

LEGAL FRAMEWORK ON WASTE MANAGEMENT IN KENYA AND OTHER AFRICAN COUNTRIES

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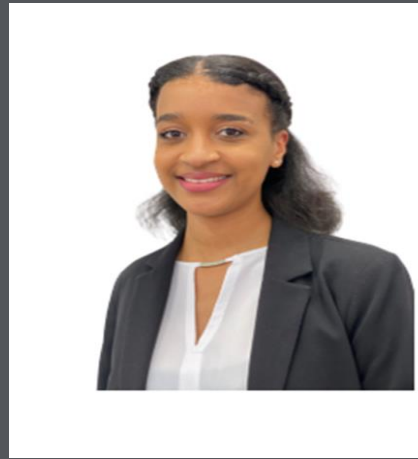
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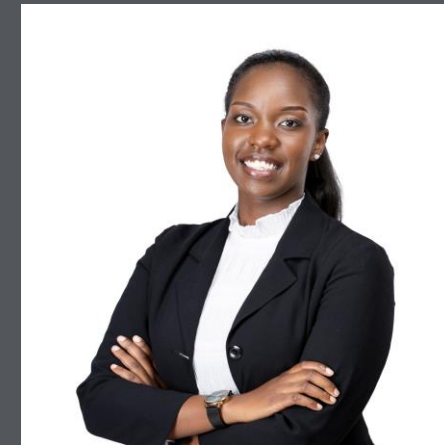
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I. WASTE MANAGEMENT IN AFRICA

In Africa there has been an **increase in waste**, including electronic waste spewing dangerous chemicals, which continuously threatens human health and ecosystems.

The United Nations (UN) Environment Programme estimates that, as of 2020, **11.2 billion tonnes of solid waste is collected worldwide and decay of the organic proportion of solid waste is contributing about 5 per cent of global greenhouse gas emissions.**

This is a result of:

- **Poor waste management systems within countries;**
- **Lack of collection systems;**
- **Ineffective disposal of waste.**

Solutions:

- **Minimize waste produced**
- **Recycling waste produced**
- **Introduction and implementation of effective legal frameworks that advocate for the 'reuse, reduce and recycle' model**



Legislation plays a key role in the management, collection and minimization of waste as it sets the tone for waste management within a country.

Adequate and clear legislative frameworks are essential for waste management practices.

POLICIES & TREATIES ACROSS AFRICA



ECOWAS Environmental Policy, 2008

The Policy highlights the West African countries commitment to follow other treaties like the Bamako to reduce the transboundary movement of waste and to create solutions to fight pollution.

African Convention on the Conservation of Nature and Natural Resources (1968) Revised (2003)

This Convention outlines that member parties should act regarding the the transboundary movement, management and processing of hazardous waste

EAC Climate Change Policy Framework

The aim is to guide and support policy makers, key stakeholders and partner states in the implementation of strategies to address climate change, ensuring both economic and social development.

Bamako Convention, 1998

The main goal of the Bamako Convention is to prohibit the importation of all waste into Africa.



Phyto-Sanitary Convention for Africa, 1954 (Amended 1961)

This outlined the strategic framework for adopting Africa's objective for inclusive and sustainable development. It is an essential step in the creation of other environmental policy base frameworks.

The Abidjan Convention, 2014

The Convention's goal is to provide framework to prevent, reduce and control pollution of the marine environment, coastal waters and related river waters in West, Central and Southern Africa.



WASTE MANAGEMENT: AN AFRICAN CASE STUDY



COUNTRY REPORTS



KENYA

The rise in industrial development and globalization has led countries in Africa to have a rise in urbanization, rural-urban migration, as well as increased economic development. The increase in overall production has, in turn led to an increase in overall waste.

Unfortunately, **the rise in waste disposal has not been met with an increase in the capacity for waste management.**

Kenya has a solid legal framework that highlights good waste management practice; however, the implementation and enforcement of laws and regulations could be improved.



RWANDA

Rwanda leads East Africa in laws against plastic pollution and other environmental problems.

Like Kenya, the rapid urbanization implies a rapid accumulation of waste. Kigali still has not implemented and created a comprehensive and large waste management system.

However, there are currently plans in place to deal with the rapid increase in population and ensure that all Rwandans live in sanitary conditions.



SOUTH AFRICA

Although South Africa is a well-developed nation, it still faces challenges when it comes to waste management. Due to its growing population and economy, there is an increased volume of waste generated. This puts pressure on waste management facilities, which are already in short supply.

There is disparity between the effectiveness of waste management systems in the Country. While the systems work efficiently in more affluent neighborhoods, the same cannot be said throughout the country.

LOCAL GOVERNMENTS IN WASTE MANAGEMENT: COUNTIES IN KENYA, 2014



Table 2: Summary of wastes generation, collection and recovery status in major towns

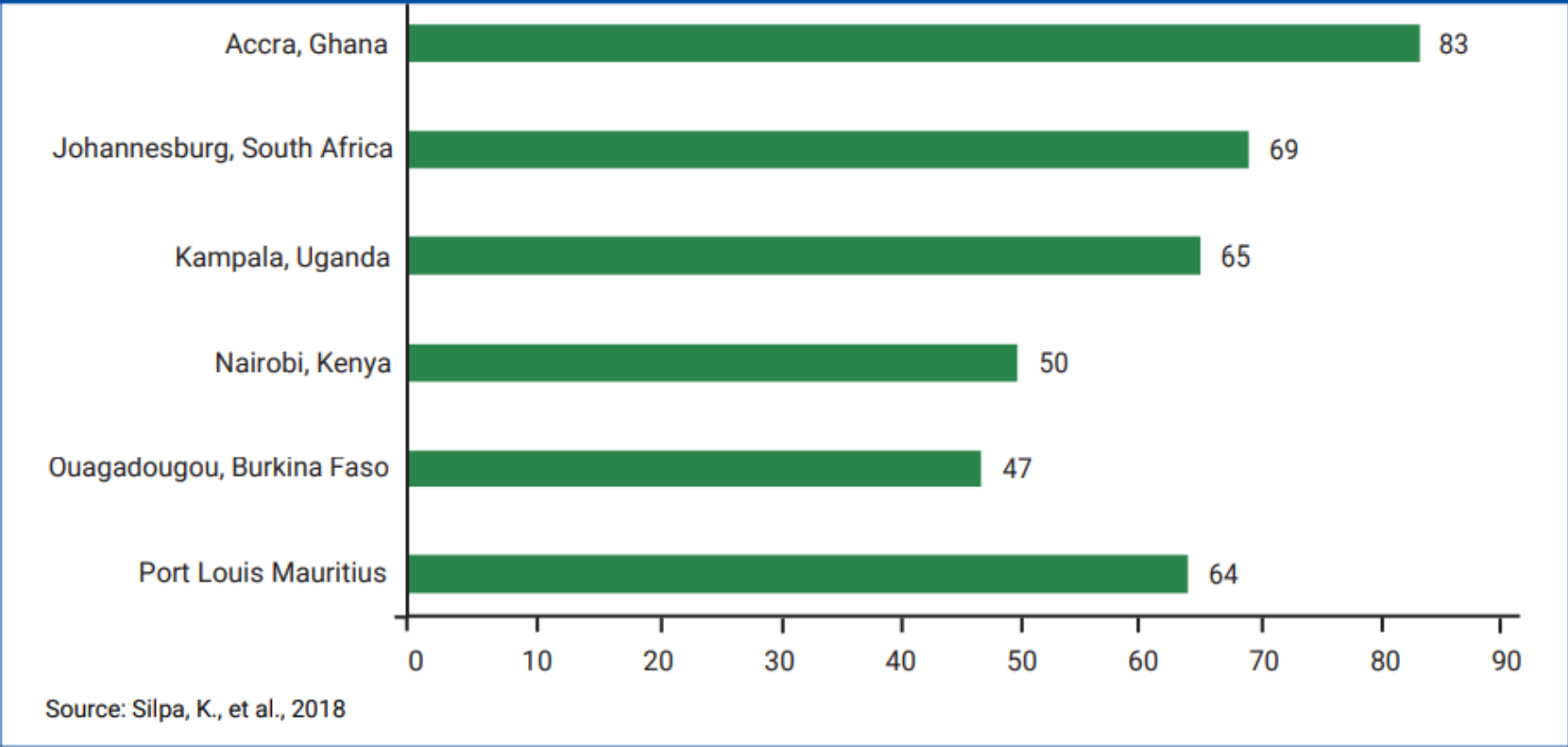
Name of town	Estimated Waste generated (tons/day)	% Waste collected	% waste Recovery	Uncollected waste
Nairobi	2400	80%	45%	20%
Nakuru	250	45 %	18%	37%
kisumu	400	20%	Unknown	Unknown
Thika	140	60%	30%	40%
Mombasa	2200	65%	40%	35%
Eldoret	600	55%	15%	45%

LOCAL GOVERNMENTS IN WASTE MANAGEMENT: KIGALI

ASSESSMENT OF THE SUCCESS OF LEGISLATION IN WASTE MANAGEMENT IN AFRICA



Figure 2.2: Waste collection rates (capital cities)



United Nations Environment Programme, *Integrated Waste Management in Africa: Focus on Circularity*, December 2020 Page 6

CHALLENGES FACING WASTE MANAGEMENT IN AFRICA: *A CALL FOR ACTION*

Legislation

Enforcement

Education

Raising
Awareness

II. EXTENDED PRODUCER RESPONSIBILITY (EPR)

EPR is a **policy where producers are given a significant responsibility – financial and/or physical – for the treatment of post-consumer products, such as waste.**

EPR policies are beneficial as they **seek to integrate costs associated with the entire production chain** which can therefore reduce waste and increase the reuse and recycling of end products.

Kenya in 2020 included the principle of EPR under Sustainable Waste Management Act (2020) by requiring provides that every producer shall bear extended producer responsibility obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arises from them.

South Africa has already implemented EPR regulations.

Rwanda is looking to implement the EPR implementation guidelines on the management of waste electrical and electronic equipment in Rwanda.

III. EAST AFRICA & PLASTIC

The East African Community (the EAC), whose members are Burundi, Kenya, Rwanda, South Sudan, Tanzania, Uganda, and Democratic Republic of Congo have **taken legislative action in relation to certain SUP** items (mainly plastic bags) in order to reduce the detrimental effects of plastic litter.

- **There are varying levels of implementation.**
- **Adherence and Enforcement.** There is both complexity around the application of policy frameworks as well as inconsistent enforcement of the bans across member states.



EAST AFRICA & PLASTIC

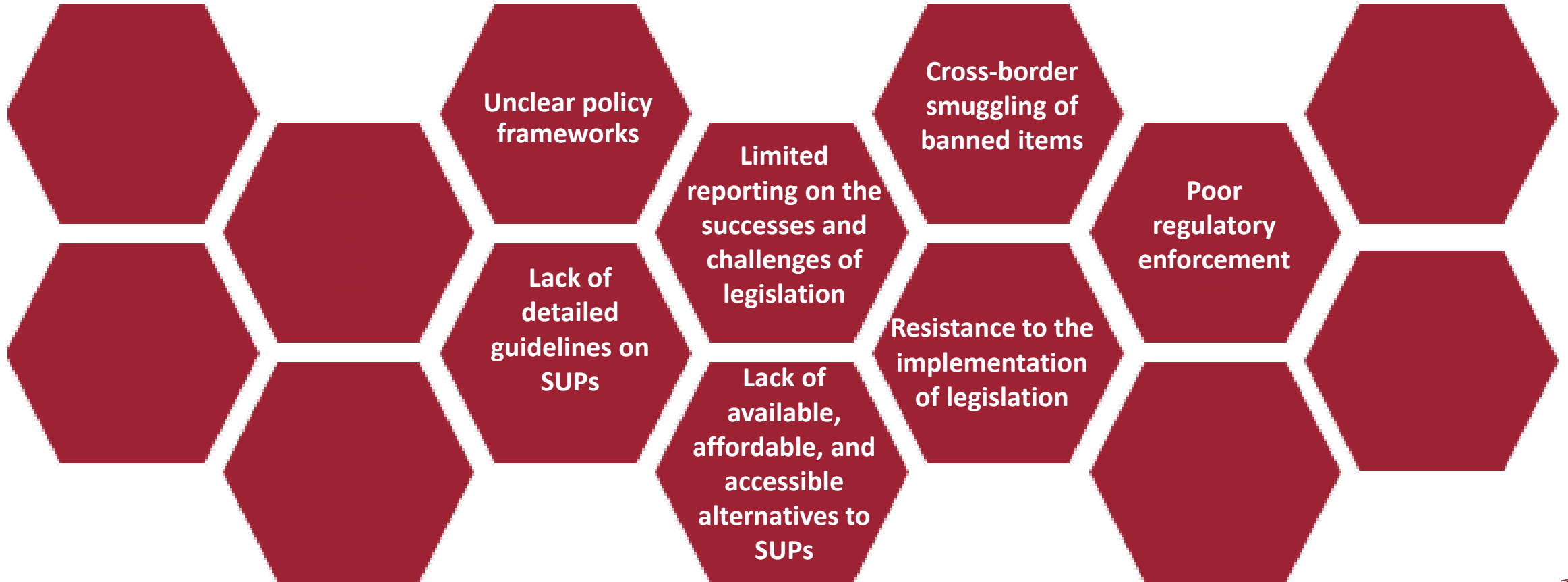
STEPS TAKEN

Each EAC Partner State has both **collaboratively and individually** taken **legislative action** with respect to addressing the harmful impact of single-use plastics **including national legislation and signing up to non-binding treaties**

In 2017, the EAC Legislative Assembly passed the EAC Polythene Materials **Bill** of 2017 which targets **polythene bags only**. In 2018, both Burundi and Tanzania banned plastic bags while Uganda implemented a ban on polythene bags below 30 microns.



CHALLENGES: ADHERENCE AND ENFORCEMENT



THE INTERNATIONAL COMMUNITY

The UN environment assembly (UNEA) concluded **that the existing international legal framework governing plastic pollution** (including the Stockholm and the Basel conventions) is **fragmented and ineffective**.

Over 2/3 of UN member states have conveyed a **willingness to think about a new global treaty to address marine plastic pollution**, while more than 1/4 of member states have directly called for **Global Plastics Treaty**

INTERNATIONAL ACTION PLAN: ROADMAP TO GLOBAL PLASTICS TREATY

1st Session of the Intergovernmental Negotiating Committee on Plastics Pollution

28th November – 2nd December 2022
Punta del Este, Uruguay

2nd Session of the Intergovernmental Negotiating Committee on Plastics Pollution

29th May – 2nd June 2023
UNESCO Headquarters Paris, France.

African Climate Action Summit and Africa Climate Week

4th – 6th September 2023
Nairobi, Kenya

3rd Session of the Intergovernmental Negotiating Committee on Plastics Pollution

End of 2023
UNEP Headquarters Nairobi, Kenya.

CIVIL SOCIETY

- Civil society and citizens continue to **push for a global legally binding treaty to tackle plastic pollution**, with the World Wildlife Fund's Plastics Petition attracting nearly **two million signatures**.
- Civil society is also a critical component of the Plastic Waste Partnership, with the aim of **improving and promoting environmentally sound management**.
- In the context of Kenya, the **decision to implement the bans on plastic bags as well as SUPs in protected areas** was driven by a strong civil society.



IV. OTHER APPROACHES IN THE REGION

SADC APPROACH

SADC does not have a regional initiative addressing SUPs; however, all of its members have announced policies (total bans, partial bans, and levies) to reduce the number of SUPs.



STAKEHOLDERS REACTIONS

The Bamako Convention, 2021: The Convention prohibits and regulates importation and trans-boundary movement and management of hazardous wastes within African states.



IV. OTHER COUNTRIES IN EAST AFRICA

BURUNDI

In 2018, **Burundi banned the manufacture, import, storage, sale and use of all plastic bags and other plastic packaging**; there was an 18-month transitional period that ended in February 2020.

The law has three objectives: **to control the use of plastic bags and other plastic packaging; to promote the use of materials that do not harm the environment; and to prevent any form of pollution caused by plastic.** The decree also includes some exemptions that may be authorized for "biodegradable plastic bags, bags and plastic materials used in medical services, and in industrial and pharmaceutical packaging".

UGANDA

In November 2018, the Ugandan Parliament passed the National Environment Bill, 2017 **banning polythene bags below 30 microns.**

More specifically, Clause 75 of the Bill provides for the **regulation of importation, manufacture, use and reuse of certain plastics.** In 2020, the Uganda Parliament.

This law encompasses waste management, producer liability, hazardous waste regulations, the treatment and disposal of waste, landfill management, waste incineration, waste transportation across the country's borders, and environmental and public health standards. Medical waste is categorized as a type of hazardous waste and must be treated as such under this legislation.

IV. OTHER COUNTRIES IN EAST AFRICA



RWANDA

Rwanda was the first regional country to adopt a law against plastic bags in 2008. A new and extensive law was gazetted in August 2019 which prohibits the manufacturing, importation, use and sale of plastic carrier bags and single-use plastic items and other types of plastics deemed equally harmful to the environment.

The ban affects all plastic carrier bags and other single-use plastic items such as wrappers, plastic containers, bottles, straws, plastic cutlery, folders and balloons.

SOUTH SUDAN

The Government of South Sudan banned the importation and use of plastic bags in the country in December 2017.

TANZANIA

The first phase of Tanzania's anti-plastic initiative began in 2017 to "protect the youth and environment," with an initial ban on the manufacture of plastic bags and in-country distribution. In May 2018, Tanzania announced the implementation of the second phase of its plastic bag ban. This second phase came into effect on 1 June 2018 and prohibits the importation, exportation, manufacture, sale, storage, supply and use of plastic carrier bags in mainland Tanzania.

V. ALN ENGAGEMENT & THE DRAFT SUP BILL



There is a pressing and urgent need for further collaborative action to be taken by East African policymakers in order to preserve the health of our economy, environment and persons.



To facilitate this, ALN Kenya has partnered with Flipflopi to champion the legislative agenda at an EAC level through the drafting and introduction of a legislative framework to ban the use and manufacture of specific single-use plastics in the EAC to be presented before the EAC Legislative Assembly for consideration.



This legislative initiative proposes a complete ban on the manufacture, sale and importation of the following suggested unnecessary single use plastic items by a specific date to be included in the proposed law: microbeads in cosmetics, cutlery, plates, cups, cotton buds, straws, stirrers, wet wipes, carrier bags, balloons, food containers and sweet wrappers (the “Single Use Plastics Bill”). These are all non-essential items which are particularly harmful to our environment and livelihoods, cannot be recycled and are readily substitutable.



As the EAC economies grow, we are offered a range of opportunities to rethink single-use plastics and recycling.



We’re in a position to develop new production, consumption, and disposal models that are focused around a closed-loop model. This model takes us away from the current consumption and destruction model and can promote community-led closed-loop waste management initiatives to tackle this global issue at a local level while creating new industries and employment opportunities.

Thank You



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