



# PALAU

## REVIEW OF NATURAL RESOURCE AND ENVIRONMENT RELATED LEGISLATION

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Prepared by  
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

### ***Environmental Law, Planning and Assessment***

*Palau National Code Title 24: Environmental Protection*

*Palau National Code Title 35: Public Lands*

*Palau National Code Title 24, Division 1, Chapter 1, Subchapter III PNC: Environmental Impact Statement Regulations*

*Palau National Code Title 31: Trust Territory Land Planning Act*

*Chapter 2401-1 of Environmental Quality Protection Board (EQBP) Regulations: Earthmoving Regulations*

### ***Biodiversity Conservation***

*Palau National Code Title 31, Division 1, Chapter 1: Trust Territory Land Planning Act*

*Palau National Code Title 24, Division 3: Preserves and Protected Areas Act*

*Palau National Code Title 24, Chapter 34: Protected Areas Network Act*

*Palau National Code Title 24, Division 3, Chapter 33: Palau International Coral Reef Center*

*Palau National Code Title 24, Division 2, Chapter 10: Endangered Species Act*

*Palau National Code Title 24, Division 2, Chapter 12: Protected Sea Life*

*Palau National Code Title 25, Division 3, Chapter 20: Plant and Animal Control Regulations*

*Environmental Health Regulations*

*Palau National Code Title 27, Division 1, Chapter 1: Fishery Zones and Regulation of Foreign Fishing Act*

*Palau National Code Title 24: Environmental Protection*

*Palau National Code Title 27, Division 2, Chapter 12: Marine Protection Act*

*Chapter 2401-11 of EQBP Regulations: Marine and Freshwater Quality Regulations*

### ***Waste and Pollution Management***

*Chapter 2401-31 of EQBP Regulations: Solid Waste Management Regulations*

*Chapter 2401-33 of EQBP Regulations: Pesticides Regulations*

*Chapter 2401-71 of EQBP Regulations: Air Pollution Control Regulations*

*Palau National Code Title 34: Public Health, Safety and Welfare Act*

*Palau National Code Title 34, Chapter 11: Individual Sewerage Disposal Act*

*Palau National Code Title 34, Chapter 12: Sewer Use Act*

*Palau National Code Title 34: Environmental Health Regulations*

*Chapter 2401-33 of EQBP Regulations: Pesticides Regulations*

## CONSTITUTIONAL AND ADMINISTRATIVE STRUCTURE

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Palau has a constitutional government in free association with the United States. The Compact of Free Association was entered into force with the United States on 1 October 1994, marking Palau's independence.

### 1.1 The Constitution

The Preamble to the Constitution refers to the need to protect the environment, by reaffirming Palau's need to protect its traditional heritage as a constitutional priority. Moreover, environmental protection and biodiversity conservation are also key provisions in the Constitution. These include:

- bilateral and international agreements concerning toxic chemical, nuclear, gas or biological weapons intended for warfare must be approved by more than three quarters of the population at a referendum and no less than two-thirds of the members of each house of the Olbiil Era Kelulau (OEK) (see below for information on the OEK); and
- responsibility of the national government to implement national policies to promote "conservation of a beautiful, healthy and resourceful natural environment".

The Palau government structure consists of the national government and 16 state governments with respective legislative and executive powers.

At the national level, Palau has three branches of government.

- The President is directly-elected and serves a four-year term.
- The Council of Chiefs comprised of the highest traditional chiefs from each state, and acts in an advisory capacity to the President on traditional laws and customs. More recently, traditional titled leaders also hold posts in national and state executive and legislative branches.
- The legislative branch, the OEK (Palau National Congress), consists of two chambers, the Senate and House of Delegates. All legislators serve four-year terms.
- The judicial system consists of the Supreme Court, the Court of Common Pleas, and the Land Court. The Supreme Court has trial and appellate divisions and is presided over by the Chief Justice. Judges are appointed to life terms by the President with approval from Palau's National Congress.

Palau's legal system is derived from its Constitution, the Palau National Code, as well as respective State ordinances and statutes. The Constitutional Government system supersedes the traditional system of government. Article II of the Constitution makes it the supreme law and provides that no law, Act of government, or agreement to which the government is a party may conflict with the Constitution.

Each of Palau's 16 states also elects its own governor and legislature.

### 1.2 Customary Law

While the Constitution makes "statutes and traditional law....equally authoritative" it also states that when statute and customary law conflict, statute prevails only to the extent that it does not conflict with the "underlying principles of traditional law".

### 1.3 Palau National Code

The Palau National Code (PNC) consists of a combination of laws passed by National Congress and represents the colonial law implemented under a succession of Spanish, German, Japanese and American (the Clean Water Act is in fact a U.S. law) administrations, and the law more recently promulgated during the period Palau was administered as a Trust Territory of the Pacific Islands.

Since the adoption of the PNC, many additional laws have been enacted and are yet to be incorporated into the PNC. Following implementation of the Compact of Free Association in October 1994, U.S. law pertaining to Palau was no longer applicable.

The PNC, adopted by the OEK in 1985 codifies all national law applicable to Palau. The Code is a combination of:

- Laws of the U.S. specifically made applicable to Palau;
- The laws of the Palau District Code (a compilation of those of laws of the Palau Legislature in effect in the Palau District in March 1971);
- The Trust Territory Code (a compilation and codification of the laws of the Congress of Micronesia in effect throughout the Trust territory);
- The laws of the 5th, 6th and 7th Palau Legislature; and
- The Republic of Palau's Public Laws of the OEK.

Title 1, Chapter 3, section 301 (*Application of Legal Authority*) of the PNC also gives effect of law in Palau to:

- The U.N. trusteeship Agreement;
- The law of the U.S. that are applicable to Palau, including Executive Orders of the President of the U.S. and the Orders of the Secretary of the Interior;
- Laws of the Trust Territory and amendments to them, to the extent that they have not been repealed by the OEK;
- District Orders and Emergency District Orders promulgated by the District Administrator of the Palau District and in accordance to the Trust Territory Code;
- The Acts of the OEK; and
- State Law.

### 1.4 Administrative Structure

The Palau Constitution designates 16 traditional municipalities of Palau as states: Aimeliik, Airai, Angaur, Hatohobei, Kayangel, Koror, Melekeok, Ngaraard, Ngarchelong, Ngardmau, Ngaremlengui, Ngatpang, Ngchesar, Ngiwal, Peleliu and Sonsorol.

As a result of the Palau Constitution, the 16 states had authority to formulate their own constitutional conventions and elect their respective legislatures and heads of state. The state constitutions also defined the role of traditional leaders. Therefore, depending on the constitution, each state may have their respective local government comprised of local legislators, governors, traditional chiefs, elders, and high ranking clans.

## ENVIRONMENTAL LAW, PLANNING AND ASSESSMENT

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Title 24 of the Palau National Code is dedicated to environmental legislation.

## 2.1 Environmental Protection

### *Environmental Protection (Title 24 PNC)*

The three divisions most relevant to environmental protection are:

- |            |   |
|------------|---|
| Division 1 | <p>Environmental Quality</p> <ul style="list-style-type: none"> <li>• Encompasses the <i>Environmental Quality Protection Act</i>.</li> <li>• Provides for the establishment, functions and operation of the Palau Environmental Quality Protection Board (EQPB).</li> </ul>  |
| Division 2 | <p>Wildlife Protection</p> <ul style="list-style-type: none"> <li>• Provides framework legislation concerning endangered species and includes an Endangered Species Act (Chapter 10, a former Trust Territory Act) providing for both animal and plant endangered species. Protected sea-life sub chapters include turtles, sponges, pearl shell, dugong, trochus and clams.</li> <li>• Chapter 13 deals with illegal fishing methods, including the use of explosives, poisons and chemicals.</li> <li>• Chapter 14 covers protected land life which is restricted to the conservation of birds (with the exception of four species).</li> </ul> |
| Division 3 | <p>Preserves and Protected Areas</p> <ul style="list-style-type: none"> <li>• Covers the only two legally protected areas in Palau, the Ngerukewid Islands Wildlife Reserve and the Ngerumekaol Spawning Area.</li> </ul>   |

### Environmental Quality Protection Board

The EQPB's main function is to produce a yearly environmental quality report for the preceding calendar year to transmit to the President. The report shall set forth:

- The status and condition of the major natural, man-made, or altered environmental classes of the Republic (air, marine, freshwater and terrestrial environment as forests, mangroves, beaches, reefs, dryland, wetland, urban and rural environment);
- Current and foreseeable trends in the quality, management and utilisation of such Environments;
- The adequacy of available natural resources for fulfilling human and economic requirements
- A review of the programs and activities (including regulatory activities) of the national government, state governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment, the conservation, development and utilisation of natural resources; and
- A program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

The Board is also responsible for:

- managing water resources by promulgating and enforcing ad hoc regulations for the purposes of the United States Safe Drinking Water Act, and to promulgate and enforce nuclear and other hazardous wastes regulations; and
- administration (and development) of a permit system for the discharge and use of air, land or water pollutants, as for the issuance of experimental use permits for pesticides.

### *Environmental Impact Statement Regulations (Title 24, Division 1, Chapter 1, Subchapter III PNC)*

The Environmental Impact Statement Regulations which establish general standards for the environmental review of projects to ensure that environmental concerns are given appropriate consideration in decision-making, together with economic and technical considerations.



Regulations promulgated in 1996 by the Republic of Palau Environmental Quality Board give further meaning to provisions of the Environmental Quality Protection Act of Palau by providing agencies and persons with procedures, specifications of contents and other rules regarding the preparation, filling and distribution of Environmental Impact Statements.

## 2.2 Land

The PNC repeals all laws, regulations and ordinances enacted by the Spanish, German and Japanese administrations except those concerning the ownership, use, inheritance and transfer of land that were in effect before December 1st 1941 and that have not been changed by express written agreement.

In Palau, land under traditional tenure is divided into public domain and clan lands. The public domain consists of the “chutem bwai” – the land in the interior of Babeldaob, and of Koror, Peleliu and Airai, the numerous islands of the Chelebacheb complex, the mangrove swamps and the sea and reefs. The public domain was in most cases, traditionally controlled by the village council (“Klobak”) or a district council. Resources within the public domain were equally available to village members. Access for non-village members was subject to approval of the Council.

Clan lands comprise most of the private land of aboriginal Palau. Clan lands were assigned to member lineages, each of which had a principal house site that generally bore the name of the lineage. Lands assigned to a lineage were controlled by the male lineage head who in turn assigned land to members.

### *Public Lands (Title 35 PNC)*

Public lands are defined as those lands which were owned or maintained by the Japanese administration or the Trust Territory Government as government or public lands and such other lands that the government acquires for public purposes.

The law was established during the Japanese administration and provided that all marine areas below the ordinary high water mark belonged to the government. It is confirmed as part of the law of Palau with exceptions listed at section 102, including:

- The right to fish weirs or traps as long as they do not interfere with establish routes of water travel;
- The rights of the owner of abutting land to claim ownership of all materials deposited on the shore by wave action and such fishing rights on and in the water over reefs where the general depth of water does not exceed four feet at mean low water, provided that these rights are not in conflict with the rights of the national government as owner of all marine areas below the high water mark; and
- Subject to the written permission or the President, the right of land owners to construct and erect structures over their land abutting the water.

## 2.3 Planning

### *Trust Territory Land Planning Act (Title 31 PNC)*

Incorporated under Title 31, the *Trust Territory Land Planning Act* provides the current basis for land use planning. It establishes a Planning Commission within the government of each district. The Planning Commission shares the responsibility for land use planning among a number of other Government agencies, such as the Bureau of Lands and Surveys under the Ministry of State.

The Act requires the inclusion of environmental considerations during the planning activities by requiring that the master plan prepared by each commission include a conservation element planning for the conservation,

development, utilisation and protection of natural resources, including forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation element may also cover reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, prevention, control and correction of the erosion of soils, beaches and shores, and protection of watersheds.

Zoning (subchapter IV) is a central function of State Planning Commissions. In the [Koror state, for instance](#), on June 4, 1998, the Legislature passed K6-88-98, which adopted the “Koror Zoning Law” and “Koror Subdivision Law”. Under Republic of Palau Public Law No. 3-5, the Legislature’s adoption of the Koror Zoning Law and Koror Subdivision Law had the effect of repealing the provisions of 31 PNC §§ 3001-3342 and 4001-4306. Although the Legislature adopted the Koror Zoning Law and Koror Subdivision Law through the enactment of K6-88-98, the State of Koror continues utilising the PNC codification until the State of Koror fully codifies its own laws. Occasional revisions were made to the Koror Zoning Law zones, listed in 31 PNC § 3003. The following are the zone categories for the Koror state, exemplified in the [Koror State Zoning Map](#) which was prepared by the Koror State Planning Commission:

- (A) agriculture;
- (R-1) Single Family Residential;
- R – 2 Single Family Residential;
- (R-3) Multiple Family Residential;
- (C) Commercial;
- (RV) Resort Center;
- (I-1) Industrial 1;
- (I-2) Industrial 2;
- (CD) Conservation;
- (HP) Historic Preservation;
- (PD) Planned Development.

#### *Earthmoving Regulations (Chapter 2401-1 of EQPB Regulations)*

These Regulations are promulgated by the Republic of Palau Environmental Quality Board (“the Board”). They regulate earthmoving operations, defined as any construction or other activity which disturbs or alters the surface of the land, coral reef or bottom of lagoons (reg. 3). All earthmoving operations in Palau shall be conducted in accordance with these regulations and in such a way as to prevent accelerated erosion or accelerated sedimentation. The regulations also list erosion and sedimentation control measures to be incorporated in all earthmoving operations.

## **BIODIVERSITY CONSERVATION**

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### **3.1 Conservation Areas and Endangered Species**

Palau has adopted mechanisms to protect biodiversity and natural resources within the country, through the *Protected Areas Network Act* and the establishment of an international coral reef centre. The legislative basis for conservation in Palau is provided by the following laws.

#### *Trust Territory Land Planning Act (Title 31, Division 1, Chapter 1 PNC)*

The Act establishes conservation zones to protect land and shoreline areas in subchapter IV, section 153.

#### *Preserves and Protected Areas Act (Title 24, Division 3 PNC)*

While the *Natural Heritage Reserve System Act* has been repealed, the *Preserves and Protected Areas Act* provides the establishment of two national protected areas: the Ngerukewid Islands Wildlife Preserve and the Ngerumekaol Spawning Area.

#### *Protected Areas Network (PAN) Act (Title 24, Chapter 34 PNC)*

The PAN Act offers a framework for long term comprehensive and representative protected areas planning and management. It is a mechanism designed to protect the nation's critical biodiversity and ensure that resources are effectively conserved. For the first time, it established a countrywide structure that would manage terrestrial and marine protected areas as a shared and connected system. This collaborative approach was more suitable for environment protection and biodiversity conservation, which extended beyond state boundaries. It also encouraged streamlined nationwide processes for implementing the "ridge-to-reef" model that had become quite effective for sustainable development in Palau.

Section 3402 The ownership of the resources within state boundaries shall remain with the states and shall not transfer to the national government.

Section 3407 State, community, and private protected areas may apply for inclusion. Membership in the PAN enables access to technical resources and eligibility to receive national funding.

Sections 3413 and subchapter II

A Green Fee is a fee paid by all visitors leaving Palau. Green Fees go into a restricted PAN Fund, which is reserved for PAN member sites. PAN member sites must have a management plan that meets specific criteria to access PAN funds. In return, states and communities owning PAN member sites agree to effectively conserve the natural resources in the protected areas.

As at 2013, there were over 40 protected areas in Palau, all of which are protected by state legislation with the exception of the Fanna Important Bird Areas, which is protected by traditional law (Palau Conservation Society website, July 12, 2013).

States have quickly taken action to nominate sites into the PAN. However, it seems that the National Government has faced numerous challenges with implementation of the PAN Regulations. There have been differing interpretations of the law and attempts to alter portions of the regulation.

#### *Palau International Coral Reef Centre (Title 24, Division 3, Chapter 33 PNC)*

The law provides for the establishment of an International Coral Reef Centre as a non-profit organisation with the objective of creating a self-sustaining centre of excellence for marine research, training and education activities. Chapter 33 details the form and manner with which the centre should operate.

#### *Endangered Species Act (Title 24, Division 2, Chapter 10 PNC)*

The Act represents the national government's policy to foster the well-being of indigenous plants and animals by whatever means necessary to prevent the extinction of any species or subspecies from their islands or the water surrounding them.

Sections 1005-1006

The Minister of Natural Resources, Environment and Tourism is responsible for administering the provisions and issues regulations, including a list of endangered and threatened animals and plants.

Section 1007 It is prohibited to take, engage in commercial activity with, hold possession of, or export any endangered or threatened species of plants or animals (or parts of them), subject to exceptions listed at section 1008.

Section 1009 Promotes the protection of species considered to be threatened or endangered to under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*.

### *Protected Sea Life (Title 24, Division 2, Chapter 12 PNC)*

This chapter specifically protects particular sea life species, including sponges, mother-of-pearl, dugongs, trochous, and turtles.

## 3.2 Biosafety

### *Plant and Animal Control Regulations (Title 25, Division 3, Chapter 20 PNC)*

The *Plant and Animal Control Regulations* have been developed in order to provide for a biosafety framework within the country. These regulate certain aspects of the international trade in plants and animals in order to protect Palau against the introduction and further dissemination of injurious insects, pests, and diseases into and within the Republic.

Key substantive provisions include:

- Reg. 2002 With the prior approval of the President, the Chief of the Division of Agriculture shall issue plant and animal quarantines and Regulations relating to the administration and enforcement of controls. Letters and memoranda may be issued from time to time by the Chief of the Division of Agriculture and the President relating to the administration and enforcement of such quarantines and regulations.
- Reg. 2003 The Chief of the Division of Agriculture shall administer the provisions of the plant and animal quarantines and regulations.
- Reg. 2003 Agricultural quarantine inspectors may be appointed by the President, and shall, under the direction of the Chief of the Division of Agriculture, enforce the provisions of the plant and animal quarantines and Regulations.

### *Environmental Health Regulations 2004*

Issued by the Ministry of Health these regulations provide at art.17 for International Health Quarantine establishing inspection powers to Health Inspectors of any vessel entering the territory in order to adopt quarantine measures.

## 3.3 Natural Resources

### Forest

Apart from the limited provisions of the Land Planning Act, there appears to be no statutory mandate for forests. The *Palau Wildland Fire and Forest Management Bill* has been in draft form since at least 1988. The Bill is intended to empower the Head Forester to manage wildland fire protection and suppression, to suppress wildfires within one mile of roads, or in other areas deemed (by the Minister or, in his absence, the Director), to be harmful to soil or forest resources.

The *Palau Forest Practice Bill* has been in draft form since it was prepared with the assistance of the U.S. Forest Service in 1991. The Bill sets policy goals for effective forestry management, through the development of a Forest Plan, and provides controls through a permit system.

## Fisheries

### *Constitution*

There are several laws administered by different responsible government agencies that provide for different aspects of protecting marine resources used for commercial purposes. The national government has authority to regulate the ownership, exploration and exploitation of natural resources under article IX, section 5(12) of the Constitution. However, article 1, section 2 explicitly empowers each state within Palau with the exclusive ownership of all living and non-living resources, except highly migratory fish, out to 12 nautical miles. It also provides that traditional fishing rights and practices shall not be impaired.

Article V of the Constitution prevents the Government from taking any action to prohibit or revoke the role and function of a traditional leader unless it is inconsistent with the Constitution. Traditionally recognised fishing rights in submerged reef areas within the fishery zone are also preserved and respected under article 1, section 2.

### *Fishery Zones and Regulation of Foreign Fishing Act (Title 27, Division 1, Chapter 1 PNC)*

The Republic enacts its own fishery zone legislation to manage, conserve, and regulate the harvesting of fish throughout their habitat, both within the reef areas of islands and atolls, and in other areas within the jurisdictional competence of the Republic.

The Act provides for the establishment of a Palau Maritime Authority and the definition of Fishery Zones. The access of foreign fishing companies is also regulated by the Act through a licence scheme. The law provides penalties and enforcement powers to the authority.

### *Environmental Protection (Title 24 PNC)*

As mentioned above, Title 24 of the PNC defines measures (such as illegal methods of capture) for the protection of marine endangered species and is administered by the EQPB.

### *Marine Protection Act (Title 27, Division 2, Chapter 12 PNC)*

With the purpose to protect and promote sustainable use of all species of marine animals and plants other than marine birds ('marine resources'), the Act provides for the preservation of commercial fisheries of Palau.

Key provisions include:

- Section 1204 Places various restrictions on fishing within the fishery zones of the Republic, including:
- prohibition of fishing for certain species outside prescribed seasons;
  - fishing for undersized rock lobster;
  - fishing with specified gear;
  - fishing for specified species;
  - trading of specified marine fishes and other aquatic species.

Section 1206 The Minister of Resources and Development may make Regulations for the better protection of species mentioned in section 1204 from over harvesting or for other purposes of this Act.

Section 1207 The Minister shall also regulate a labeling and reporting system for exported fish.

Remaining provisions of this Act concern enforcement and prescribe penalties for violating provisions.

## Water

### *Marine and Freshwater Quality Regulations (Chapter 2401-11 of EQPB Regulations, as amended)*

The Marine and Freshwater Quality Standards Regulations (Title 24), based on U.S. legislation, the Clean Water Act, apply to all marine and freshwater bodies in Palau. The intent of the Regulations is to maintain water quality to protect health, welfare and property, and to prevent pollutants from being discharged into Palau's waters untreated. The Regulations are intended to support the government's policy over:

- The propagation of aquatic life;
- The propagation of shell, shellfish and wildlife;
- Protection against the degradation of water quality;
- The prevention of new point sources of pollution from discharging into near-shore or fresh surface waters and to ensure that there is no discharge of sewerage or other wastes into any planned ground or surface sources of drinking water; and
- Protection of outstanding national water resources in a pristine state.

The EQPB administers the Act, including the permits under the National Pollutant Discharge Elimination System (NPDES) for all point source discharge operators.

Water Supply Systems Regulations have been promulgated by EQPB to protect public water supplies against contamination. The Regulations set drinking water standards, a Microbiological Quality Monitoring System and sets standards of water supply during emergencies.

## WASTE MANAGEMENT AND POLLUTION

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### 4.1 Waste and Pollution

The management of waste is covered under the *Solid Waste Management Regulations*, the *Public Health, Safety and Welfare Act* (Title 34 PNC), and the [Trust Territory Air Pollution Control Standards](#) and associated regulations. As a result, the responsibility to address waste management and pollution control relies in several entities: the EQPB, the DAMR (Division of Agriculture and Mineral Resources) and the DEH (Division of Environmental Health). Supplementary provisions are also found in the *Trust Territory Pesticide Regulations* and the *Trust Territory Land Planning Act*.

### *Solid Waste Management Regulations (Chapter 2401–31 EQPB Regulations)*

The Solid Waste Regulations establish minimum standards governing the design, construction, installation, operation and maintenance of solid waste storage, collection and disposal systems, so as to prevent pollution of drinking and other waters of Palau and to contribute to conservation of natural resources and environment. This includes a permit system for the establishment or operation of solid waste disposal facilities that is compliant with the terms, conditions, provisions and management plants for any national, state or traditional conservation area, preserve or other protected area as established by law.

### *Pesticides Regulations (Chapter 2401-33 EQPB Regulations).*

These Regulations establish and maintain a system of control over the importation, distribution, sale and use of pesticides by persons within the Republic of Palau. It establishes a licensing system to restrict the use of pesticides within the country.

### *Air Pollution Control Regulations (Chapter 2401–71 EQPB Regulations)*



The Regulations provide for the control of pollutant discharge into the air, and include regulations on:

- air quality standards;
- permits to construct or operate a stationary source, defined as all air contaminant sources, except mobile sources;
- monitoring, records and reporting of air pollution;
- sampling and testing methods at boundaries of buffer zones;
- control of fugitive dust, defined as any airborne solid matter emitted from any source other than stack or chimney;
- control of open burning;
- standards of performance of new stationary sources;
- control of particulate emission and the design and operation of incinerators; and
- national emission standards for hazardous air pollutants.

#### ***Public Health, Safety and Welfare (Title 34 PNC)***

Subject to the approval of the President, the Director of Health Services is responsible for the development and application of regulations necessary to promote public health and safety in relation to privy vaults, cesspools and other means of human excreta disposal.

#### ***Individual Sewage Disposal Act (Title 34, Chapter 11 PNC)***

The Individual Sewerage Disposal Act provides the basis for regulating individual sewerage disposal systems. Under section 1107, the Director of the Bureau of Public Health may promulgate regulations to ensure that waste discharged to individual disposal systems do not:

- Contaminate drinking water;
- Pollute water used for bathing and shellfish breeding grounds;
- Cause nuisance due to unsightly appearance or odour;
- Become accessible to rodents, insects and other disease carriers; and
- Violate other laws relating to water pollution and sewerage disposal.

#### ***Sewer Use Act (Title 34, Chapter 12 PNC)***

Under the *Sewer Use Act*, no person, other than the Director of Public Works, is permitted to uncover or make connections to, or open into, use, alter or disturb a public sewer without a permit from EQPB.

#### ***Environmental Health Regulations (Title 34, PNC)***

Good standards of sanitation are also promoted through establishing prohibitions for the accumulation of rubbish, garbage, coconut shells and other refuse as enforced by the Bureau of Health Services under the *Environmental Health Regulations*.

The Environmental Health Regulations excerpts or adopts in full regulations from the Environmental Quality Protection Board Regulations which refer to the management of solid waste, liquid waste, and air pollution and hazardous material control. To alleviate redundancy, only the EQPB Regulations are reviewed with the understanding that the DEH also follows the same rules and regulations.

#### ***Pesticides Regulations (Chapter 2401-33 EQPB Regulations)***

These Regulations establish and maintain a system of control over the importation, distribution, sale and use of pesticides by persons within the Republic of Palau.

## 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 S
Convention on International Trade in Endangered Species (CITES)	A
Convention on Migratory Species (CMS)	A
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	-
<ul style="list-style-type: none"> <li>London Protocol</li> </ul>	-
<b>CLIMATE CHANGE</b>	
UNFCCC	A
<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	S
Noumea Convention	S
<ul style="list-style-type: none"> <li>Dumping Protocol</li> <li>Emergencies Protocol</li> </ul>	S S

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