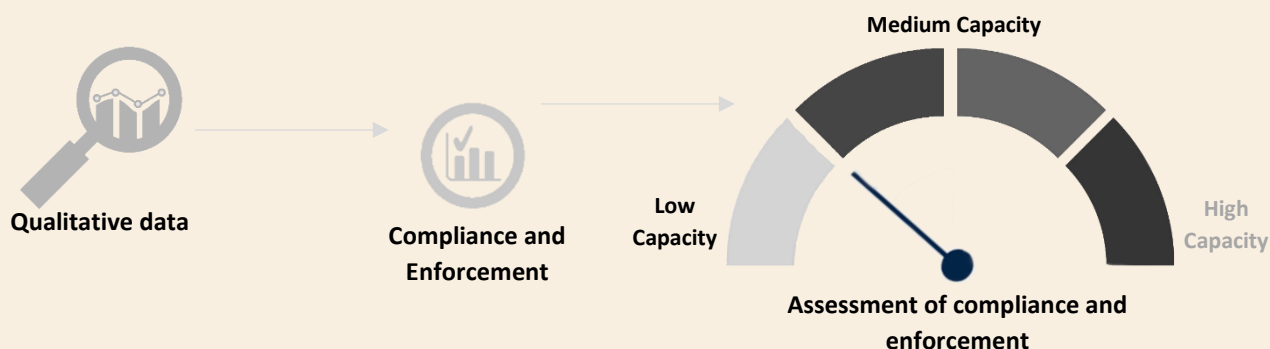
There is insufficient engagement with communities and businesses impacted by waste management laws. Survey respondents noted 'the waste management law [is] implemented by the government but, the private sector that implement[s] the waste management is not clear about the law and regulation created'. Similarly, survey respondents noted that 'the waste management regulation law for the country is not implemented very well and [there is] still ongoing discussion on how to socialise [the law] to the community and private sector'.

Nevertheless, there are indications that positive steps to address these implementation gaps have been made. Waste and pollution control laws are quite new in Timor-Leste. Initially, there was low implementation by the community.

The implementation of waste management includes a role for the positive involvement of customary law. In Timor-Leste, customary law (Tara bandu) is still very important. This law is used to prohibit activities and guide behaviour at a village community level. Tara bandu is acknowledged by the government and is a good approach to help to regulate waste management within the community.

Despite a range of implementation challenges for Timor-Leste, there are thus some encouraging signs that, over time, there will be stronger understanding and acceptance of the need for the implementation of the waste laws and a gradual extension of coverage across the nation.

Compliance and enforcement capacity



Timor-Leste's newer suite of waste laws, including the Organic Laws of 2019, clearly address the need for a range of compliance and enforcement measures under waste laws. Older laws, such as Decree-Law 33/2008, rely on more conventional measures, such as inspections and fines. Increasing the enforcement capacity in relation to Timor-Leste's waste laws was regarded by interviewees as of the highest priority.

The Constitutional and legal framework for compliance and enforcement in Timor-Leste has several distinguishing features.

There is capacity for the State to bring actions before the courts to defend collective rights such as the right to a healthy environment.

The Public Prosecutors' Office is solely responsible for public prosecutions. Findings indicated that in matters where there was a breach, for example, of pollution control licences then the Secretary of State was not able to initiate a prosecution independently. Rather these matters are forwarded to the Public Prosecutor's Office for that office to take carriage of the action. In other instances, the relevant Ministries can take administrative actions for infringements of waste laws.

The *Decree-Law 5/2011 on Environmental Licensing* does contain certain infringements that are administrative violations punishable with a fine ranging from US\$5,000 to US\$50,000 in the case of individuals and from US\$25,000 to US\$250,000 in the case of a legal entity (Art. 34).

Such infringements include:

- violating environmental assessment procedures set out in the law
- hindering the carrying out of any inspections
- undertaking activities that might cause an environmental impact outside the approved environmental management plan
- operating project facilities without an environmental licence, without the appropriate environmental licence or where a licence is either suspended or overdue
- non-fulfillment of conditions of the environmental licence

These type of compliance and enforcement provisions are comparable to the type of measures found in most contemporary environmental laws, including the use of differentiated penalties for individuals and corporations.

Other enforcement powers (additional to fines) are contained in Article 35 of the *Decree-Law 5/2011*. These include:

- the power to seize objects used in committing the violation
- ordering the owner to restore the location or area to the initial conditions prior to the violation
- suspending or cancelling an environmental licence
- suspending for a two-year period the professions or occupations of a practice that is subject to authorisation by the public authority
- issuing a cease-and-desist order; and blocking bank accounts of the applicant or owner where ‘there are indications of damage to the environmental heritage’ until such damage is rectified

These types of measures also indicate a flexible and wide-ranging approach to compliance, including the use of financial measures that are targeted to the business and commercial sector.

Decree-Law 26/2012, Basic Law on the Environment, also contains clear provisions on administrative powers to issue fines and other orders (e.g. demolition of buildings, orders to restore damaged areas). There is no specification of which government entity is responsible for applying these provisions and, therefore, they might apply to different Ministries, each in its respective area. For example, the Organic Law of the Secretary of the Environment states, in Article 8(2)(cs), that the National Directorate for Pollution Control is responsible for ‘taking the necessary administrative measures in cases of damage caused by pollution, including representations to the Public Prosecutor's Office’. This would likely include the power to issue fines and administrative orders when there is damage caused by pollution, according to the provisions in Decree-Law 26/2012.

At this stage, there have not been any prosecutions for failure to comply with an environmental licence. However, where a business has been detected polluting the environment, the National Directorate for Pollution Control will undertake an inspection, notify the company, and give them time to comply with the laws and regulations. If they do not comply, a notification will be sent to close the business and normally an order will be made to inform the company to clean-up its pollution. The power to order clean-up is important as government departments have limited financial and technical resources.

Timor-Leste has a well-structured court system but the lack of prosecutions for waste offences may mean that there are some barriers to using the courts as a routine pathway for compliance and enforcement under waste laws. Matters of cost and resources may be part of those barriers, as well as a reluctance to enforce measures against a community where many have very limited financial means. Consideration might therefore be given to other forms of enforcement, such as an administrative tribunal and/ or community-based enforcement forums.

Infringements of the littering provisions under Decree-Law 33/2008 are punishable by fines of between \$USD5-500. Minimum and maximum limits of the fines are doubled if the transgressor is a collective entity (not defined) (Art. 9). Under Decree-Law 2/2017 on the Urban Solid Waste Management System, any infringement of the law's provisions is punishable with a fine. Where there is negligence leading to infringement this is punishable with half the regular amount of the fine, with fines doubled for each recurrence (Art. 46). Anyone who infringes the provisions of the law has an obligation to repair the damage caused (Art. 51). Fines range from between US\$50 and US\$115 for infractions such as leaving waste outside proper collection containers (Art. 53) or interfering with waste collection (Arts. 54-55).

Other laws contain more specific enforcement provisions. Decree-Law 5/2016 on the National System of Protected Areas provides that any abandonment or deposit of rubble, scraps, or any other waste outside the appropriate locations, as well as damage to protected areas, through the use of chemicals, toxic substances, fire, waste leakage or analogous means, is an infringement. Infringements are punishable with fines ranging from US\$100-2000 for natural persons and from US\$1000-10,000 for legal persons (Art. 46).

Decree-Law 18/2004 on private health units includes some infringements punishable by fines of amounts between US\$500 and US\$3000, for example, operating private health units without a licence or providing services outside of a valid licence.

Other enforcement provisions include powers for:

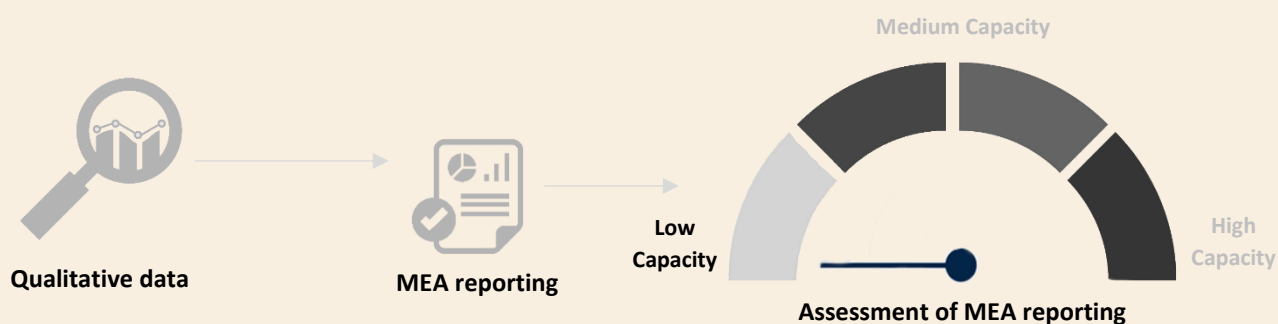
- confiscating objects; closure of the facility
- suspending or revoking the licence
- prohibiting, for a maximum of two years, the exercise of activities under the law (Art. 21).

Two of the most significant things Timor-Leste might do in terms of its waste management laws is:

- to enhance enforcement and community awareness is raising community awareness of laws that are in place
- introducing additional provisions to foster compliance, such as through on-the-spot fines

The compliance and enforcement model that is adopted should look to incorporate community consultation and participation programs

MEA reporting



Timor-Leste is not currently a signatory to any MEAs, as such the rating is low, as any ratification would require additional resources to be sourced.

Timor-Leste is currently not party to the Basel, Stockholm, Rotterdam, Minamata and Waigani Conventions. The only related MEAs to which Timor-Leste is party are the Vienna Ozone Convention and the Montreal Protocol on Ozone Depleting Substances, both of which it acceded to in 2009.

Timor-Leste faces significant capacity challenges in implementing its legislation relevant to waste management. It is expected that these challenges would also extend to reporting under MEAs if Timor-Leste were to become party to the Basel, Stockholm, Rotterdam, or Minamata Conventions. Timor-Leste is not eligible to become a party to the Waigani Convention as this treaty is only open to signature from members of the Pacific Islands Forum.

Timor-Leste's experience with the Montreal Ozone Protocol suggests that the country has been proactive in harnessing support from the treaty's secretariat and multilateral fund to build capacity for its implementation of obligations under the Protocol. A similar approach to utilising international funding and capacity-building support might be applied if the nation joined international waste-related conventions to improve capacity for implementation of, and reporting under, those MEAs.

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 Timor-Leste 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 Timor-Leste for waste governance was assessed, on a preliminary basis, as performing at a low-to-medium level. The capacity of Timor-Leste with respect to various aspects of administration of its waste legislative framework was assessed overall as low-to-medium, with the greatest needs arising in respect of support for implementation, compliance, and enforcement of laws.

Opportunities for improving legislative instruments to support improved waste management

Based on a preliminary assessment of Timor-Leste's waste-related laws, opportunities for legislative reform may arise in respect of:

- Opportunities to expand aspects of the existing legislative framework as experience with solid waste management grows, e.g., to provide specific regulatory requirements around the segregation of particular waste streams, such as hazardous medical and asbestos wastes, or e-wastes, and to promote recovery of recyclables through systems that incentivise the collection and delivery to recycling facilities of lower value but problematic waste streams, such as PET bottles.
- Development of a supporting legislative framework to underpin the nation's goal to become the world's first 'plastic neutral' country, with controls on the import of plastics and regulations to incentivise and govern plastics recycling operations. The introduction of measures under Decree-Law 2/2017 and customs laws to support a 'plastic neutral' country goal, commencing with prohibitions on the import of identified single-use plastics, together with in-country regulations to incentivise plastics recycling in the community and private commercial sector.
- The adoption of a new regulation under Decree-Law 2/2017 for a solid waste management system for the municipality of Dili, and other municipalities and territories, that would include measures such as waste collection and the diversion of plastics, recyclables, and e-waste from landfill, with guidelines for the segregation of waste streams.

Recommendations to address legislative capacity needs

The most pressing need for Timor-Leste would appear to be a more comprehensive implementation of its waste management laws, including a clear designation of responsibilities. While there appears to be effective drafting and enactment capacity (at least at the national level) to develop innovative waste management laws, these laws need to be supported by capacity-building and a better resourced administrative and operational sector.

Some immediate needs exist in developing stronger community awareness of legal requirements, and in developing a compliance culture in the community.

Other opportunities identified are detailed following.

- **Governance**
 - Technical support for stronger implementation of waste management laws, including training and awareness-building programs for municipal administration and central authorities. This program might be progressively grown to support the staged introduction of these waste management laws across urban and rural areas.
 - Information on best practice models to develop measures to facilitate and support coordination between relevant line ministries involved in waste management. Planning for, and building capacity to, introduce specific regulatory requirements for hazardous wastes, such as hazardous healthcare/medical wastes, asbestos wastes, or e-wastes. The regulations may need to be specific to these waste streams initially, but over time could be consolidated into a new regulation or law. Healthcare wastes may continue to be better regulated independently, due to the specialised guidelines needed.

- Building government and agency capacity to implement the staged introduction of the waste management laws across urban and rural areas. In tandem, building capacity (e.g., staff resources, training) for effective compliance, based on a progressive, 'polluter pays' penalty structure. This could start with spot fines and clean up notices but with higher penalties specified for corporations and repeat offences e.g., illegal dumping. The compliance and enforcement model adopted needs to incorporate community consultation and participation programs
- There is opportunity to integrate waste management and climate mitigation/adaptation measures focused not only on disaster waste, but also as part of a broader planning strategy. This strategy might examine how waste management and landfill operations could contribute to mitigation and address adaptation needs, as well as clearly allocating responsibility for clean-up and segregation of wastes post-disaster.
- There are opportunities to develop specific occupational health and safety guidelines around waste collection at the neighbourhood level and at landfill sites. Addressing the exposure of waste pickers to hazardous wastes at landfill sites could also be considered.
- Additional legal and capacity-building support for Timor-Leste to join relevant multilateral environmental agreements (e.g., Basel, Stockholm, Rotterdam, and Minamata Conventions) and subsequently to develop implementing measures and meet reporting requirements. These measures should align with stronger implementation of international obligations regulating ozone depleting substances, with particular attention to bulky waste (noting the responsibilities of the National Directorate of Climate Change in this regard).
- Support for revising health and hygiene (environmental health) laws for regulating waste and littering in public places, including beaches and public foreshore, riverbank areas and waterways.
- **Transparency & Community Consultation**
 - Assistance with provision of technical information and expertise in community engagement to develop additional regulations (diplomas) to support the segregation of various waste streams in households and commercial premises.
 - The development and use of legislative drafting manuals with access to technical and legal expertise and experience to support drafting on waste management issues
 - Access to scientific and technical information to establish and implement baselines and standards for pollution control laws and laws regulating hazardous wastes, and to assist in monitoring and ensuring compliance with those laws.
 - Assistance with the development of community awareness programs for waste management to facilitate 'socialising' of the laws, including dissemination of laws in Tetum as well as Portuguese where possible, to build the general population's understanding of laws.
 - Building understanding of law-making arrangements at local levels and within community structures, and their relationship to the national legislative drafting process.
 - Additional support for private sector engagement, with particular attention to building relationships with industry and commercial entities, to enhance understanding of waste compliance measures, recycling and re-use of waste, and opportunities for economic value recovery from wastes.
- **Enforcement**
 - Enhanced support for implementation of compliance and enforcement activities for waste laws, covering needs for greater information (e.g., monitoring of illegal activities such as dumping or discharging wastes), more staff in dedicated compliance and enforcement roles in municipal authorities, together with increased staff training, and greater technical capacity.
 - Support for developing knowledge of compliance strategies, including using alternative models for enforcement such as compliance notices, clean-up orders and on-the-spot fines, to balance reliance on criminal and civil offences and penalties. The strategy could be developed in association with a staged introduction of an administrative tribunal (incorporating legal and technical waste expertise) to determine waste offences and to resolve disputes.

Annex 1: Glossary of legal terms

Table 7: 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).
<i>Legislature</i>	The Legislature or the Parliament, is the branch of government which makes laws.

Term	Definition
<i>International conventions</i>	<p>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.</p>
<i>Principal Acts</i>	<p>Principal Acts contain the entirety of a topic, for example, the Environment Protection Act.</p>
<i>Provisions</i>	<p>Provisions are individual numbered clauses within legislation. The most used provision types are:</p> <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>	<p>Ratification is the act by which a country indicates its consent to be bound to a convention.</p>
<i>Subordinate legislation</i>	<p>Subordinate legislation is also called subsidiary legislation, delegated legislation, and statutory instruments. These are collective terms. Individual pieces of subordinate legislation are most called regulations, but other types of subordination legislation include:</p> <ul style="list-style-type: none"> • 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 <i>National 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 8: 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 Cook 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 9: 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 Cook Islands legislation related to waste management is provided in **Table 10**.

Table 10: Legislation impacting waste governance in Timor-Leste

Legislation	Regulations	Description
<u><i>Constitution of the Democratic Republic of Timor-Leste</i></u>	None identified.	<p>Timor-Leste has a civil law system. Its Constitution and many of its statutes are modelled on Portugal’s legal system. The importance attached to the environment by the country is reflected in Timor-Leste’s Constitution, adopted in 2002, which declares that one of the fundamental objectives of the State is: <i>‘[t]o protect the environment and to preserve natural resources’</i> (Art. 6).</p> <p>In addition, Article 61 of the Constitution provides:</p> <ul style="list-style-type: none"> • Everyone has the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations. • The State shall recognise the need to preserve and rationalise natural resources. • The State should promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy’. <p>The Constitution allows the National Parliament to delegate legislative authority on environmental matters to the Government (Art. 96(1)(h)). A delegation of this kind was put into effect by Law 3/2012, which sets broad directives for the Government to legislate on the protection of the environment. The Public Prosecutors Office has a role in compliance and enforcement, as do municipal authorities.</p> <p>The Constitution also establishes a Public Prosecutor’s Office (Public Ministry) that plays an important role in ensuring compliance with waste laws and in taking legal actions to enforce the relevant waste laws</p>
<u><i>Decree-Law 33/2008 Hygiene and Public Order</i></u>	None identified.	<p>The purpose of Decree-Law 33/2008 ‘Hygiene and Public Order’ is to establish administrative policy measures for the Districts in matters of hygiene and public order (Art. 1). It applies to the urban areas of Districts, unless exempted. The Decree-Law does not include definitions of waste but contains prohibitions such as not depositing wastes and litter in public places. The prohibitions set out in Decree-Law 33/2008 may also regulate the disposal of organic waste in some circumstances, for example, under Article 5, and Article 6. Article 5 prohibits freeholders, and occupiers of land from, amongst other things:</p> <ul style="list-style-type: none"> • depositing or channelling polluted water into ditches • depositing refuse on the sides of rights of way • blocking drains, gutters, or ditches • interring dead or dying animals in places other than those determined by the Administration.

Legislation	Regulations	Description
		<p>Article 6(1) prohibits activities that ‘by their nature alter the organisation, hygiene, or cleaning of streets, square or other public places’ and includes prohibitions on:</p> <ul style="list-style-type: none"> • placing or abandoning any objects, papers, or detritus, outside the places appointed for this by the Administration. • leaving or abandoning tins, flasks, bottles, glass and in general objects that may cut, puncture or perforate • leaving detritus of any type. <p>Article 6(2) provides that in urban areas it is ‘prohibited to amongst other things:</p> <ul style="list-style-type: none"> • dump soil or rubble of any nature or origin • carry out clearances and leave detritus • light fires burn plastics and rubber’. <p>Article 6(2) also provides that in urban areas it is ‘prohibited to occupy areas in a way or manner that disturbs, prejudices or affects the purposes for which they are intended, specifically by placing animals, sowing and reaping any plants or trees or uprooting them, dumping soil or rubble of any nature or origin, or carrying out clearances and leaving detritus’.</p>
<u><i>Decree-Law 5/2011 Environmental Licensing</i></u>	None identified.	Decree-Law 5/2011 that governs environmental licensing and pollution control. Under Article 25(a)(i), requires environmental licence holders to ‘conduct a review of the Certificate of Environmental Impact and the Environmental Management Plan which must be submitted to the Environmental Authority for evaluation and approval whenever it intends to implement or has planned to implement ... alterations in the project which may significantly affect ... the quantity and quality of the waste discharged into the environment, according to the definition of the environmental laws in force’.
<u><i>Decree-Law 3/2012 - Legislative Authorisation on Environmental Matters</i></u>	None identified.	<p>This Law, consisting of 5 articles, establishes the legal authorization to produce the Environmental Basic Legislation. It specifies terms and conditions to be observed to regulate the sustainable use of environmental sector, to protect and preserve the local ecosystems, to preserve and use in a sustainable way National natural resources. This authorisation aims at:</p> <ul style="list-style-type: none"> • establishing a set of definitions and requirements related to the environmental sector • building a legal and environmental system, through basic baselines for the conservation and protection of natural resources to promote the quality of life of citizens.
<u><i>Decree-Law 26/2012 – Basic Law on the Environment</i></u>	None identified.	<p>The Decree-Law 26/2012, the Basic Law on the Environment, defines wastes and hazardous wastes and establishes governmental responsibilities for solid waste collection, transport, storage, processing, reduction, re-use, and recycling. Chapter V of Decree-Law 26/2012 contains provisions relating to Pollution and Waste Management. These include the following:</p> <ul style="list-style-type: none"> • Art 39(2): Establishes the responsibility of public entities for the collection, transportation, storage, processing, reduction, reutilisation, and recycling of solid domestic and commercial waste. As a formal legal matter, healthcare (or hospital wastes) would be covered by the provisions of Article 39(3), establishing the responsibility of the

Legislation	Regulations	Description
		<p>producer of solid hospital waste for its collection, transportation, storage, processing, reduction, reutilisation and recycling.</p> <ul style="list-style-type: none"> • Art 39(3): Establishes the responsibility of the producer of industrial waste, industrial waste, and waste from construction activities for its collection, transportation, storage, processing, reduction, reutilisation, and recycling. • Art 39(4): Establishes the responsibility of every citizen to ensure the appropriate deposit of solid waste at indicated locations. • Art 39(5): Urges the creation of mechanisms to ensure the use of solid waste to produce alternative energy sources. • Art 40(1): Establishes the responsibility of the State for the creation and maintenance of landfills to prevent the contamination of groundwater and negative impacts on public health. • Art 41(1): Determines that the State will create the necessary means to ensure the appropriate treatment of domestic, commercial, and industrial wastewater and of sewage effluents. • Art 42(1): Prohibits the importation of hazardous waste. • Art 42(2): Subjects the identification, control, production, transportation, storage, exportation and use of hazardous waste to special legislation. <p>Timor-Leste's existing laws make only limited provision for the governance of wastewater, both in a sanitation context, and in terms of the polluting effects of runoff in coastal areas. Nonetheless, the definitions of 'waste' in environmental laws, such as Decree-Laws 26/2012 and 5/2011 would extend to liquid wastes and polluting wastewater.</p>
<u><i>Decree-Law 3/2016 - Statute of Municipal Administrations (municipal administrations and authorities to develop solid waste management systems)</i></u>	<u>Joint Ministerial Diploma 43/2017 (solid waste treatment systems)</u>	<p>Decree-Law 3/2016, the Statute of Municipal Administrations, establishes Municipal Administrations, such as the Municipality of Dili, to manage water and solid waste systems.</p> <p>The Joint Ministerial Diploma 43/2017, sanctioned by the Ministry of Public Works, Transport and Communications and the Ministry of State Administration (under Article 10) requires Municipal Administrations and Authorities to develop, construct and manage municipal solid waste treatment systems, appropriately coordinating with competent departments of the Central Administration.</p> <p>Article 11 requires Municipal Authorities to invest in wastewater and solid waste management systems in populated areas.</p>
<u><i>Decree-Law 5/2016 – National System of Protected Areas</i></u>	None identified.	This Decree-Law establishes the legal regime applicable to the creation and management of the National System of Protected Areas (SNAP). The legal regime established in this Decree-law is applicable to all national territory and waters under national jurisdiction, subject to the application of special regimes, regulated by international legislation.
<u><i>Decree-Law 2/2017 – Urban Solid Waste Management System</i></u>	None identified.	<i>Decree-Law 2/2017</i> approved the urban solid waste management system for the Municipality of Dili and other municipalities and territories. The Decree-Law requires municipalities to guarantee urban waste management where waste does not exceed 1100 litres per day per producer, and to ensure the adequate collection and transportation of waste, with a capacity for some

Legislation	Regulations	Description
		<p>municipalities to contract out these services. Until the enactment of <i>Decree-Law 2/2017</i>, there was no specific legislation for the establishment a waste management system in Timor-Leste.</p> <p><i>Decree-Law 2/2017</i> was, as a practical matter, seen to require installation of solid waste services for its instigation. A government press release from 8 May 2019 noted that a proposal for a resolution approving the procurement process for the implementation of the investment strategy for solid waste management in Dili had been approved by the Council of Ministers, which included proposals to upgrade technical equipment for waste services. Interview data indicated that there has been planning since 2017, with the support of the ADB, on the rehabilitation of the landfill in the city and levelling of the Tibar landfill.</p> <p>Article 6 of <i>Decree-Law 2/2017</i> describes urban green waste as a category of urban solid waste under. Under Article 23(3)(e), there are specific requirements for the disposal of green wastes.</p> <p>Article 7 of the Decree-Law deals with recoverable wastes, which covers all waste capable of being separated and whose transformation leads to a useful end, such as packaging, paper and cardboard, glass, used tyres, scraps, batteries, electrical and electronic equipment, and used cooking oils.</p> <p>Article 31 makes provision for collection of e-waste in response to a request made to the waste collection authority. The waste collection entity must respond within a maximum of 5 working days. Collection is to take place at a time, date and location agreed between the waste collection entity and the interested party, after the payment of a fee determined by the waste collection entity.</p>
<p><u><i>Decree-Law 18/2004</i></u> <u><i>– Private Health</i></u> <u><i>Units (as amended)*</i></u></p>	<p>None identified.</p>	<p><i>Decree-Law 18/2004</i> covers ‘private medical units’ including hospitals and clinics, providing for their licencing.</p> <p>Article 31 of this law provides that ‘hospitals or their subcontractors shall be responsible for observing the existing rules on the storage, treatment and elimination of hospital residues and they shall, in any event, ensure the destruction, by incineration or by another appropriate means, of contaminated residues or of residues susceptible to contamination in a way that does not endanger the public health and the environment’.</p> <p>Article 36 contains provisions for ‘residual waters’ from hospitals which must ‘undergo appropriate treatment in accordance with the legislation in force’ and hospitals must ‘be equipped with a disinfection treatment system of contaminated residual waters originating from the emergency services, hospitalisation of infectious patients and waste from sterilisation equipment’.</p>
<p><u><i>Decree-Law 21/2003</i></u> <u><i>- Quarantine and</i></u> <u><i>Sanitary Control on</i></u> <u><i>Goods Imported and</i></u> <u><i>Exported</i></u></p>	<p>None identified.</p>	<p>This decree establishes the basis of the juridical regime of quarantine with the objective of preventing and controlling:</p> <ul style="list-style-type: none"> • the introduction, establishment and propagation of exotic plagues and diseases and other harmful organisms in the national territory • protecting the environment, agricultural production, livestock, and aquiculture production originating from the country • controlling the already existing plagues and diseases in the country

Legislation	Regulations	Description
		<ul style="list-style-type: none"> • protecting human beings and the public health from diseases transmitted by animals, plants, or their derivatives, or by other organisms, in case. <ul style="list-style-type: none"> - any item, cargo, or merchandise, including live animals and plants, derivative products of animal or vegetal origin, machines, equipment and used vehicles is imported - Commercial or private ships originating from third countries and oceanic regions are present in the coastal waters, in the territorial sea, and in the national ports <p>Commercial or private aircraft originating from third countries are present in the national airports.</p>
<u><i>Decree-Law 4/2012 – Labour Law</i></u>	None identified.	Article 35 of <i>Decree-Law No. 4/2012</i> places a general obligation upon an employer to provide safe work conditions and this could include requirements to have safe handling procedures for asbestos.
<u><i>Decree-Law 14/2005 Statute of the Public Ministry (as amended by Law 11/2011)</i></u>	None identified.	sets forth the rules for the appointment, competence and operation of entities performing the power of authority of health surveillance. This is defined as the power of intervention of the State in defence of the public health by means of the management and elimination of risk factors and by the restrictive and corrective measure-taking about the situation capable of causing serious damage to the health of individuals or population clusters.
<u><i>Decree-Law 11/2019 – Organic Law of the Ministry of State Administration</i></u>	None identified.	<i>Decree-Law 11/2019</i> , the Organic Law of the Ministry of State Administration also establishes two Directorates: the Directorate-General for Administrative Decentralisation and the Directorate-General of Urban Organisation. The former is responsible for promoting the application, by local administrations, of legislation for solid waste management, while the latter is responsible for providing technical assistance to municipal authorities and municipal administrations, when requested, for the establishment and management of collection and treatment of urban solid waste.
<u><i>Decree-Law 3/2019 - Organic Law of the Ministry of Health</i></u>	None identified.	This Law creates the National Directorate of Family Health, in order to complement the attributions of the Minister of Health, defined in the Organic Structure of the 8th Constitutional Government, and mainly to better respond to the challenges faced in terms of primary health care, with the creation of legal and operational conditions that facilitate greater involvement of individuals and families in health activities
<u><i>Decree-Law 15/2019 - Organic Law of the Secretary of the Environment</i></u>	None identified.	<i>Decree-Law 15/2019</i> establishes two National Directorates, the National Directorate of Pollution Control, and the National Directorate of Climate Change. The Pollution Control Directorate is responsible for promoting, monitoring, evaluating and developing public policy related to pollution, which would include general responsibilities for wastes under pollution controls, The National Directorate of Climate Change is responsible for the formulation and implementation of policies to reduce emissions from chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) gases.
<u><i>Decree-Law 14/2019 - the Organic Law of the Ministry of the Interior</i></u>	None identified.	According to <i>Decree-Law 14/2019</i> , it is this entity that is responsible for preventing ‘catastrophes and serious accidents’ and providing protection and assistance to the affected populations. This Ministry also has responsibility for developing policies and strategies to manage disaster risk, and for emergency response and recovery after disaster, in conjunction with other competent authorities. It is likely that such response and operational responsibilities would extend to preparing for waste management in a disaster context.

Legislation	Regulations	Description
<u><i>Constitution of the Democratic Republic of Timor-Leste</i></u>	None identified.	<p>Timor-Leste has a civil law system. Its Constitution and many of its statutes are modelled on Portugal’s legal system. The importance attached to the environment by the country is reflected in Timor-Leste’s Constitution, adopted in 2002, which declares that one of the fundamental objectives of the State is: ‘[t]o protect the environment and to preserve natural resources’ (Art. 6).</p> <p>In addition, Article 61 of the Constitution provides:</p> <ul style="list-style-type: none"> • Everyone has the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations. • The State shall recognise the need to preserve and rationalise natural resources. • The State should promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy’. <p>The Constitution allows the National Parliament to delegate legislative authority on environmental matters to the Government (Art. 96(1)(h)). A delegation of this kind was put into effect by Law 3/2012, which sets broad directives for the Government to legislate on the protection of the environment. The Public Prosecutors Office has a role in compliance and enforcement, as do municipal authorities.</p> <p>The Constitution also establishes a Public Prosecutor’s Office (Public Ministry) that plays an important role in ensuring compliance with waste laws and in taking legal actions to enforce the relevant waste laws</p>

* A draft Decree-Law was recently approved by the Council of Ministers, which amended *Decree-Law 18/2004* on private health units, considering the COVID-19 situation in the country. This apparently revises the technical requirements necessary for the granting of licences for private health units, but it was not possible to ascertain if requirements applicable to hospital waste management were affected.

* The importance placed on addressing plastic waste in Timor-Leste is reflected in the country’s ‘Zero Plastic’ Policy. The aim is to make Timor-Leste the world’s first ‘plastic neutral’ country by 2030 by reducing the amount of plastic imported and recycling all plastic wastes. Interview data indicated that a draft Decree-Law on plastics, drafted by the Secretary of State for the Environment, will include a range of measures directed to plastic waste, including a prohibition on importation of non-recyclable plastics and in-country production of certain plastic objects (products). For those seeking to import or produce plastics, a 30% fee is to be paid.

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

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

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

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

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

Table 11: Notification, information sharing and reporting requirements of MEAs

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
Basel Convention	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). Ban Amendment (in force 5 Dec 2019) prohibits all transboundary movements of hazardous wastes from OECD countries to developing country parties.	Parties must notify Secretariat of wastes considered hazardous under national legislation and update as appropriate (Art. 3) 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).	Provision of information to other parties on import bans (Art.4 and Art. 13).	Obligation for annual national reports (Art. 13(3)).
Stockholm Convention	Mindful of the precautionary approach, to protect human health and the environment from persistent organic pollutants (Art. 1).	Notifications to Secretariat for registration of specific exemptions for import/ export (Art. 4) Obligation to designate national focal point for information exchange Art. 9(3) –	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).	Article 15 requires periodic reporting on national implementation measures. At the 1 st Conference of the Parties it was decided that national reports should be submitted every four years). Four reporting cycles since convention entered into force (2006, 2010, 2014, 2018). Fourth report was required to be submitted by 31 Aug 2018.

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).	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). 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). Notifications of export of listed chemicals (Art. 13).	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).	Notifications regarding export of mercury (Art. 3). Requirement for designation of national focal point for information exchange and notifications under article 3 (Art. 17).	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. Deadline for 1 st biennial short report 31 Dec 2019, 1 st long report 31 Dec 2021.

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).	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). Must designate one competent authority and one focal point (Art. 5). Notifications of transboundary movements of hazardous wastes (Art. 6).	Obligation to forward to Secretariat information on any illegal hazardous wastes import activity in jurisdiction (Art. 4). Obligation to provide information to Secretariat on changes to competent authorities/ focal points or changes to national definitions of hazardous wastes (Art. 7).	Requirement to submit 'such reports as COP may require' regarding hazardous wastes generated in jurisdiction (Art. 4). 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.

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
- 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 12 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 13 describes how the existing and pipeline waste management legislation of participating countries maps against these general models.

Table 12: 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 [EPAAct]</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 Water Authority (Catchment Areas) Regulation 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 -Tourism Development Act 2012 (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 13: 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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