

REPUBLIC OF KIRIBATI



CONSTITUTION OF KIRIBATI

State of Public Emergency (UXO) Regulation 2026

In exercise of the powers conferred by section 16(2) and (3) of the *Constitution* and section 21(3) of the Disaster Risk Management and Climate Change Act 2019 in relation to a Proclamation declaring a State of Public Emergency to facilitate, respond to, and manage, the risks and impacts of Unexploded Ordnance (UXO) Disposal Operations in Betio, the Beretitenti acting with the advice of the Cabinet, hereby make the following Regulations;

PART I: PRELIMINARY

1. Short title

These Regulations may be cited as the UXO Disposal Operations Regulations 2026.

2. Commencement

These Regulations shall come into force on the date of Proclamation.

3. Definitions and abbreviations

In these Regulations unless the context requires –

“affected areas” means the areas identified to be affected by the UXO disposal Operations and are classified as Red and Yellow Zones as described under Schedule 1;

“authorized officers” includes Kiribati Police officers, officers of the National Disaster Management Office (NDMO) and officers implementing agencies (NERC-TWG) responsible to carry out the purposes of this Regulations;

“EOD” refers to Foreign Explosive Ordnance Disposal specialists carrying out the disposal of UXO under Government arrangements;

“essential services” means all services and functions vital to maintaining public health, safety, security, and the basic economic and social functioning of a community;

“evacuation centers” means designated facilities by the Government that provides temporary shelter and care for people evacuated for UXO disposal operations identified under the RAP;

“Minister” refers to the Minister responsible for National Security;

“NDMO” means the National Disaster Management Office established under the Ministry section 11(b) of the Disaster Risk Management and Climate Change Act 2019;

“NERC-TWG” means the National Emergency Response Coordination- Technical Working Group established as a sub-committee under section 10(4) of the Disaster Risk Management and Climate Change Act 2019;

“operations” means the UXO disposal operations including disaster response services (evacuation, emergency shelters and support) conducted during the period of public emergency;

“operational hours” means 6am to 2pm when the operations will be carried out within the Red Zone;

“pass” means a pass issued under this Regulation in the prescribed form;

“period of public emergency” means the period declared under the proclamation order to be the state of public emergency;

“RAP” means the Response Action Plan developed specifically for the UXO disposal Operation during the period of Public Emergency;

“Red Zone” means highest danger area and prohibited entry;

“safety instructions” includes the safety instructions issued under Schedule 2;

“unaffected areas” any other areas which is not an affected area;

“UXO” means unexploded ordnance and military material wastes or remains found and to be disposed of under this Regulation; and

“Yellow Zone” means moderate risk and with limited movements inwards during operational hours.

4. Application of these Regulations

These Regulations applies to all individuals residing in Betio and to all person travelling into and within Betio.

5. Purpose of these Regulations

The purpose of this Regulation is as follows;

- (a) safe evacuation of residents from identified affected areas to designated evacuation centers before and during the period of public emergency;

- (b) support the conduct of the UXO disposal operations; and
- (c) ensure the protection of life, property, public health, and essential services while maintaining effective communication with affected communities and families.

PART 2: ADMINISTRATION

6. Establishment and Functions of the National UXO Taskforce

- (1) The National UXO Taskforce is hereby established.
- (2) The Taskforce is comprised of Secretaries or Officer in Charge from the following:
 - (a) Office of Te Beretitenti (OB);
 - (b) Ministry of Foreign Affairs and Immigration;
 - (c) Ministry of Infrastructure and Sustainable Energy;
 - (d) Ministry of Information Communication and Transport;
 - (e) Ministry of Health and Medical Services;
 - (f) Ministry of Fisheries and Ocean Resource; and
 - (g) Ministry of Environment Lands and Agricultural Development.
- (3) Any other members may be invited by the Taskforce where deemed necessary.
- (4) The Chairperson of the Taskforce shall be the Secretary to the Cabinet.
- (5) The Secretariat to the Taskforce is the Ministry of Foreign Affairs and Immigration.
- (6) Functions of the Taskforce are as follows:
 - (a) coordinate responses to any issues related to the implementation of these Regulations; and
 - (b) provide advice and regular updates to the Minister and Cabinet.

7. Establishment and roles of the NDMO and NERC-TWG

- (1) The NDMO is recognised under *section 11 (b) of the Disaster Risks Management and Climate Change Act 2019* under the Office of Te Beretitenti. For the purpose of this Regulation, the NDMO is responsible to provide technical advice to the Taskforce and to develop the RAP for the purposes of responding and management of impacts and risks of the UXO operations and the implementation of these Regulations.
- (2) The NERC-TWG is established under the NDMO as a technical working group to support the NDMO in the management, coordination of preparedness and response

policies, frameworks and activities to strengthen emergency response and coordination of UXO operations in Kiribati.

8. Functions and powers of authorized officers

- (1) All authorized officers of NDMO, NERC-TWG and all police officers are empowered to enforce these Regulations and shall exercise their powers with due diligence and perform their functions under the RAP and these Regulations to the best of their abilities.
- (2) Authorized officers shall have the following functions:
 - (a) to enforce and ensure compliance to the provisions of these Regulations;
 - (b) to conduct awareness on the safety instructions and evacuations procedures under these Regulations;
 - (c) to assist in the evacuation of persons residing in the Red Zones to the designated evacuation centres;
 - (d) to assist in the evacuation of persons residing in the Yellow Zones to the designated evacuation where the Yellow Zones becomes the Red Zone;
 - (e) to monitor the entrance into the affected areas;
 - (f) to issue the pass where applicable under these Regulations; and
 - (g) to conduct the inspection and issued the directions at checkpoints during the operational hours.
- (3) Police officers may use reasonable force if necessary in the enforcement of these Regulations.

PART 3: PARTIAL CLOSURE OF AFFECTED AREAS

9. Red Zone- Prohibited

- (1) Any person residing within the Red Zone area shall be subjected to mandatory evacuation to the designated Evacuation Centres in accordance with the RAP and these Regulations.
- (2) Movement of any person, vehicles, boats and ships by road and sea into and out of the Red Zone area is prohibited during the period of public emergency unless authorised under a pass issued by the Office of Te Beretitenti.

(3) The pass referred to in paragraph (2) may only be issued after operational hours and upon satisfaction of the Office of Te Beretitenti that there is legitimate need to enter the Red Zone area.

(4) The pass will be assessed on a case by case basis and subject to any conditions imposed by the authorized officer.

(5) The police officers and authorized officers shall work closely to monitor the compliance with the conditions of the pass.

(6) The Minister may, in consultation with Cabinet, issue an Order with terms and conditions for the closure of relevant offices, Government Entities, private entities and any other place or building located in the Red Zone area.

(7) The terms and conditions under the Order shall be strictly complied with and any person found in breach of its terms and conditions commits an offence and shall be dealt with under the penalty clause.

10. Yellow Zone- Restricted

(1) Any person residing within the Yellow Zone areas during the operational hours are encouraged to evacuate out of the Yellow Zone area to unaffected areas in Betio or any other place of their choice.

(2) Any person who chose to remain or stay within the Yellow Zone areas during the operational hours, despite warnings and directions issued, will be at their own risks.

(3) Movement of any person, vehicles, boats and ships by road and sea into and out of the Yellow Zone area are restricted during the operational hours throughout the period of public emergency and may be subjected to control measures and inspections at authorized checkpoints established under this Regulation.

(4) A pass may be required for entry into the Yellow Zone where the impacts and risks arising from the operations conducted within the Red Zone extended into the Yellow Zone and where the Yellow Zone has, on the advice of the Explosive Ordnance Disposal (EOD) specialists, been declared a Red Zone.

11. Restriction of movement of persons and activities within Yellow Zone

(1) Movement of any person and any activities carried out within the Yellow Zone areas are restricted during operational hours and are subjected to any order or direction issued by an authorized officer.

(2) The restrictions under paragraph (1) may be lifted after operational hours but remain subjected to any order and directions issued by an authorized officer throughout the period of public emergency.

12. Unaffected areas

Any person living in unaffected areas shall be subjected to the same prohibition and restriction orders when travelling into and out of the affected areas during the period of public emergency.

13. Designated evacuation centers

(1) There shall be designated evacuation centers stated under the RAP for the purpose of these Regulations.

(2) In the interests of maintaining safety, security and order within the designated evacuation centers, any person residing therein shall abide and comply with the RAP and all other directions, rules, safety instructions issued by authorized officers during the period of public emergency.

(3) Any person found to breach or violate the RAP, directions, safety instructions or rules issued by the authorized officers commit an offence and shall be liable to a fine not exceeding \$100 and to imprisonment to a term not exceeding 6 months.

14. Closure of Schools

(1) The Minister may issue an Order, with terms and conditions, for the Closure of all schools located in the Betio for the period of public emergency.

(2) Movement of children under the age of 18 shall be restricted and confined within their homes or designated evacuation centers throughout the period of public emergency and in accordance with the terms and conditions of the Order issued in paragraph (1), except for those seeking urgent life-saving and health emergency services.

15. Closure of Offices, Shops and other places

To achieve the purposes of this Regulation, the Minister may in consultation with the Cabinet, issue an Order subject to terms and conditions as may be specified therein, for the partial or complete closure of all offices, shops and any other premises accessible to the public and located within the red zone area for the period of the public emergency.

16. Kiribati Port Authority (KPA) and KOIL

(1) Entry into the KPA and KOIL areas located within the Red Zone are prohibited during operational hours.

(2) The essential services operated by KPA and KOIL will be closed during the operational hours but may resume its operations after operational hours' subject to strict compliance with the terms and conditions of a pass issued under this Regulation.

17. Essential Services

Essential services accessible within the Yellow Zones shall resume operation after operational hours in accordance with any terms and conditions specified under an order or a pass issued under this Regulation.

18. Public Obligations

- (1) The public shall comply with the provisions of these Regulations and with any other directions or instructions issued by an authorized officer under these Regulations.
- (2) Any person shall take all reasonable steps to ensure compliance with these Regulations during the period of public emergency.

PART 4: MISCELLANEOUS

19. Return of evacuated person

- (1) Where a State of Public Emergency has expired or been revoked, any person evacuated pursuant to an evacuation order issued during the State of Public Emergency may return to their home, land or premises upon the competent authority declaring the affected area are safe for reoccupation.
- (2) A person shall not return to the Red Zone area before a declaration under paragraph (1) has been made.

20. Immunity of authorized officers

No civil or criminal proceedings shall commence against an authorized officer for any act done or omitted to be done in good faith, in the exercise and performance of his or her duty, power and functions under these Regulations.

21. Compensation for loss and damage etc

No compensation shall be payable to any person subjected to evacuation or voluntarily choose to evacuate under this Regulation in respect of any loss, damages, costs, expenses, business interruption, loss of income, profits and productions or inconvenience caused in connection with the operations throughout the period of public emergency.

22. Offences and penalties

Any person found in breach of all the provisions of these Regulations commits an offence and shall be liable upon conviction, to a fine not exceeding \$500 or imprisonment for a period not exceeding six months or to both.

23. Compliance with the Regulation

All Schedules, Directions, Notices, safety instructions and Orders including the RAP shall form part of these Regulations and shall be strictly complied with during the period of public emergency.

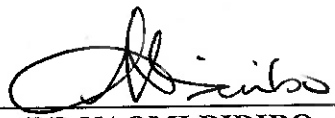
24. Amendments

The Minister, acting in accordance with the advice of the Cabinet, may amend any or all of the provisions of these Regulations when deemed necessary during the period of public emergency.

Dated 1st September, 2026.


TANETI MAAMAU
His Excellency Te Beretitenti

Printed by exhibition at the Office of the Beretitenti on the 1st September, 2026.


DR NAOMI BIRIBO
Secretary to the Cabinet