



## KIRIBATI

# REVIEW OF NATURAL RESOURCE AND ENVIRONMENT RELATED LEGISLATION

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Secretariat of the Pacific Regional Environment Programme (SPREP)  
and  
EDO NSW

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## INTRODUCTORY NOTE

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The following review, prepared jointly by the Secretariat of the Pacific Regional Environmental Programme (SPREP) and the Environmental Defenders Office Ltd (EDO NSW), updates and builds on the reviews conducted in the early 2000s under the International Waters Project.

The review offers a brief overview of environmental legislation in force in each Pacific Island country identified and is current as of January 2018.

A number of sources were referenced for this update, including:

- Prior reviews prepared by SPREP;
- Pacific Islands Legal Information Institute – Paclii;
- ECOLEX - an information service on environmental law, operated jointly by FAO, IUCN and UNEP; and
- Government websites.

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This review is for information purposes only. It is not intended to be a complete source of information on the matters it deals with. Individuals and organisations should consult a local lawyer for legal advice on specific environmental matters.

If you have any feedback in relation to this review, please forward your comments to: [registry@sprep.org](mailto:registry@sprep.org).

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**TABLE OF KEY ENVIRONMENTAL LEGISLATION**

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**ENVIRONMENTAL LAW, PLANNING AND ASSESSMENT***Building Act 2006**Environment Act 1999**Land Planning Ordinance 1977**Neglected Lands Ordinance 1959***BIODIVERSITY CONSERVATION AND NATURAL RESOURCES***Biosecurity Act 2011**Environment Act 1999**Fisheries Act 2010**Marine Zones (Declaration) Act 2011**Measures to Combat Terrorism and Transnational Organised Crime Act 2005**Mineral Development Licensing Ordinance 1978**Phoenix Islands Protected Area Conservation Trust Act 2009**Phoenix Islands Protected Area Regulations 2007**Recreational Reserves Act 1996**Treaty of Friendship and Territorial Sovereignty – Tarawa Treaty 1979**Wildlife Conservation Ordinance 1975 – Birds Fully Protected Throughout the Gilbert Islands Order 1979***OTHERS***National Disaster Act 1993*

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## CONSTITUTIONAL AND ADMINISTRATIVE STRUCTURE

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### 1.1. Legal System

Kiribati attained independence on 12 July 1979 by the Kiribati Independence Order 1979 made by the British Privy Council. On that occasion the country was provided with a written Constitution which was stated to be the supreme law. A new elected legislative body was also established under the supreme law but the existing laws were retained until repealed by the legislative body.

#### *Laws of Kiribati Act 1989*

Ten years later the *Laws of Kiribati Act 1989* was enacted to define the laws of the country, and to provide for the extended application of customary law. Consequently the laws of Kiribati after independence can be summarised as follows:

- Constitution of Kiribati
- English common law and equity - except to the extent that it is inconsistent with the Constitution or legislation or subsidiary legislation in force in Kiribati, or with customary law
- Acts of the Maneaba ni Maungatabu
- Subsidiary legislation
- Customary law
- British Acts of Parliament, Orders of the Queen in Council and subsidiary legislation - in force in Kiribati immediately before 12 July 1979 until repealed by Act of the Maneaba ni Maungatabu

### 1.2. The Constitution

The Constitution of Kiribati of 1979 establishes a parliamentary republic whose national government shall be organised as follows:

- A legislative branch, the Maneaba Ni Maungatabu: which is a unicameral assembly composed by 41 members that serve for four-year terms (39 elected by popular vote, one member nominated ex officio, and one nominated to represent the Banaba Island).
- An executive branch formed by the President, which performs both the role of head of State and head of Government, and the Cabinet. The President is elected by popular vote for a four-year term while the Cabinet is appointed by the President from among the members of the House of Assembly, and includes the President, Vice President, Attorney General, and up to eight other ministers.
- A judicial branch.

The Constitution vests ownership of Kiribati's resources in the people and their Government, but does not have any other specific reference to the environment.

### 1.3. Customary Law and Traditional Practices

Customary law shall have effect as part of the law of Kiribati, except to the extent that it is inconsistent with an enactment or an applied law published under section 11 of the *Laws Of Kiribati Act (No. 10 Of 1989)*. Customary law comprises the customs and usages existing from time to time, of the natives of Kiribati. As in the other Pacific Island Countries (PICs), customary law in Kiribati is particularly important for the determination of boundaries of, and titles to, customary land.

## 1.4. Local Government

Local Government Councils are established by the Minister responsible under the *Local Government Act 1984* with precise functions. Functions of Local Government Councils related to the environment and natural resources include:

- Controlling plant diseases, weeds and pests;
- Controlling methods of animal husbandry;
- Limited land management;
- The improvement and regulation of fishing;
- Building guidelines; and
- Sanitation, water and pollution.

### *Local Government Act 1984 (amended in 2013)*

For administrative purposes, the country has been divided into three geographical units (Gilbert Islands, Line Islands, Phoenix Islands), six districts (Banaba, Central Gilberts, Line Islands, Northern Gilberts, Southern Gilberts, Tarawa) and 21 island councils - one for each of the inhabited islands (Abaiang, Abemama, Aranuka, Arorae, Banaba, Beru, Butaritari, Kanton, Kiritimati, Kuria, Maiana, Makin, Marakei, Nikunau, Nonouti, Onotoa, Tabiteuea, Tabuaeran, Tamana, Tarawa, Teraina).

The *Local Government Act 1984* provides for the establishment of Local Governments. The Act provides that the councils, composed by locally-elected members, have important functions of administration and control within the area of their authority, but also have an important role in the conservation and management of the environment and resources, having to fulfill functions in the fields of:

- a) agriculture, livestock and fisheries;
- b) buildings and planning;
- c) forestry and trees; and
- d) land management.

Although the Minister responsible has a power of veto, a council may enact bye-laws, which have the force of law in the area of authority of the council, to assist in performing their functions. Bye-laws must be made available for public discussion prior to adoption.

The geographic dispersion of the islands appears to allow considerable freedom for the districts, with councils having wide taxing powers, including for land taxes, and the ability to draw up their own estimates of revenues and expenditures.

## ENVIRONMENTAL LAW, PLANNING AND ASSESSMENT

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### 2.1. National Environmental Law

#### *Environment Act 1999 (amended in 2007)*

Kiribati has adopted national environmental legislation in the form of the *Environment Act 1999* to provide for the protection, improvement and conservation of the environment of the Republic of Kiribati. The Act addresses the main issues related to the environment in an integrated manner, with principal provisions to guide the management of the environment within the country.

The Act focuses on controlling pollution and the impacts of development. Significant amendments were made to the 1999 Act with the *Environment (Amendment) Act 2007*. These amendments included replacing major parts of the Act, and adding to the objectives of the Act in order to implement international agreements, specifically:

- the *Convention for the Protection of the World Cultural and National Heritage*;
- the *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter*; and
- the *Convention on Biological Diversity*.

The objectives, outlined in Section 3 of the Act, are:

- (a) to provide for and establish integrated systems of development control, environmental impact assessment and pollution control;
- (b) to prevent, control and monitor pollution;
- (c) to reduce risks to human health and prevent the degradation of the environment by all practical means, including the following -
  - i) regulating the discharge of pollutants to the air, water or land;
  - ii) regulating the transport, collection, treatment, storage and disposal of wastes;
  - iii) promoting recycling, re-use, reduction, composting and recovery of materials in an economically viable manner; and
  - iv) to comply with and give effect to regional and international conventions and obligations relating to the environment;
- (d) protecting and conserving the natural resources threatened by human activities, particularly those resources of national and ecological significance as may be classified under the categories of terrestrial vegetation, coral, fish and marine life;
- (e) to comply with and give effect to regional and international conventions and obligations relating to the environment;
- (f) to provide for the protection, conservation and use of the environment;
- (g) to promote sustainable development;
- (h) to control, manage and regulate hazardous substances;
- (i) to promote the conservation and sustainable use of biological diversity; and
- (j) to protect, conserve and promote heritage.

The function to giving directions and policy guidelines under the Act remains with the Ministry of Environment, Lands and Agricultural Development. The Minister shall appoint a Principal Environment Officer who may exercise powers, functions and perform duties to administer and implement the Act, supported by environment inspectors who gather evidence and ensure compliance with the Act.

## 2.2. Environmental Impact Assessment

### *Environment Act 1999*

Part III of the *Environment Act 1999* outlines obligations and offences under the Act, including those that relate to environmentally-significant activities.

Key provisions of the Act include:

- |         |  |
|---------|--|
| Part IV | Deals with environmental licences including: <ul style="list-style-type: none"> <li>• application processes (section 31) and considerations (sections 32, 37);</li> <li>• requirements for Environmental Impact Assessment Reports (sections 33, 36);</li> <li>• amendments to proposed activities (section 35); and</li> <li>• conditions for environmental licences (section 38).</li> </ul> |
|---------|--|

#### Section 37(2)(a)

In considering an environmental impact assessment report and making a decision on an application for an environmental licence for a proposed activity or development, the

Principal Environment Officer must be guided by the principles of sustainable development.

Section 33(4) Provides that all the costs and expenses incurred for monitoring the impacts of a prescribed development should be covered by the developer.

### 2.3. Land Tenure, Planning and Zoning

In Kiribati, as in all the Pacific Islands, environmental management and resource conservation requires the co-operation of landowners. It is important that customary land use is understood if environmental management is to be effective, as customary land tenure touches on all aspects of social organisation (including kinship, adoption, marriage, and group affiliations) which involve the ownership, use and conveyance of land in one way or another.

#### *Native Lands Ordinance 1956 (amended in 2013)*

The *Native Lands Ordinance 1956* governs the ownership of native lands in Kiribati.

Key provisions include the following:

- Section 2 Native is defined as “any aboriginal inhabitant of the islands and a descendent of any aboriginal inhabitant, whether wholly or partly of aboriginal descent who has not acquired non-native status under the Native Status Ordinance”.
- Section 4 Title to native land registered by the Native Lands Commission and the Magistrate’s Court is indefeasible.
- Section 5 Native land owned by a native or natives in each of the 18 islands of Kiribati cannot be alienated to a person who is not a native. It does not restrict alienation to the Crown, a Local Government Council, the Housing Corporation, a registered society under the Cooperative Societies Ordinance or the National Loans Board.

The traditional rules of land tenure are included in the *Gilbert and Phoenix Islands Land Code*, a collection of practices relating to disposal, transfer and inheritance of native land (including fish ponds and fish traps) collected by members of the colonial administration and codified by the *Native Lands Ordinance*.

#### *Neglected Lands Ordinance 1959*

The *Neglected Lands Ordinance 1959* provides for the purchase of lands that, in the opinion of the Minister responsible, are neglected. “Neglected” in this sense means land that is suitable for agriculture that is not fully or efficiently utilised. Section 3 restricts transfer of such land to indigent natives or for sale or gift to Local Government Councils.

Two other laws, the *State Acquisition of Lands Act 1986* and the *State Lands Act 2001* also provide for the establishment of tenure and administration for state-owned lands on the Islands where development and settlement is to be encouraged.

#### *Land Planning Ordinance 1977 (amended in 1980 and 2000)*

This *Land Planning Ordinance* provides for the control of land use and development. Section 4 establishes a Central Land Planning Board, with the function of designating any area for the purposes of controlling development, and to prepare a general land use plan for it. Local planning boards were also established with the objective to support the Central Board. Under section 16, the public is to be advised of land use plans.

As a result, for any designated area, any person wishing to develop or redevelop land can apply for permission from the local board for that area.

### ***Building Act 2006***

This Act was adopted in 2006 and seeks to implement measures to significantly improve the safety and standards of construction work in Kiribati. The Act requires a building code to be developed as subsidiary legislation of the Act to provide for basic requirements and standards of structural sufficiency and safety.

Substantive provisions of the Act include:

- Section 7      Building work must be carried out according to the building code.
  
- Sections 15    Approval for building work to which the Act applies must first be obtained from the Minister and the work must comply with the terms of the approval. Importantly, it requires that sustainability reports be included in an application for approval for buildings with an estimated cost of \$200,000 or more. This enables the Minister to assess the environmental impact of the building work and the sustainability of its design.
  
- Section 19    A sustainability report must include:
  - expected electricity usage of the building and details of building features designed to conserve or generate electricity;
  - expected water usage of the building, and details of building features designed to conserve or collect water;
  - details of building features designed to reuse waste water;
  - details of materials to be used in the building including:
    - i) durability;
    - ii) the environmental impact of sourcing the materials; and
    - iii) whether the materials can be reused or recycled at the end of the building's life;
  - details of:
    - i) the waste that will be generated by the construction process;
    - ii) measures to minimise the waste; and
    - iii) procedures for dealing with the waste;
  - details of building features designed to improve indoor air quality;
  - details of how the building has been designed for additions and reconstruction;
  - consideration of the effects that climate change may have on the building; and
  - any other matter as may be prescribed by regulation.

## **BIODIVERSITY CONSERVATION**

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### **3.1. Conservation and Protection of Natural Resources**

Nationally, there are multiple pieces of legislation that help meet the objectives of the *Convention of Biological Diversity*, particularly where biodiversity conservation and management is concerned. Most of these statutes are administered by the Ministry of Environment, Lands and Agricultural Division (MELAD).

***Environment Act 1999 (amended 2007)***

The *Environment Act 1999* includes legal provisions for conservation, in which it prescribes coral reefs, mangroves, and sea grass as protected ecosystems. Before the 2007 amendment, the Act failed to include conservation and thus was limited.

Key provisions include the following:

Sections 40-43	Allows for the prescription of protected species and protected areas through regulation by the Minister.
Sections 45-46	The management of protected areas is the responsibility of the Principal Environment Officer, with assistance from management committees.
Sections 47-48	Responsibilities of the Minister include the creation of management plans and nomination of any World Heritage Areas.
Section 26	Sets out a number of offences applying to protected areas including if a person engages in conduct which results in: <ul style="list-style-type: none"> <li>• harm to an organism in a protected area; or</li> <li>• harm to environment in a protected area, other than in accordance with an environment licence or management plan for the area.</li> </ul>

***Wildlife Conservation Ordinance 1975 (amended in 1997)***

The Ordinance was originally passed in 1975 to provide for the conservation of wildlife within the Gilbert Islands of Kiribati.

The main provisions include:

Section 3	Declaration by the Minister of fully and partially protected birds and other animals (not including fish).
Section 5	Prohibition of hunting of those birds and other animals (not including fish).
Section 6	Prohibition of searching for or damaging the eggs and nests of those animals.
Section 7	Prohibition of hunting wild turtles on land.
Section 8	Declaration by the Minister of wildlife sanctuaries and closed areas.
Section 9	Prohibition of possessing unlawfully acquired fully and partially protected birds and animals.
Section 10	Offences related to these prohibitions.
Section 14	Creation of regulations for licences and to carry into effect the provisions of the Ordinance.

Schedule 1 of the Ordinance lists the local names, English names and scientific names of birds that are fully protected throughout Kiribati, and Schedule 2 lists the same for animals that are fully protected within the areas specified. It is worth noting that there is no definition of turtle in the Ordinance but the specific inclusion

of a provision relating to turtles indicates that they are not included in the definition of fish and would therefore be protected within the wildlife sanctuaries.

Schedule 2 also lists Birnie Island, Christmas Island, Malden Island, McKean Island, Phoenix Island, and Starbuck Island as declared wildlife sanctuaries. It also lists the areas that are declared closed areas.

### *Phoenix Islands Protected Area Regulations 2007*

The Phoenix Islands Protected Area (PIPA) is the largest designated MPA in the world and is also a UNESCO World Heritage Listed site. PIPA encompasses the Phoenix Island Group, covering an area of 408,250 km<sup>2</sup> of marine and terrestrial habitats in the Southern Pacific Ocean. It is home to approximately 500 species of fish, 200 species of coral, 18 species of marine mammals, and 44 species of birds.

Kiribati first declared creation of PIPA at the 2006 Conference of the Parties to the *Convention on Biological Diversity* in Brazil. PIPA was established through the Phoenix Islands Protected Area Regulations 2008, in accordance with the *Kiribati Environment (Amendment) Act 2007*. The PIPA Regulations define 'protected area' to mean "large, zoned, multi-use land and marine areas managed for conservation and sustainable use under IUCN Category 1b - Wilderness Area". The Government of Kiribati is responsible for the development of the PIPA Management Plan under the *Environment Act 1999*.

### *Phoenix Islands Protected Area Conservation (PIPA) Trust Act 2009*

This legislation was enacted to establish a specific Trust, to support the administration, management and operation of the Trust, and ensure that exploitation of PIPA resources remains limited or prohibited. Development of a PIPA management plan is provided for under the *Environmental Act 1999*.

Relevant provisions include the following:

- |            |  |
|------------|--|
| Section 6  | The Trust's primary activity is to use trust assets to provide support for: <ul style="list-style-type: none"> <li>• administration and operation of the Trust;</li> <li>• management of the Phoenix Islands Protected Area; and</li> <li>• ensuring that exploitation of the resources of the Phoenix Islands Protected Area remains limited or prohibited.</li> </ul>  |
| .Section 7 | The Trust's secondary activity is to use trust assets to provide support for: <ul style="list-style-type: none"> <li>• sustainable development activities relating to the PIPA;</li> <li>• long term data gathering and analysis, documentation and information sharing relating to the PIPA;</li> <li>• collaboration with local government and natural resources institutions and other interested parties to build a national commitment to environmental conservation;</li> <li>• supporting environmental awareness and education programs that promote biodiversity conservation in Kiribati;</li> <li>• activities similar to those the Trust pursues with respect to the PIPA in other protected areas within Kiribati; and</li> <li>• activities relating to the conservation of the environmental, cultural and historic resources of Kiribati for the benefit of the public.</li> </ul> |
| Part III   | The Trust is governed by a Board of Directors, which reviews performance under the PIPA Management Plan.   |
| Section 22 | Revenue for the Trust can be generated from a range of sources including: <ul style="list-style-type: none"> <li>• public and private donations from national and international sources;</li> </ul>  |

- budgetary allocations from the Government;
- foreign aid funds;
- fees, levies, taxes and fines that are specifically allocated to the Trust by national Laws, regulations or executive orders; and
- other appropriate sources.

Section 26 There shall be a Conservation Contract between the Trust and the Government to set forth the terms of performance and payment, such as payments to the Government for reasonable compensation for loss of revenue occasioned by measures to limit or prohibit the exploitation of PIPA resources.

### ***Recreational Reserves Act 1996***

The *Recreational Reserves Act 1996* has significance for the conservation of biodiversity within Kiribati. The Act provides for the establishment of reserves for recreational purposes. The Minister has the power to declare a recreational reserve under the Act by notice and with the advice of the Cabinet. The Minister may make regulations with the advice of Cabinet to prescribe any condition or restriction he/she may consider necessary for the protection, preservation and maintenance of natural, historical, scientific or other valuable features of the area. Section 12 prescribes offences around act that could impact on the environment and interfere with its sustainable and sound management.

## **3.2. Biosecurity**

### ***Biosecurity Act 2011***

The *Biosecurity Act* entered into force in 2011 and repeals two quarantine-related laws through section 107:

- (1) the *Importation of Animals Ordinance 1919*, and
- (2) the *Plants Ordinance 1976*.

The relevant parts of the Act include:

- |             |  |
|-------------|--|
| Parts 2-5   | Establishes a regime to control the import and export of regulated pests and diseases.   |
| Part 6      | Sets out the biosecurity functions of the Government.  |
| Parts 8-9   | Provides powers to control outbreaks of regulated pests and disease within Kiribati.   |
| Part 10     | Designation of a Director of Biosecurity and biosecurity officers. These will be existing public officers in the Ministry of Agriculture. The Director will have the functions set out in Section 75. The powers of biosecurity officers are set out in Parts 6 and 7. |
| Parts 11-13 | Miscellaneous and legal provisions, including enforcement procedures.  |

## **3.3. Marine and Coastal Resources**

Fisheries is the most exploited natural resource within the country, with \$158.8 million of revenue from fishing licences in 2016, amounting to 75% of total government revenue (Ministry of Finance & Economic Development, 2017).

### ***Marine Zones (Declaration) Act 2011***

In 2011, the Republic of Kiribati adopted a new *Marine Zone (Declaration) Act* in order to make provisions in respect of the internal waters, the archipelagic waters, the contiguous zone, the territorial sea, the exclusive economic zone, and the continental shelf of Kiribati.

This Act repealed the *Marine Zones (Declaration) Act 1983* which lacked sufficient provisions for the establishment of the maritime zones in Kiribati, and consequently implicated the management of Kiribati's ocean space.

### ***Fisheries Act 2010***

The *Fisheries Act 2010* was enacted to repeal the existing *Fisheries Ordinance 1979* and to incorporate all amendments to the previous legislation enacted over the years. It provides for the conservation, management and development of Kiribati fisheries and the control of foreign fishing. Moreover, it implements regional and international obligations from treaties to which Kiribati is party.

The principal objectives of the Act are:

- a) To promote the sustainable management of the fisheries of Kiribati and the development and use of fisheries resources for the benefit of Kiribati, including the recovery of fees that reflect the value of the resource; and
- b) To protect fish stocks and the marine environment of Kiribati.

The Act also concerns:

- the licencing of local and foreign fishing vessels, aquaculture and fish processing establishments;
- international agreements;
- the protection of customary rights;
- the prohibition of driftnet fishing and destructive fishing methods; and
- instruments of enforcement.

Fisheries fall under the responsibility of the Ministry of Fisheries and Marine Resources Development (MFMRD). The Director of Fisheries is required to prepare a management plan for each of the Designated Fisheries, as designated by the Minister under the Act. Amendments in 2017 extended the definition of Director of Fisheries to include the Director of Coastal Fisheries, Director of Licensing and Compliance, and Director of Seafood Verification.

## **3.4. Mining and Minerals**

Apart from mining for coral or sand for building purposes (including road construction under the *Foreshore and Land Reclamation Ordinance 1969*), no-one is permitted to search for or extract minerals except under licence granted by the Minister under the *Mineral Development Licensing Ordinance 1978*. Such activities are restricted to persons from the Gilbert Islands or to companies or corporations that are incorporated in the Gilbert Islands and registered under the *Companies Registration Ordinance*.

Licences issued under the *Mining Development Licensing Ordinance 1978* require environmental impact assessments to be incorporated in prospecting and mining ventures in Kiribati.

## **3.5. Waste Management and Pollution**

MELAD's Environment and Conservation Division (ECD) is responsible for enforcing the *Environment Act 1999* (amended in 2007). The ECD division works through a Chemical and Waste Management Unit, which is responsible for monitoring pollution and improving solid and hazardous waste management. However,

vague references to waste disposal in Kiribati's legislation practically limit the capacity of the country to effectively manage waste.

### *Environment Act 1999*

Part IV of the *Environment Act* is dedicated to pollution control. It prohibits any form of pollution or discharge of waste in the environment, unless particular licences with specific conditions are issued and the activities are carried out in accordance with it. Environmental inspectors are appointed for enforcement and monitoring, with powers to enforce against:

- Littering and excessive emissions from vehicles - maximum \$500 fine and one month imprisonment.
- Pollution of waters - maximum \$100,000 fine and five years' imprisonment.
- Dumping in sea or lagoon - maximum \$10,000 fine and two years' imprisonment.

MELAD had also formulated the National Solid Waste Management Strategy in 2007, with the assistance of SPREP and prepared the Kiribati Integrated Environment Policy in 2012.

The responsibility for managing waste collection and disposal in landfills lies with the local government councils within their respective areas of authority. The Ministry of Internal and Social Affairs is the conduit through which the central government provides funding to local governments. Moreover, under section 39 of the *Local Government Act 1984* (amended in 2013), a council is empowered to charge fees to the public, only if a relevant bye-law is in place.

## 3.6. Marine Water Pollution

Although Kiribati has ratified most of the principal IMO Conventions to prevent marine pollution by dumping and marine accidents, the country has not adopted adequate legislation at a national level to implement their international obligations.

## OTHER

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## 4.1. Disaster Risk Management

### *National Disaster Act 1993*

Responsibility for disaster risk management falls under the Office of the President. There is no disaster plan, however, a National Strategic Risk Management Unit (NSRMU) has been established within the Office.

The principal object of the *Natural Disaster Act 1993* is to provide for the organisation and management which is necessary to ensure mitigation of, preparedness for, response to and recovery from disasters in Kiribati. The Act defines a disaster as "actual or imminent occurrence of an event which endangers or threatens to endanger the safety or health of any communities or persons in Kiribati, or destroys or damages, or threatens to destroy or damage, any property in Kiribati". The following types of natural disasters are included in the Act:

- a cyclone;
- a flood or tidal waves;
- a tsunami;
- an earthquake;
- a volcanic eruption;
- a drought;
- an air disaster;
- a maritime disaster;
- a major civil accident (such as a major fire or bush fire or explosion);

- a plague or epidemic; or
- any other similar natural or manmade event.

Relevant provisions of the Act include:

Part II            Organisation and management for the co-ordination of activities of Government and non-Government agencies relating to disaster mitigation, preparedness, response and recovery.

Section 5        The Minister is given the overall responsibility for such disaster relief and is advised by the National Disaster Council, established under section 5.

Sections 5-13    The National Disaster Council's responsibilities include preparation and formulation of the National Disaster Plan, establishment of the central operations group, and determination of the National Disaster Management Office's responsibilities.

## 4.2. National Heritage

There is no current legislation in Kiribati that provides for the protection of national heritage with the exception of vague references in the *Mineral Development Licensing Ordinance 1978* (in relation to the reporting of finds by prospectors and the authority of the Minister in respect of the preservation of finds) and the *Local Government Act 1984* (in relation to the role of Local Councils in the preservation, control and removal of any antique artifacts).

## MULTILATERAL ENVIRONMENTAL AGREEMENTS

INTERNATIONAL ENVIRONMENTAL INSTRUMENT	STATUS
<b>BIODIVERSITY</b>	
Convention on Biological Diversity (CBD)	A
<ul style="list-style-type: none"> <li>• Cartagena Protocol on Biosafety</li> <li>• Nagoya Protocol on Access and Benefit-Sharing</li> </ul>	R -
Convention on International Trade in Endangered Species (CITES)	-
Convention on Migratory Species (CMS)	-
Convention on Wetlands (RAMSAR)	R
World Heritage Convention (WHC)	Ac
<b>WASTE AND POLLUTION</b>	
<b>Hazardous waste and pollution</b>	
Basel Convention	A
Rotterdam Convention	-
Stockholm Convention	R
<b>Atmospheric Pollution</b>	
Vienna Convention	A
<ul style="list-style-type: none"> <li>• Montreal Protocol</li> </ul>	A
<b>Ship-based pollution</b>	
UNCLOS (Part XII : Protection and Preservation of the Marine Environment)	A
London Convention - Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	R
<ul style="list-style-type: none"> <li>• London Protocol</li> </ul>	-
<b>CLIMATE CHANGE</b>	
UNFCCC	R
<ul style="list-style-type: none"> <li>• Kyoto Protocol</li> <li>• Paris Agreement</li> </ul>	A R
<b>LAND DEGRADATION</b>	
UNCCD	A
<b>REGIONAL AGREEMENTS</b>	
Waigani Convention	R
Noumea Convention	-
<ul style="list-style-type: none"> <li>• Dumping Protocol</li> <li>• Emergencies Protocol</li> </ul>	- -

Ratification (R), Acceptance (Ac), Accession (A), Signed (S)