



# Stocktake of Existing and Pipeline **Waste Legislation:** SOLOMON ISLANDS



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# About this Report

## Introduction and Acknowledgements

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

## Methodology

4. The methodology used by the UoM team to prepare this report was primarily based on desktop research using publicly available online resources about waste management laws in the participating countries.
5. Particular databases drawn for the research included those maintained by PacLII, EcoLEX, SPREP, InforMEA and FAOLEX, as well as the websites of government departments and other agencies administering waste and other environmental laws in the participating countries.
6. Available online sources do not always contain the most up-to-date legislation or may be incomplete. Where possible, the UoM team drew on contacts with parliamentary libraries in the participating countries to source more recent legislation. However, it is not possible to say with certainty that all relevant legislation, or the most current versions, were identified in the desktop review.
7. For identifying proposed legislation, the UoM team relied on an online survey sent out to 110 in-country contacts in the participating countries (with a 21% response rate to date), as well as interviews with in-country contacts (in Vanuatu, the Solomon Islands, Federated States of Micronesia and Samoa only at the time of preparing this report). Further in-country trips and interviews are planned across the remainder of the project period.

## Outline of Report

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

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

# Legislative Summary

## Overview of the legal system

1. The Solomon Islands is an archipelagic state situated in the south-west Pacific Ocean. Its land mass of 28,400 km<sup>2</sup> extends over nearly 1000 islands comprising nine main island groups. The population is estimated to be around 685,000. The official language is English but Melanesian pidgin is the most commonly spoken language. There are about 120 indigenous languages.
2. Between 1893 and 1900 Britain gained control over all the islands in what is now the Solomon Islands. They became a British Protectorate, named the British Solomon Islands. On 2 January 1976 the country became self-governing, proceeding to full independence from Britain on 7 July 1978.
3. Solomon Islands is a constitutional monarchy and a parliamentary democracy based on the Westminster system. The administrative regions of the Solomon Islands consist of nine provinces and one city (Honiara).
4. The Head of Government is the Prime Minister. The legislative branch is the unicameral National Parliament. There is a three-tiered system of general courts as well as Local Courts for customary law and minor local disputes and Customary Land Appeal Courts.
5. The Solomon Islands has a mixed system of common law and local customary law. Sources of law are the Constitution (as the supreme law), legislation (e.g. Acts of the National Parliament and from the United Kingdom), common law and customary law.

## Legislation impacting waste governance

6. Responsibilities for waste and environmental management exist within a range of legislation and regulations, but no single point of control exists to regulate planning and operation.
7. An analysis of the main national waste situation has been undertaken in the National Waste Management and Pollution Control Strategy 2017-2026.
8. The following tables provide a stocktake of the existing legislative environment for waste management in the Solomon Islands located in the UoM desktop review. Each table includes hyperlinks (current as of the date of this report) to electronic versions of these instruments.
  - Table 1 details the legislation relevant for waste management and governance in the Solomon Islands found through the UoM's stocktake research.
  - Table 2 lists the key policy instruments and reports.
  - Table 3 notes the relevant departments with waste management responsibilities.

**Table 1: Legislation impacting waste governance in the Solomon Islands**

Legislation	Regulations
<p><b>Environment Act 1998 (in force September 2003)</b></p> <p>In section 3(c)(ii), objects of the Act include to regulate the transport, collection, treatment, storage and disposal of wastes and to comply with and give effect to regional and international conventions and obligations relating to the environment.</p> <p>Section 5 establishes an Environment and Conservation Division consisting of a Director and Environmental Inspectors who enforce provisions of the Act.</p> <p>Waste is dealt with in Part IV Control of Pollution.</p>	<p><u>Environment Regulations 2008</u></p> <p>Part 5 details the considerations the Director must take in approving a licence application for waste discharge.</p> <p>Regulation 14(1)(d) states the Development may issue a Development Consent if satisfied that ‘the proposed prescribed development will not contravene any relevant environmental obligation under any international treaty, convention or instrument to which Solomon Islands is a party’.</p> <p>Under r 18(1)(c), an appeal may be made against a decision of the Director under s 32 of the Act on the grounds the decision was ‘inconsistent with any international treaty, convention or regional arrangement to which Solomon Islands is a party to’.</p> <p>Regulation 23(1)(c) states the Director may issue a license in Form 8 (a license to discharge waste) if ‘the amendment will not contravene any environmental obligation under any international treaty, convention or arrangement to which Solomon Islands is a party’.</p> <p><u>Environment Regulation (Amendment) Regulation 2014</u></p> <p>Alters prescribed fees.</p>
<p><b>Environmental Health Act 1980 (version as at 1996)</b></p> <p>Section 24 states wastewater flow into streets or similar areas constitutes a nuisance.</p> <p>Section 80 states waste discharge into a public sewer or drain is an offence.</p> <p>Section 94 prohibits depositing waste in water sources of urban sanitary districts.</p>	<p>None identified.</p>
<p><b>Forest Resources and Timber Utilisation Act 1990 (version as at 1996)</b> <b>Forest Resources and Timber Utilisation (Amendment) Act 2000</b></p> <p>Section 13(g) allows the Minister to make regulations for the disposal of waste products and the protection of the environment.</p>	<p><u>Forest Resources and Timber Utilisation (Prescribed Forms) Regulations LN 42/1978</u></p> <p>Provision for penalties but none relevant to waste.</p>
<p><b>Honiara City Act 1999 (as at 1999)</b></p>	<p><u>Honiara City Council (Litter) Ordinance 2009</u></p>

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



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

Policy	Description
<b>National Development Strategy 2016-2035</b>	Objective 4 is resilient and environmentally sustainable development. Medium-Term Strategy 11 is to promote a holistic, sustainable approach to waste management. Percentage of urban households with regular solid waste collection 'to be developed'.
<b>National Implementation Plan for Stockholm Convention on Persistent Organic Pollutants 2018</b>	Submitted in fulfilment of Solomon Islands obligations as a party to the Stockholm POPs Convention.
<b>National Solid Waste Management Strategy 2009-2014</b>	Predecessor to National Waste Management and Pollution Control Strategy 2017-2026.
<b>National Waste Management and Pollution Control Strategy 2017-2026</b>	Comprehensive overview of waste sources, legal frameworks, issues and objectives.
<b>Rural Water Supply, Sanitation and Hygiene Policy 2014</b>	Government policy on improvement of Rural Water Supply, Sanitation and Hygiene standards.
<b>Strategic Plan for Rural Water Supply, Sanitation and Hygiene 2015-2020</b>	Strategic plan to improve water supply, sanitation and hygiene (WASH) in rural areas.

  

Reports	Description
<b>Baseline Study for the Pacific Hazardous Waste Management Project – Healthcare Waste: Solomon Islands 2014</b>	Document prepared for SPREP, with focus on healthcare waste. Analysis of various hospitals in Solomon Islands and key issues, including recommendations.
<b>Eco-Bag Pilot Project Report 2016</b>	Report on the program to reduce use of plastic bags. Includes section on institutional/regulatory/legislative framework, methodology and results of the eco-bag pilot, as well as issues and recommendations.
<b>Honiara Waste Characterisation Audit Report 2011</b>	Audit of waste found in homes and businesses in Honiara. Identifies issues in waste management and gives recommendations.
<b>PacWaste E-Waste Country Assessments – Solomon Islands Country Report Extract 2014</b>	Analysis of progress and possibility of e-waste recycling in Solomon Islands.
<b>Public Environment Report (Ranadi Dumpsite Environment Impact Assessment) 2013</b>	Environmental impact assessment for Ranadi dumpsite rehabilitation in Honiara.
<b>Review of Natural Resource and Environment Related Legislation: Solomon Islands (SPREP) 2018</b>	SPREP review of environment-related legislation in 2018. Includes section on Waste Management and Pollution.
<b>Solid Waste Management in Honiara 2008</b>	Outlines the sources of waste in Honiara and the various forms of storage and collection. Includes current issues with the system and recommendations.
<b>Solid Waste Management in the Pacific: Solomon Islands Country Snapshot 2014</b>	Asian Development Bank overview of solid waste management in Solomon Islands as part of wider Pacific project.
<b>Solomon Islands Profile in the Solid Waste and Recycling Sector 2018</b>	Data on solid waste and recycling in Solomon Islands.
<b>SPREP Solid Waste Management Project 2000</b>	Previous SPREP project on solid waste management in Solomon Islands. Includes various details of solid waste on Solomon Islands and an integrated solid waste management plan.

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

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

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

# Pipeline activities

1. The following sections provide details of identified pipeline legislative activities for waste management and governance in the Solomon Islands, summarised in Table 4 below.
2. Information on pipeline activities was located through the desktop review together with interviews with in-country stakeholders and from data collected in the online survey.
3. One survey respondent identified a large number of ongoing pipeline activities in the Solomon Islands including: development of a healthcare waste policy, a Honiara City Council litter by-law, a section on nuisance in the Environmental Health Act, development of a National Waste Strategy for the period 2021-2025, and reviews of the Solomon Islands Water Authority Act and River Waters Act.
4. Another identified priority area for the Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM) is new guidelines for disaster waste management, due to be launched in 2020.
5. There are a number of ongoing projects and initiatives relating to plastic waste. For instance, the Western province has moved to ban single use plastic bags and have endorsed an action plan for this purpose. There was a pilot program run in 2016 on eco-bag alternatives by MECDM but it is unclear if this has led to further efforts. In the community, an innovative initiative is PlasticWise Gizo, which seeks to educate communities on waste management and turns plastic waste into colourful handicrafts.,

**Table 4: Pipeline activities for the Solomon Islands**

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

# Stocktake of Relevant Multilateral Environmental Agreements

1. The relevant multilateral environmental agreements for the stocktake were the:
  - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention);
  - Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);
  - Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention);
  - Minamata Convention on Mercury (Minamata Convention); and
  - Convention to ban the Importation of Hazardous and Radioactive Wastes into Forum Island Countries and to Control the Transboundary Movement and Management of Hazardous Waste within the South Pacific Region (Waigani Convention).
2. The Table below provides details of the membership of Solomon Islands in these MEAs. Specifically, it lists:
  - The relevant MEAs to which Solomon Islands is party and the date the MEA was in effect;
  - Details of designated national authorities (DNAs) or national focal points for these MEAs; and
  - Details of any implementing legislation or policies for the relevant MEA.

**Table 5: MEAs and implementing legislation**

MEA	In effect for country	Designated National Authority or National Focal Point	Implementing legislation
<b>Stockholm Convention</b>	26 Oct 2004	Not specified	No specific implementing legislation but see <a href="#">National Implementation Plan for Stockholm Convention on Persistent Organic Pollutants 2018</a>
<b>Waigani Convention</b>	21 Oct 2001	Director Environment and Conservation Division Ministry of Environment, Climate Change, Disaster Management and Meteorology PO Box 21, Honiara Solomon Islands Telephone: (677) 28611 Fax: (677) 22824 E-mail: <a href="mailto:horokoujoe@gmail.com">horokoujoe@gmail.com</a>  Dr. Melchior Mataka Permanent Secretary Ministry of Environment, Climate Change, Disaster Management and Meteorology PO Box 21, Honiara Solomon Islands Telephone: (677) 27751/23031 E-mail: <a href="mailto:psmataka@mecm.gov.sb">psmataka@mecm.gov.sb</a>	No specific implementing legislation.
<b>Basel Convention</b>	Not party.		
<b>Rotterdam Convention</b>	Not party.		
<b>Minamata Convention</b>	Not party.		



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