



Stocktake of Existing and Pipeline **Waste Legislation:** SAMOA



Supported by the Australian Government
through the Pacific Ocean Litter Project



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Lee Godden, Alice Palmer, Robin Gardner, Rebekkah

Markey-Towler and Associate Professor Laura-Lee Innes.

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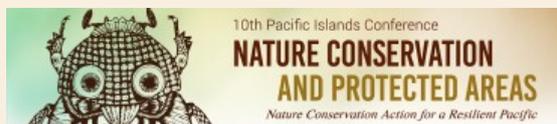
I. Professor Lee Godden. II. Alice, Palmer. III. Robin,

Gardner. IV. Rebekkah, Markey-Towler. V. Associate Professor

Laura-Lee, Innes. VI. Pacific Regional Environment Programme

(SPREP). VII. Title.

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Secretariat of the Pacific Regional Environment Programme (SPREP)

PO Box 240

Apia, Samoa

www.sprep.org

sprep@sprep.org

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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. Samoa consists of four inhabited islands and five uninhabited islands to the northeast of Fiji. The capital, Apia, is located on the most populous of the islands, Upolu. Upolu and Savai'i account for 99% of Samoa's 192,000 population.
2. The Samoan islands (including Samoa and American Samoa) were named the Navigator Islands in 1768. Samoa became German Samoa in 1900 and Western Samoa in 1914.
3. Samoa was governed as a German protectorate from 1900-1919, as a League of Nations mandate under the trusteeship of New Zealand from 1919-1945 and as a United Nations trust territory of New Zealand from 1945-1962.
4. Samoa gained independence on 1 January 1962 with the enactment of the *Western Samoa Act 1961* (NZ) – the first Pacific nation to re-establish independence in the 20th century. In 1997, the nation was renamed the Independent State of Samoa. The official languages are English and Samoan.
5. Samoa is a unitary parliamentary democracy with eleven administrative districts. The Parliament of Samoa consists of the Head of State together with the unicameral Legislative Assembly.
6. Samoa has a mixed legal system of common law and customary law. The Constitution is the supreme source of law. Other sources of law are legislation (Samoan and unrepealed British and New Zealand statutes), common law and customary laws.
7. Fonos, or village councils, deal exclusively with village affairs such as culture, customs and traditions, including all customary land matters. Decisions of the Fonos may be challenged in the Land and Titles Court, one of the second-tier courts under the superior courts.

Legislation impacting waste governance

8. Samoa has a well-developed system of waste management legislation compared to many other Pacific Island nations. It has a dedicated Waste Management Act introduced in 2010, which is administered by the Ministry for Natural Resources and the Environment (MNRE). This principal legislation on waste management is complemented by other environmental and planning laws.
9. An analysis of the national waste situation has been undertaken through the National Waste Management Strategy 2019-2023, with identified priorities and action plans. Administration of the Waste Management Act is centralised in the MNRE, although other agencies, such as the Planning and Urban Management Agency (PUMA), play important roles in administering laws relevant to waste management facilities. PUMA sits within the Ministry of Works, Transport and Infrastructure.
10. The following tables provide a stocktake of the existing legislative environment for waste management in Samoa 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 on waste management and governance in Samoa 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 Samoa

Legislation	Regulations (not all available online)
<p>Waste Management Act 2010 (as at 2018)</p> <p>This Act is the most important legislation on waste management in Samoa. Part 2 details the regulation and management of wastes. Part 4 relates to waste management operations. Part 6 structures community involvement in waste management, including making of by-laws (s 40), and community programs and initiatives (s 41).</p>	<p>Waste Management (Importation of Waste for Electricity Generation) Regulations 2015 Regulation is not available online but Waste Management Strategy 2019-2023 describes it as for regulation of waste-energy processes.</p> <p>Waste (Plastic Bag) Management Regulations 2018 Regulation is not available online but a press release describes it as prohibiting the import, manufacture, export, sale and distribution of plastic shopping bags, packing bags and straws from the 30 January 2019.</p>
<p>Forestry Management Act 2011 (version as at 2018)</p> <p>Contains powers relevant to regulating disposal of forestry waste</p>	<p>None identified.</p>
<p>Land, Surveys and Environment Act 1989 (as at 2018)</p> <p>Part 8 deals with Environment and Conservation. Functions of the MNRE include giving advice on EIA procedures, pollution control and control and management of hazardous substances.</p> <p>Division 4 of Part 8 establishes the CEO’s responsibility to draft management plans for the conservation, management and control of (g) pollution and (h) waste and litter disposal</p> <p>Division 8 of Part 8 relates to the control of litter. Section 126 allows the Minister to designate any Government land as an area for depositing litter and rubbish. Section 128 requires receptacles to be provided in public places.</p> <p>Section 146 allows regulations for the purposes of (t) regulating or prohibiting the pollution of air, water, or land, and the depositing or dumping of litter, rubbish, or any substance of a dangerous, noxious, or offensive nature; (x) providing for the regulating or prohibiting the import of environmental pollutants; and (y) providing for the undertaking of environmental impact assessment as a prerequisite for development proposals.</p>	<p><u>Plastic Bag Prohibition on Importation Regulations 2006</u> (repealed by Waste (Plastic Bag) Management Regulations 2018)</p>

<p>Agriculture and Fisheries Ordinance 1959 (as at 2018)</p> <p>The Head of State, on advice of Cabinet, may make regulations for any purpose contemplated by the Ordinance under s 15(1).</p>	<p><u>Pesticides Regulations 2011</u></p> <p>Creates offence for a person to dispose of a pesticide or pesticide waste in a manner that might harm human or animal health or the environment.</p>
<p>National Parks and Reserves Act 1974 (as at 2018)</p> <p>Creates offence for throwing or depositing rubbish in a National Park</p>	<p>None identified.</p>
<p>Planning and Urban Management Act 2004 (as at 2018)</p> <p>Establishes Planning and Urban Management Agency (PUMA) with responsibility for issuing development consents for a variety of facilities. PUMA can require EIA and has powers with respect to monitoring and issue of stop orders.</p>	<p>None identified.</p>
<p>Police Offences Ordinance 1961 (as at 2018)</p> <p>Section 3 establishes an offence against public cleanliness. A comprehensive list of prohibited behaviours is in (a)–(z).</p> <p>Under s 20, a person is liable to maximum 6 months’ imprisonment or a fine of 2 penalty units who throws any offensive matter into or otherwise pollutes or contaminates any river, watercourse, well, cistern, or other place from which water for drinking purposes is obtained</p>	<p>None identified.</p>
<p>Samoa Water Authority Act 2003 (as at 2018)</p> <p>Creates the Samoa Water Authority</p>	<p><u>Samoa Water Authority (Sewerage and Wastewater) Regulations 2009</u></p> <p>Outlines the Authority’s sewerage and wastewater functions, as made under s 29 of the Act.</p> <p>Part VII relates to the protection of sewerage and wastewater systems from trade wastes and other pollutants. Regulation 37 prohibits discharge of an extensive list of substances. Regulation 38 allows for pre-treatment, control and disposal of such substances. Regulation 42 outlines a permit process required for discharge of trade and industrial wastewater. Under r 52(1), failure to comply with any requirement of the Regulations is an offence liable to maximum 20 penalty units.</p>
<p>Tourism Development Act 2012 (as at 2018)</p> <p>Guiding principles for the implementation of the Act under s 3(2) include (b) minimising environmental impacts from tourism developments and (c) addressing generation of wastes by effective control.</p>	<p>None identified.</p>

<p>Water Resources Management Act 2008 (as at 2018)</p> <p>Provides for management and conservation of water resources in Samoa.</p> <p>The Minister is able to prescribe, monitor and enforce environmental standards relating to any activity that may affect water quality or the integrity of a water source, including waste management operations, under s 14(1)(b).</p>	<p>None identified.</p>
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Table 2: Policies and reports impacting waste governance in Samoa

Policy	Description
National Waste Management Strategy 2019-2023	Strategy includes analysis of current solid waste and chemical/hazardous waste management systems, identifies issues and challenges and adopts priorities and action plans.
Apia Waterfront Development Plan 2017-2026	Contains recommendations relevant to littering and provision of rubbish receptacles.
City Development Strategy 2015	Discusses waste, effluent, pollution and wastewater throughout the Strategy.
Ministry of Natural Resources & Environment: Corporate Plan 2017-2020	Discusses the plan and structure of the MNRE, with objectives surrounding sanitation and waste management.
National Biodiversity Strategy and Action Plan 2015-2020	Pollution and waste disposal are identified as risks to biodiversity.
National Chemicals and Hazardous Waste Management Policy 2012	Not available online.
National Environment Sector Plan 2017-2021	<p>Waste and environmental pollution are identified as putting pressure on Samoa’s environment.</p> <p>Ongoing improvement to solid waste management noted as a key achievement, followed by identification of some waste management priorities.</p> <p>Long Term Outcome 2 is a more sustainable and resilient built environment. This would be achieved through improvements to waste management highlighted at pp 19–20.</p>
National Implementation Plan for Persistent Organic Pollutants 2004	Submitted in fulfilment of Samoa’s obligations as a party to the Stockholm POPs Convention.
National Infrastructure Strategic Plan 2011	Waste discussed throughout plan. Priority themes of the plan include improved wastewater management and sustainable solid waste management.
Water and Sanitation Sector Capacity Building Plan 2013 (draft)	Discussion of various sectors within Samoa dealing with wastewater and waste management. Includes recommendations for improved capacity.

Water and Sanitation Sector Plan 2016-2020	Waste discussed throughout document. End of Sector Plan Outcome 5 is increased access to basic sanitation, wastewater management systems and improved hygiene practices, through accessibility to all available sanitation information.
Reports	Description
Solid Waste Management in the Pacific: Samoa Country Snapshot 2014	Asian Development Bank overview of solid waste management in Samoa as part of wider Pacific project.
National Inventory of E-wastes 2009	Analysis of policy and legislative framework around e-waste, and information and recommendations surrounding its management in Samoa.
Review of Natural Resource and Environment-Related Legislation: Samoa 2018	Overview of environment-related legislation in Samoa as of January 2018. Includes sections on waste, pollution, and MEAs.
Samoa Profile in the Solid Waste and Recycling Sector 2018	Data on solid waste and recycling in Samoa.
State of Environment Report 2013	Comprehensive technical document around the state of various areas of Samoan environment. Includes discussion of: Wastes and pollution, land-based pollution and poor sanitation.
WASH Sector Brief, 2011	Discussion of Samoa's wastewater management system.
Basel Convention National Report 2005 (submitted in 2007)	Submitted in fulfilment of Samoa's obligations as a party to the Basel Convention.
Basel Convention National Report 2016 (submitted in 2017)	Submitted in fulfilment of Samoa's obligations as a party to the Basel Convention.
Initial Assessment Report for Samoa 2018	Submitted in fulfilment of Samoa's obligations as a party to the Minamata Convention.

Table 3: Government departments with waste responsibilities in Samoa

Government departments and agencies	Responsibilities
Ministry of Natural Resources and the Environment (MRNE)	Main responsible ministry for waste management. Administers the Waste Management Act and the Solid Waste Management sector. Also responsible for contract procurement and management of Samoa's six collection contracts. Administers other environmental legislation such as the Forestry Management Act 2011, Land Surveys and Environment Act 1989, National Parks and Reserves Act 1974, Planning and Urban Management Act, and Water Resources Act 2008.
Ministry of Police and Prisons	Administers Police Offences Ordinance 1961 together with the Samoa Police Service.
Samoa Police Service	As above.
Ministry of Works, Transport and Infrastructure (MWTI) Planning and Urban Management Agency (PUMA)	Responsible Ministry for the Samoa Water Authority Act 2003. PUMA now sits within MWTI and has responsibility for the development consent process as well as various planning initiatives and land use plans.
Samoa Water Authority (SWA)	Established by the Samoa Water Authority Act 2003 and has functions relating to sewerage and wastewater.
Samoa Tourism Authority (STA)	Administers the Tourism Development Act 2012

Stocktake of Existing and Pipeline Waste Legislation: SAMOA

Pipeline activities

1. The following sections provide details of identified pipeline legislative activities for waste management and governance in Samoa, summarised in Table 4 below.
2. Information on these activities was obtained from the desktop research, as well as information from in-country contacts provided through the online survey and during interviews.
3. There has recently been some organisational restructuring of responsibilities in Samoa on waste management, with staff moving from MNRE to staff PUMA, which now sits with the Ministry of Transport, Works and Infrastructure. It appears some further coordination of functions across the two ministries is still needed, particularly with regard to waste management infrastructure and planning. Both the PUMA Act and legislation administered by MNRE are also currently undergoing review.
4. Interviewees highlighted enforcement difficulties as a key limitation and suggested that support for a system of 'on the spot' fines might improve this situation.
5. To tackle the growing problem of plastic bottle waste, a container deposit return scheme is being considered in Samoa, where importers of plastic containers would pay a levy on these items, which would be passed onto consumers. Consumers would then receive a refund if they returned the container for recycling.
6. Similar schemes in other Pacific Island countries e.g. Palau and the FSM appear to be working well. If such a scheme was introduced in Samoa this would generate a need for supporting regulations, for instance, under the Waste Management Act.
7. A water treatment plant exists in Apia for commercial facilities only, although there is a proposal to extend these facilities to residential properties using Green Climate Fund resources. PUMA has been tasked to do a feasibility study for this extension to residents, which is now in the pipeline.

Table 4: Pipeline activities for Samoa

Pipeline activities	Description	Timeframe
Review of MNRE legislation and PUMA Act	Review of legislation and associated organisational arrangements.	Ongoing with some complexities introduced by split of PUMA from MNRE.
Enforcement improvements	Recommendation for system of on the spot fines.	Appears to be legislative provision but needs political support.
Container deposit scheme	Proposed CDS for Samoa. Would require supporting regulations potentially under the Waste Management Act.	Under consideration since 2014.
Wastewater treatment residential extension	Feasibility study being undertaken by PUMA	Ongoing.

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 Samoa in these MEAs. Specifically, it lists:
 - The relevant MEAs to which Samoa is party and the date the MEA was in effect;
 - Details of designated national authorities (DNAs) or national focal points for these MEAs; and
 - Details of any implementing legislation or policies for the relevant MEA.

Table 5: MEAs and implementing legislation

MEA	In effect for country	Designated National Authority or National Focal Point	Implementing legislation
Basel Convention	20 Jun 2002	Mr. Taule'alo Tu'u'u Ietitaia Chief Executive Officer Ministry of Natural Resources and the Environment Apia, Samoa Phone: +685 23 701 Fax: +685 23 176 Email : info@mnre.gov.ws	Waste Management Act 2010 (as at 2018). See also Basel Convention National Report 2005 (submitted in 2007) and Basel Convention National Report 2016 (submitted in 2017).
Stockholm Convention	17 May 2004	Ms. Peseta Noumea Simi Chief Executive Officer Ministry of Foreign Affairs and Trade P.O. Box L1859 Apia, Samoa Phone: +685 21 171 Fax: +685 215 04 Email: noumea@mfat.gov.ws	Waste Management Act 2010 (as at 2018). See also National Implementation Plan for Persistent Organic Pollutants 2004 .
Rotterdam Convention	24 Feb 2004	Chief Executive Officer (DNA for industrial chemicals) Ministry of Natural Resources and the Environment Apia, Samoa Phone: +685 23 701 Fax: +685 23 176 Email : info@mnre.gov.ws	Waste Management Act 2010 (as at 2018).

		Pesticide Registrar (DNA for pesticides) Ministry of Agriculture and Fisheries P.O. Box 1874 Apia, Samoa Phone: +685 20924 Fax: +685 20103 Email: aceo@samoaquarantine.gov.ws	
Minamata Convention	16 Aug 2017	Not specified.	No specific implementing legislation but see Initial Assessment Report for Samoa 2018 .
Waigani Convention	21 Oct 2001	Chief Executive Officer Ministry of Natural Resources & Environment Private Mail Bag APIA, Samoa Tel: (685) 23701 Fax: (685) 23176 Email: amataga.penaia@mnre.gov.ws	Waste Management Act 2010 (as at 2018).



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