

STATE OF AFFAIRS

Policies, Regulations and Laws that Address the Harmful Effects of Single-Use Plastics in the East African Community

April 2023



EAST AFRICANS:
**LET'S UNITE
FOR
CHANGE**

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INTRODUCTION

Single-use plastics (“**SUPs**”) have permeated every aspect of our consumer-based society.

SUPs, often referred to as disposable plastics, are commonly used for packaging and include items intended to be used only once before they are thrown away, such as grocery bags, food containers and wrapping, bottles, straws, cigarette butts, cups, and cutlery.



As the quality and properties of most SUPs are poor, they are difficult to recycle and/or reuse and they therefore lack significant monetary value which leads to their [irresponsible] disposal.

Notably, half of the plastic produced globally is designed to be used once and thrown away, and every year, we throw away a staggering 300 million tonnes according to the United Nations¹; which is nearly equivalent to the weight of the entire human population.

These products will take tens if not hundreds of years to degrade and over time they will have a harmful impact upon the environment, our health, and our economy.

Harmful Effects of Plastic Pollution

When irresponsibly disposed of, SUPs make their way into the environment where they block water channels, harm biodiversity, clog drains (causing flooding), and intensify soil degradation.

¹ [UNEP - Beat Pollution](#)

When buried (such as in landfills), they leech dangerous chemicals which pollute groundwater and soil². When burned (such as in open pits), they emit harmful gases which have been linked to various diseases such as asthma, cancer, and heart disease³.

Left exposed, they slowly break down via sun, water, and erosion into smaller particles known as microplastics, which have been found to enter the air we breathe, the water we drink, and the food we eat, and consequently the human body. It, therefore, comes as no surprise that a recent study found the presence of microplastics in human placenta⁴.

The impact of plastic pollution on the health, safety and livelihoods of communities and our environment is catastrophic and expensive - there are significant costs associated with hospital bills, environmental cleanups, and repairs of damaged infrastructure. And we are still learning just how far-reaching the damage is.

SUP Regulation in East African Community



While the data on the extent of plastic pollution across the African continent is still limited, a significant proportion of African countries have passed legislation (34 out of 54 African countries) banning certain SUPs, with varying levels of implementation^{5,6}.

These actions are notable, considering that legislation is a vital instrument in protecting the rights of citizens, regulating production, and assigning responsibility.

² [Plastic planet: How tiny plastic particles are polluting our soil](#)

³ [Plastic bag bans can help reduce toxic fumes](#)

⁴ [Plasticenta: First evidence of microplastics in human placenta](#)

⁵ [34 Plastic Bans in Africa: A Reality Check](#)

⁶ [Overview of Legal and Policy Framework Approaches for Plastic Bag Waste Management in African Countries](#)

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

Challenges in Relation to Adherence and the Enforcement of Legislation

While positive legislative steps have been taken across the EAC to address SUPs, and should be praised, **there is both complexity around the application of policy frameworks as well as inconsistent enforcement of the bans across member states.**

Identified impediments to the adherence and enforcement of legislation include:

- unclear policy frameworks;
- a lack of detailed guidelines on SUPs;
- a resistance to the implementation of legislation, which can itself be attributed to a lack of (i) awareness amongst the public; (ii) financial incentives that encourage businesses to shift towards alternatives; (iii) collaboration between policy makers and key stakeholders as part of the implementation process,
- poor regulatory enforcement;
- cross-border smuggling of banned items;
- a lack of available, affordable, and accessible alternatives to SUPs; and
- limited reporting on the successes and challenges of such legislation.



These significant gaps should be used as a basis to inform and encourage governments, citizens, civil society and businesses to collectively engage and take tangible action towards harmonising policies and implementation as well as catalysing innovation.

Steps Taken at the EAC and the International Community to Address Plastic Pollution

As we elevate discussion on legislation, it is critical to note that plastic pollution knows no borders. Discarded waste plastic is carried across our oceans, seas and lakes, from country to country, blown by one gust of wind from one region to another. That is why it is

important to not only consider the actions of individual member states in the EAC, but to **push for collaborative and coordinated action in order to achieve full success in tackling plastic pollution.**

At a regional level at the EAC, there is existing legislation in relation to environment and natural resources management, pursuant to which EAC members are required to cooperate and coordinate policies and actions for the protection and conservation of natural resources and the environment against all forms of degradation and pollution arising from developmental activities.

On this basis, the EAC has come together to pass the Polythene Material Controls Bill, and despite its slow adoption by the member states, there is potential for increased environmental leadership by the EAC, in particular to address the proliferation of SUPs and to align policies and strategies for plastic waste management across all member states.

But East Africa is just one region among many - most of whom contribute more significantly to the growing tide of pollution. This is why discussions around global frameworks and treaties have become more common when talking about tackling plastic pollution⁷.

According to the Guardian⁸, "the UN environment assembly (UNEA), which set up the ad hoc working group (AHEG) on marine plastics in 2017, concluded that the existing international legal framework governing plastic pollution, including the Stockholm and the Basel conventions, is fragmented and ineffective."

But as of 2023, 175 countries adopted a historic UN resolution 'End plastic pollution: towards an international legally binding' instrument to think about a new global treaty to address plastic pollution based on a comprehensive approach that addresses the full life cycle of plastics⁹.

⁷ [Global treaty to regulate plastic pollution gains momentum](#)

⁸ [Global treaty to tackle plastic pollution gains steam without US and UK](#)

⁹ [End Plastic Pollution: towards an international legally binding instrument](#)

This was supported by strong civil society and citizen support who pushed for a global legally binding treaty, with the World Wildlife Fund's Plastics Petition attracting nearly two million signatures¹⁰.

While this report will not dive into global treaties, we will provide an overview of existing treaties, as we seek to better understand the role that they and regional legislation can play in the fight against plastic pollution.

The Purpose of this Report

Despite the challenges in the adherence to and enforcement of legislation, momentum across the EAC is steadily rising, with increasing awareness, scientific research, and legislation focused on tackling SUPs and their resulting pollution.

This report has been put together by the Flipflopi Project, Sustainable Inclusive Business Kenya, and Africa Legal Network (ALN), after an assessment of policies and regulations focused on protecting the environment and/or managing SUPs, across the seven member states of the EAC.

The report highlights:

- legislative and regulatory frameworks that have been adopted within the EAC,
- the process and progression of laws across each country,
- the successes, challenges, and lessons learned, and
- an overview of other regional and global regulations and treaties.

The purpose of this report is to support increased understanding of existing regulations relating to SUPs as well as provide a foundation for the adoption of streamlined legislation and collaborative action in the EAC to regulate the production of plastics, support the management of existing waste, and eliminate unnecessary SUPs at a regional level.

The time is now for further affirmative action to be taken by East African policymakers in order to preserve the health of our people, environment, and economy.

¹⁰ [Now Is the Time for a UN Treaty on Plastic Pollution](#)

COUNTRY CONTEXT

Rwanda

Single-Use Plastic Bans

Plastic carrier bags ban

Came into effect in 2004 for bags of less than 60 microns. In 2008, this ban was extended to all polyethylene bags

Single-Use Plastics ban

Banned in 2019 with some exceptions.

Relevant Government Institutions

- Rwanda Utilities Regulatory Authority
 - Rwanda Bureau of Standards
- Rwanda Environment Management Authority
 - Ministry of Environment

Rwanda, was the first country in the EAC to implement a ban on plastic bags and SUPs, acting as a catalyst for the region. The country's economic growth has been driven by a desire to become a hub for tourism, IT, and finance - each of which is tied to environmental discourses. This has influenced Rwanda's environmental leadership, with the government consistently raising the plastic pollution agenda in the EAC's parliament.

While the 2008 polythene bag ban was introduced when there were relatively low levels of environmental awareness among Rwandans, government initiatives such as media campaigns (radio, TV, print) and community activities (monthly clean-ups) were created to increase awareness on the environmental impacts of plastic bag pollution in order to reduce resistance to the ban.

Another of the challenges faced was smuggling of polythene bags from neighbouring countries, which was tackled through strict border control and inspection, including flight announcements on the ban.

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The limited influence of plastic bag manufacturers in Rwanda is another explanation for the speed in which the law was passed and implemented. This is especially significant when looking at EAC members - such as Kenya and Uganda, who had multiple attempts to enforce plastic bag bans delayed by an influential manufacturing sector.

In 2019, Rwanda took the historic step of banning the majority of SUPs (with some exceptions). The ban gave local businesses three months to shift towards more sustainable alternatives, leading to an outcry¹¹ regarding the short notice. Factories on the other hand have been given two years to cease production of SUPs, with this two-year period expiring in September 2021. It remains to be seen to what extent the factories adhere to this deadline.

Rwanda has shown commitment to implementing the ban by rejecting the appeal by manufacturers of SUPs to extend the grace period given to them to phase out production of SUPs¹².

Below we will look at the policies and regulations in Rwanda that address environmental protection and SUPs.

Vision 2050

Vision 2050 aspires to take Rwanda beyond high income to high living standards. To drive towards this goal, Rwanda is committed to being a nation that has a clean and healthy environment that is resilient to climate variability and change and that supports a high quality of life for its citizens.

The Constitution of the Republic of Rwanda, 2003

The Constitution of Rwanda was adopted during the referendum of 26th March 2003 and amended in 2015. It provides the binding legal framework which guided the National Environment and Climate Change Policy, June 2019. Article 22 assures every citizen of the right to live in a clean and healthy environment. Article 53 imposes an obligation on every

¹¹ [Rwanda traders count losses after ban on single-use plastics](#)

¹² [Rwanda: No extension of grace period for single-use plastics](#)

person to protect, safeguard and promote the environment and further provides that the State will ensure the protection of the environment.

The National Environment Policy (“NEP”), 2003

The NEP sets out objectives and fundamental principles for the management of the environment as well as institutional and legal reforms in order to provide the country with a coherent and harmonious framework for the coordination of policies. The NEP also contains policy statements and strategic options as well as the necessary arrangements for the implementation of the policy.

Ministerial Order of the Minister of Lands, Environment, Forestry, Water and Mines relating to the manufacture, importation, trade and use of plastic bags (20 August 2004)

The 2004 ban prohibited the manufacture, use, importation, or sale of plastic carrier bags under 60 microns. In 2008, this ban was extended to all polythene bags.

Determining the Modalities of Protection, Conservation and Promotion of Environment in Rwanda (Law No. 04/2005)

Law No. 04/2005 set out the general framework for environmental protection and management in Rwanda. This law developed national strategies, plans and programmes aimed at ensuring the conservation and sustainable use of the environment. Article 6 of Law No. 04/2005 provides that every person in Rwanda has a fundamental right to live in a healthy and balanced environment.

Law No. 16/2006

Law No. 16/2006 of 3rd April 2006 establishes and determines the organisation, functioning, powers and responsibilities of the Rwanda Environment Management Authority (the “**REMA**”). REMA is responsible for the national environmental protection, conservation, promotion and overall management of all matters relating to the environment and climate change. REMA also advises the Rwandan Government on policies, strategies and legislation related to the management of the environment.

Law No. 57/2008

The manufacturing, sale, importation, or use of polyethylene bags is prohibited, with strong fines for manufacturers, dealers and buyers of these plastic bags¹³.

However, the law allows exceptions for polythene bags to be used for the packaging of meat, chicken, fish and milled cassava leaves to facilitate their refrigeration. The law also states that “the list shall be updated at any time where it is deemed necessary”.

Article 4 of Law No. 57/2008 makes a provision for the Prime Minister to establish a list of polythene bags necessary to be used in exceptional cases.

National Strategy for Transformation (“NST1”)

The NST1/Seven Years Government Program (2017 - 2024) sets the priority for a green economy approach in its Economic Transformation pillar that promotes “Sustainable Management of Natural Resources and Environment to Transition Rwanda towards a Green Economy”. Moreover, environment and climate change were highlighted in NST1 as cross-cutting areas of policy concern which can be positively impacted by a range of development activities with priority given to agriculture, urbanisation, industries and energy.

National Environment and Climate Change Policy, June 2019

This Policy provides strategic direction and responses to the emerging issues and critical challenges in environmental management and climate change adaptation and mitigation in Rwanda. The main policy goal is for “Rwanda to have a clean and healthy environment resilient to climate variability and change that supports a high quality of life for its society.”

¹³ [Law No. 57/2008](#)



Flipflopi co-founder, Ali Abdalla Skanda, during the 2019 Lamu-Zanzibar Expedition | Credit: Flipflopi

Law No. 17/2019

This legislation prohibits the manufacturing, importation, use and sale of plastic carry bags and SUP items such as straws, food containers, cutlery, and bottles, with the exception of home compostable plastic items and woven polypropylene¹⁴. It repealed Law No. 57/2008.

The law also outlines Extended Producer Responsibility, including an environmental levy on imported SUPs as well as products packaged in plastic. Furthermore, “every manufacturer, wholesaler or retailer of plastic carry bags or single-use plastic items must put in place mechanisms to collect and segregate used plastic carry bags and single-use plastic items and hand them over to the recycling plants.”

¹⁴ [Law No. 17/2019](#)

There is a transition period of three months, allowing retailers to sell off SUP items in stock or that have been ordered. Additionally, existing factories in Rwanda that are manufacturing prohibited items have been given two years to comply with the law.

There also exists a document with guidelines for exemptions which provides clarity on what is disallowed.¹⁵

¹⁵ [Guidelines on use of plastic bags](#)

Kenya

Single-Use Plastic Bans

Plastic carrier bags ban

Enacted in 2017.

Single-Use Plastics ban

The ban of specific SUP items came into effect in June 2020, but is restricted to protected areas.

Relevant Government Institutions

- Ministry of Environment and Forestry
- National Environmental Management Authority
- Council of Governors - Water, Forestry and Mining Committee
- Ministry of East Africa Community and Regional Development

Kenya's decision to implement the bans on plastic bags as well as SUPs in protected areas was driven by a strong civil society combined with strong political will spurred by a need to cement Kenya's environmental leadership in the region in order to support growth in economic areas such as tourism.

After multiple failed attempts to curb plastic bag pollution through duties, standards, and pilot projects¹⁶, the country instituted the world's strictest plastic bag ban in 2017 which has to date achieved a success rate of 80%¹⁷. Behavioural change campaigns and civic education were also critical in garnering public support, even as the ban faced the dual challenges of a lack of affordable alternatives and smuggling of the banned bags from neighbouring countries¹⁸.

Furthermore, Kenya's manufacturing companies have a significant and growing influence within the country. Companies, led by the Kenya Association of Manufacturers ("**KAM**"), have protested and delayed various attempts at plastic bans, citing the impact on livelihoods.

¹⁶ [The Kenyan Ban on Plastic Bags: A study of attitudes and adaptation in Nairobi](#)

¹⁷ [2 years on: say no to plastic bags](#)

¹⁸ [How smuggling threatens to undermine Kenya's plastic bag ban](#)

However, the private sector has made recent efforts to address plastic waste, including the Framework of Cooperation which includes 'Take Back Schemes', the Kenya Plastics Action Plan, and the Kenya Plastics Pact.

In 2020, the US oil and plastics industry was accused of attempting to weaken Kenya's laws on plastics¹⁹, as part of bilateral trade talks between both countries. There was a public outcry within Kenya with many opposed to a change in the country's strong environmental policies, however, the outcome of the talks is yet to be seen.

Below we will look at the policies and regulations in Kenya that address environmental protection and SUPs.

Environmental Management and Coordination Act, 1999 (the "EMCA")

The EMCA and its associated Waste Management Regulations 2006 is the framework law guiding waste management in Kenya. The EMCA provides for the establishment of an appropriate legal and institutional framework for environmental management and conservation in Kenya. The EMCA also establishes the National Environmental Management Authority ("**NEMA**") whose object and purpose is to exercise general supervision and coordination over all matters relating to the environment and to be the principal instrument of Government in the implementation of all policies relating to the environment.

Vision 2030

The country's development blueprint covers the 22-year period between 2008 and 2030. Under the social pillar, the blueprint highlights the need to establish waste management systems in selected local authorities. Plastic management is also captured as a flagship project that needs to be addressed urgently through public-private partnerships. Counties have also allocated substantial sums of money for waste management including formulating bills that mirror national policies for implementation at the local level.

¹⁹ [Big Oil accused of asking Trump administration to pressure Kenya on its strict plastics ban](#)

Finance Budget, 2007 and Finance Bill, 2008

The 2007 Finance Budget imposed an excise duty of 120% on plastic bags of less than 30 microns. In January 2008, the Finance Bill also banned the importation and manufacture of plastic bags of less than 30 microns.

Constitution of Kenya (2010)

In 2010, Kenya adopted a new constitution. Article 42 assures all Kenyans a clean and healthy environment as a human right, of course with a demand upon all Kenyans to be responsible to safeguard this right. Article 69 requires the government to eliminate all processes and activities that degrade the environment, while Schedule 4 devolves waste management to counties. Both levels of government play a distinct role in tackling plastics. The national government handles policy formulation while county governments implement those policies in line with the provisions of the constitution.

The National Environmental Policy 2013 (the “NEP 2013”)

The main goal of the NEP 2013 is better quality of life for present and future generations through sustainable management and use of the environment and natural resources.

The NEP 2013 aims to provide a framework for an integrated approach to the sustainable management of Kenya's environment and natural resources, through the use of innovative environmental management tools such as incentives, disincentives, total economic valuation, indicators of sustainable development, strategic environmental assessments, environmental impact assessments, environmental audits, payment for ecosystem services and the ‘polluter pays principle’. To achieve a clean and healthy environment the policy seeks to discourage and eliminate unsustainable patterns of production and consumption while instituting intensified awareness creation on the impacts of using non-biodegradable materials such as SUPs.

National Solid Waste Management Strategy, 2015

This strategy outlines the framework for better solid waste management, including plastic waste management, across the major municipalities: Kisumu, Eldoret, Thika, Mombasa, and Nakuru.



A resident of Nakuru asking the Kenyan government to ban plastic bags | Credit: James Wakibia

Gazette Notice No. 2334 and 2356, 2017

On 28th February 2017, the Kenyan Government issued Gazette Notice No. 2334²⁰ and 2356²¹ banning the manufacture, importation, and use of plastic carrier bags and flat bags for commercial and household packaging. With a fine of \$40,000 for anyone caught manufacturing, selling, or using the plastic bag, this is the world's strictest ban on plastic bags.

²⁰ [Gazette Notice No. 2334](#)

²¹ [Gazette Notice No. 2356](#)

The Draft Environmental Management and Coordination (Plastics Bags Control and Management) Regulation, 2018²²

The objective of these regulations is to ensure a clean and healthy environment through the prevention of pollution caused by plastic bags and the promotion of alternative biodegradable packaging materials. The draft regulations require every manufacturer and importer of plastic bag packaging to propose and uphold a recycling plan to support the collection and recycling of plastic brought into the market.

The plan can be developed individually or in collaboration with other producers however it must be submitted to NEMA for publishing and documenting previous activities and achievements. The draft regulations also set out a criterion for exemption which provides that a packaging may not be eligible for exemption if it constitutes as over-packaging, or if there exists any other feasible non-plastic alternative packaging material.

Gazette Notice No. 4858²³

In 2019, Kenya's President announced a ban on SUPs in protected areas including conservation areas, forests, beaches, national parks, national reserves and any other designated wildlife protected areas. This ban came into effect in June 2020 through Gazette Notice No. 4858.

The following items constitute SUPs which are the subject of the ban:

- Cotton buds;
- Cutlery, plates, straws and stirrers;
- Balloons and sticks for balloons;
- Food containers (some fractions of plastic polymer);
- Cups for beverages (some fractions of plastic polymer);
- Beverage containers (PET bottles);
- Cigarette butts;
- Bags;
- Crisps packets, sweet wrappers, bread bags and confectionery wrappers; and

²² [Draft Environmental Management and Coordination Regulation, 2018](#)

²³ [Gazette Notice No. 4858](#)

- Wet wipes and sanitary items.



President Uhuru Kenyatta visits the Flipflopi dhow during UNEA 4 in Nairobi | Credit: Flipflopi

2019/20 Budget: Incentives for Plastic Recycling

The Kenyan government has provided incentives to businesses for plastic recycling. The 2019/2020 budget included an exemption from the 16% VAT for all services offered including plastic recycling plants and the cost of machinery and equipment to set up recycling plants. The government also reduced corporate tax from 30% to 15% for the first 5 years for any investor operating a plastic recycling plant.

Extended Producer Responsibility (“EPR”) Regulations, 2021

Kenya's EPR regulations are aimed at alleviating the burden on counties, municipalities, and taxpayers on managing end-of-life products, by reducing the amount of waste generated and increasing the rates of recycling.

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Under the EPR regulations, producers will be responsible for the post-consumer lifecycle of their products, including collection, sorting, and treatment for recycling or recovery. The regulation also envisions the establishment of Producer Responsibility Organizations (PROs) for the defined products including plastics.

Currently, the revised draft further reinforces the obligation of manufacturers and would also require producers to carry out a series of additional activities, including raising awareness on management of post-consumer products that they introduce in the market and carrying out product life cycle assessment in relation to their products for enhancing environmental sustainability among others²⁴.

Draft National Sustainable Waste Management Policy, 2021

The National Waste Management Policy aims to “create an enabling regulatory environment for Kenya to effectively tackle the waste challenge by implementing sustainable, waste management that prioritizes waste minimization and contributes to a circular economy.” The Policy is now strengthened by the newly enacted Sustainable Waste Management Act 2022 which has established actual structures for sustainable SWM.

Finance Act 2021

The 2021 Act imposes a 10% excise duty on “articles of plastic” which is lower than the 120% excise duty imposed by preceding Finance Act of 2008.

Sustainable Waste Management Act 2022

The newly enacted Act commits the government to enact measures to reduce the amount of waste generated and, where waste is generated, to ensure that waste is reused, recycled, and recovered in an environmentally sound manner.

The Act focuses on discarding the linear model and embraces a circular model for waste generation. The Act is based on eight main principles: the constitutional right to a clean and healthy environment, the polluter-pays principle, the precautionary principle, payment for

²⁴ [Kenya Revises Draft Regulations on EPR](#)

ecosystem services, access to info on waste management, the zero-waste principle, achieving sustainable development goals, and poverty alleviation and job creation (especially for youth, women, and the disabled).

Furthermore, the Act establishes a governance framework through a waste management council, expands the role of county governments and EPR schemes.

Tanzania

Single-Use Plastic Bans

Plastic carrier bags ban

Zanzibar's ban came into effect in 2006 for bags < 30 microns while the ban on the Tanzania mainland came into effect in June 2019

Single-Use Plastics ban

Ban on plastic sachets and plastic packaging (with certain exceptions).

Relevant Government Institutions

- State Ministry for Environment
- Ministry of Industry, Trade, and Investment
- National Environment Management Council

Tanzania implemented a ban on plastic bags in 2019 nearly a decade after Zanzibar (an island off mainland Tanzania) introduced a similar ban for bags less than 30 microns.

While there have been positive responses to the law, there remains limited data on how widespread its adoption is. Additionally, the Tanzanian government is coming up with EPR guidelines under the National Solid Waste Management Strategy, and this could reinforce the management of SUPs and their disposal in the country.

Below we will look at the policies and regulations in Tanzania that address environmental protection and SUPs.

The Constitution, 1977

The Constitution of the United Republic of Tanzania (1977) as amended in 2005, makes it mandatory to protect each citizen's health. Article 14 states that "every person has the right to live and to the protection of his life by the society per the law," which has been interpreted by the High Court of Tanzania to mean that Tanzanians are entitled to a healthy environment.

National Environment Policy (“NEP”) 1997

The NEP emphasises sustainable environmental management, security, and equitable use of resources, raising public awareness, and promoting individual and community participation in environmental management. The NEP provides a set of principles and objectives for an integrated and multisectoral approach addressing the totality of the environment. The NEP also provides for the execution of a range of strategic functions using policy instruments such as environmental impact assessments, environmental legislation, economic instruments and environmental standards, and indicators. The policy is still being implemented, though there is a scarcity of information on its effectiveness.

Environment Management Act (“EMA”) [as amended], 2004

The EMA requires authorities to put more effort towards promoting the state of the environment and its associated future threats such as any emission to air, land, or water as well as the storage and disposal of non-hazardous and hazardous wastes. The EMA requires the appointed sectoral, regional, and district environmental management coordinators to enforce environmental management policies in their geographical locations, while implementing, monitoring, and evaluating effectiveness. The EMA also re-established the NEMC which has the mandate to undertake environmental enforcement, compliance, review and monitoring environmental impact statements, leading research and raising awareness.

The Environment Management (Prohibition of Manufacturing, Importation and Use of Plastic Sachets for Packaging Distilled and other Alcoholic Beverages) Regulations, 2017

These regulations imposed a total ban on the manufacturing, importation and use of plastic sachets for packing distilled and other alcoholic beverages regardless of their thickness. The regulations also prohibit the registration or issuance of a licence to any person intending to manufacture or import plastic sachets. Non-compliance with the regulations may attract a penalty or a term of imprisonment as well as repatriation, confiscation and disposal of the plastic sachets.



School children in Mwanza hold up signs calling for a plastic revolution | Credit: Flipflop

Ban on Plastic Carry Bags Regulations, 2018, Zanzibar²⁵

The Zanzibar government officially banned the use of plastic bags less than 30 microns in 2006 through a directive, however the ban was only reflected in legislation in the Plastic Bags Banning Regulations of 2011. These regulations made importation, manufacturing and use of plastic bags an offence and on conviction a person can be imprisoned for six months or pay a heavy fine of or both.

On 8th June 2018, the Minister of State, Second Vice President's Office of the Government of Zanzibar introduced the Ban on Plastic Carry Bags Regulations of 2018, which repealed and replaced the 2011 regulations. The regulations prohibit a person from

²⁵ [Plastic Carry Bags Regulations, 2018](#)

manufacturing, importing, storing, selling, transporting, supplying, possessing, littering, burning or using any plastic carry bag in Zanzibar for any purpose whatsoever.

The National Solid Waste Management Strategy (“NSWMS”), 2018

The NSWMS seeks to establish a common platform for action between relevant government institutions to systematically improve waste management in Tanzania. The strategy lays the framework for improved waste management in the country. This strategy was developed to have fully functional and compliant waste management systems in urban centres, with a goal of protecting human health through enhancing a clean and healthy environment for all.

Additionally, Extended Producer Responsibility has been highlighted as one of the approaches to be taken by the local governments in Tanzania to implement the solid waste management strategy. Together with the Extended Producer Responsibility, the NSWMS has also listed other means that can be used to implement the strategy including but not limited to the introduction of public awareness campaigns and education, and the establishment of efficiency and value addition in the solid waste management cycle.

Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019, Tanzania

Effective June 1, 2019 all plastic carrier bags, regardless of their thickness, were prohibited from being imported, exported, manufactured, sold, stored, supplied, and used in Mainland Tanzania²⁶.

Beverages and other products wrapped in plastic are also prohibited, unless the plastic wrapping was necessary. The only exceptions to the ban are plastic or plastic packaging for medical services, industrial products, the construction industry, the agricultural sector, foodstuffs, and sanitary and waste management.



²⁶ [Plastic Bags Prohibition Regulations Issued](#)

In addition, “all suppliers of products contained in plastic bottles are now required to set-up, operate or participate in a take-back system in collecting their respective waste plastic bottles for recycling purposes, and no additional price is to be charged for this service.”

Ban of Plastic Drinking Straws and Soft Plastic Covers on Water Bottles, 2021

On the 9th of October 2021, the government of Tanzania through the Minister of State in the vice president’s office (Union Affairs and Environment), announced the ban on the use of plastic drinking straws and soft plastic covers on the caps of water bottles.²⁷

The effective date for the ban is 12th April 2022 i.e. six months from the date of the announcement, with the assumption that after that period most of the existing soft drinks and water bottles will expire. Products that have not expired will be allowed to remain in the market until their expiry date.

The government further added that after the effective date, the importation of the said products in Tanzania will also be banned.

The National Climate Change Strategy 2021-2026

This new strategy replaces the 2012 strategy and addresses climate change mitigation through various industries including waste management industries which can supplement the National Waste Management Strategy 2018

²⁷ [Marufuku Kuzalisha Karatasi Za Plastiki Kwenye Mfuniko Wa Chupa Za Maji-Mhe. Jafo Government Bans Use of Plastic Drinking Straws](#)

Uganda

Single-Use Plastic Bans

Plastic carrier bags ban

Announced the ban of plastic carrier bags that are less than 30 microns in 2007, and this took effect in 2018.

Single-Use Plastics ban

Yet to ban.

Relevant Government Institutions

- National Environment Management Authority (NEMA)
 - Ministry of Water and Environment
 - Kampala Capital City Authority

Uganda's policy to ban SUPs was first announced in 2007. Similar to Kenya, the policy was met by protests from manufacturers and traders delaying implementation for over a decade.

After years of implementation challenges, the president of Uganda issued a directive in 2018 to enforce the ban on plastic bags (*kaveera*) that are < 30 microns. However, implementation is inconsistent and the use of plastic bags remains common.

An important factor to note is that the country's economic growth over the last few decades has been largely driven by the manufacturing and construction sectors. The plastics sector in particular is a core part of the country's manufacturing industry, and the reluctance to enforce plastic bag bans can be attributed to their influence.

Some of the push-back from the private sector to this plastic carrier bags ban has revolved around the impact of the ban on employment and existing investments, and some have also argued that there is need for the relevant authorities to implement existing waste management policies rather than implementing strict bans on specific items only, in line with other East African countries.

Most recently, Uganda has been ranked as having the “fourth largest crude oil reserve in sub-Saharan Africa”²⁸ (oil is a crucial component in making plastic products). The focus on an oil-based economy and industrialisation poses additional hurdles to Uganda’s drive to protect the environment, and reduces incentives for the country to stand out as environmental stewards, similar to Kenya and Rwanda.

With all of this in mind, Uganda made two significant statements in 2021. First, it became the first landlocked country in the EAC to sign the Clean Seas Pledge (more details on the pledge can be found later on in this report). Second, in July 2021, the Ugandan Environmental Minister announced the government’s intention to enforce a total ban on plastic bags, however, the existing law will first need to be amended.

Below we will look at the policies and regulations in Uganda that address environmental protection and SUPs.

Constitution of the Republic of Uganda, 1995

The Constitution has provisions for enhancing conservation and management of the environment and natural resources. Under the National Objectives and Directive Principles of State Policy, Objective XXVII explicitly relates to the protection of the environment. This objective imposes various obligations on the State including the promotion of sustainable development and public awareness, the sustainable utilisation of natural resources and the prevention and minimisation of damage and destruction to land, air and water resources resulting from pollution or other causes.

More specifically, Article 39 of the Constitution enshrines a constitutional right to a clean and healthy environment for every Ugandan. Article 17(j) of the Constitution imposes a duty on every citizen of Uganda to create and protect a clean and healthy environment. Article 245 of the Constitution further provides that the Ugandan Parliament shall by law, provide measures intended to protect and preserve the environment from abuse, pollution and degradation; to manage the environment for sustainable development; and to promote environmental awareness.

²⁸ [Oil wealth and development in Uganda and beyond: Prospects, opportunities and challenges](#)

The National Environmental Action Plan (the “NEAP”) and the National Environment Management Policy (the “NEMP”), 1994

Between 1991 and 1994, the Ugandan Government developed the NEAP which provided a framework for addressing gaps in environmental management as well as a strategy for integrating the environment into the national socio-economic development. One of the outcomes of the NEAP was the formulation of the NEMP. The overall goal of the NEMP is the promotion of sustainable economic and social development mindful of the needs of future generations. In addition, the NEMP also provided a basis for the formulation of a comprehensive environmental legal framework under the 1995 Constitution and the National Environment Act. The NEMP is currently undergoing a review to align it to the National Environment Act, 2019 and to address the new and emerging environmental issues and challenges that the NEMP in its current form does not emphasise.

Finance Act, 2009

Section 2 of the 2009 Finance Act prohibits the importation, local manufacture, sale or use of plastic bags that are less than 30 microns as well as the "importation, local manufacture, sale or use of sacks and bags of polymers of ethene and polyethylene with effect from March 31, 2010". Section 2 of the Finance Act, 2009, was eventually repealed by the National Environment Act, 2019.

The National Environment Act, 2019

Assented to in February 2019, this Act assures the right of Ugandans to a clean and healthy environment and addresses the rights of nature to exist. In section 97 (1), the Act strongly prohibits littering and imposes an obligation on citizens and owners of premises to contract relevant waste collection agencies. Section 98 provides for Extended Producer Responsibility (EPR), but without categorical specificity to plastics. Section 52(3) of the Act also stipulates that waste originators shall minimise waste through the treatment, reclamation and recycling of waste materials. The Act also provides for the continuation of the National Environmental Management Authority (“**NEMA**”) as the principal agency in Uganda, charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in Uganda.

Section 76 of the National Environment Act, 2019²⁹

This Section specifically relates to the management of plastic and plastic products. Section 76 (1) of the Act provides that “the import, export, local manufacture, use or re-use of categories of plastic carrier bags or plastic products made of polymers of ethene (polythene) and propylene (polypropylene) is prohibited, except for plastic carrier bags or plastic products made of polymers of ethene (polythene) and propylene (polypropylene) of above thirty microns and those listed under Schedule 9.”

The Uganda National Bureau of Standards has the responsibility of enforcing the prohibition under section 76 (1). Manufacturers or importers of plastic or plastic products must, as a precondition for continued operation, ensure that recycling is part of that person’s active operations; label the plastics or plastic product; and put in place a mechanism that is satisfactory to the Minister of Water and Environment to buy back or remove from the environment plastic and plastic products.

On 25th October 2021, a new condition of approval was added by the Uganda National Bureau of Standards, requiring strict compliance with the Act as well as labelling of plastic bags.

The National Environment (Waste Management) Regulations, 2020

The regulations provide rules for the handling and disposal of waste and provide the NEMA with necessary powers for control of waste management in Uganda and any movement of waste into, from, or through Uganda, and from to or through any area under the jurisdiction of any other state.

The regulations also provide for cleaner production methods; a license for the transportation of or storage of waste; powers of the environmental inspector; extended producer responsibility, packaging and labelling of waste; operation of a waste treatment plant or disposal site; environmental impact assessment; and notification procedures and prior informed consent.

²⁹ [Section 76 of the National Environment Act, 2019](#)



Ugandan singer, Sandra Suubi, leads a demonstration in Kampala around plastic pollution in Lake Victoria | Credit: Flipflopi

Burundi

Single-Use Plastic Bans

Plastic carrier bags ban

Enacted in 2018 and took effect in 2020.

Single-Use Plastics ban

Yet to ban.

Relevant Government Institutions

- Ministry of Environment, Agriculture and Livestock
- Ministry of East African Community Affairs, Youth, Sports and Culture
- Burundian Office for the Protection of the Environment

Burundi passed a law banning plastic bags in 2018, which took effect in 2020. However, there is limited information on the uptake and impact of this ban.

Below we will look at the policies and regulations in Burundi that address environmental protection and SUPs.

The National Environment Strategy and Action Plan of Burundi, 1997

Developed in 1997, the purpose of this Plan was to ensure the restoration of the environment, the efficient management of natural resources and the protection and sustainable management of the environment. One of the principles under the Plan is the rational use of natural resources. The plan also encourages the state, public and private operators to take necessary measures to prevent and limit activities that are likely to harm the environment. The plan also urges them to recover and value usable substances contained in waste and integrate environmental protection into their projects.

Law No. 1/010 of 30th June 2000 on the Code of Environment, 2000

This law sets out basic rules to protect and manage the environment against all forms of degradation, to safeguard and enhance the rational use of natural resources, to fight against different forms of pollution and nuisances and thus, improve people's living conditions while respecting the balance of ecosystems.

State of Affairs: Policies, Regulations and Laws that Address the Harmful Effects of Single-Use Plastics in the East African Community (2023)

Furthermore, Article 45 of The Code deals with water pollution, prohibits spills, flows, discharges, direct or indirect deposits and all acts or facts that are likely to cause or increase pollution of the surface or underground water, whatever its origin. Additionally, Article 120 of The Code demands proper management of waste in order to lessen its harmful effects on the environment. It further states that producers of such waste are responsible for its disposal in accordance with the provisions of The Code.

The Constitution, 2005

The 2005 Constitution of Burundi refers to environmental protection and management in three provisions, stating that "(i) the government ensures the good management and the rational exploitation of natural resources of the country, while preserving the environment and the conservation of these resources for future generations; (ii) the citizens of Burundi enjoy a right to a clean and healthful environment; and (iii) protection of the environment and conservation of natural resources shall be subject to specific laws."

Ministerial Order No. 530/770/720/320/205 of 27 February 2009

This order relates to the development and management of protected areas in the vicinity of ravines and rivers crossing urban and green spaces. Article 29 of the Order stipulates that protected areas must be considered in the overall development plan and their management must go with the development of the riparian human environment, and participatory management of protected areas must be concerned with improving the framework.

Decree No. 100/099 of August 8, 2018³⁰

On 13 August 2018, a decree signed by President Pierre Nkurunziza said the country was prohibiting the "manufacture, importation, marketing, storage, sale and use of all plastic bags and another plastic packaging" while also promoting the use of materials that do not harm the environment and preventing any form of pollution caused by plastic. This ban gave the country 18 months to prepare for the implementation of the legislation and was effective in January 2020. The decree noted exemptions "for biodegradable plastic bags, bags and plastic materials used in medical services, and industrial and pharmaceutical packaging."

³⁰ [Decree No. 100/099 of August 8, 2018](#)

South Sudan

Single-Use Plastic Bans

Plastic carrier bags ban

Enacted in 2015.

Single-Use Plastics ban

Yet to ban.

Relevant Government Institutions

- Ministry of Environment & Forestry
- Ministry of Trade, Industry and East Africa Community Affairs

South Sudan does not have a comprehensive environmental legislative framework. However, there are various laws in place that South Sudan applies for the protection of the environment and the regulation of plastics.

While, the policies and regulations are limited, South Sudan's appetite to be at par with other EAC members is displayed by the government's move to ban plastic carrier bags³¹. Following this ban, authorities have stated that plastic pollution is down by 50% in the capital of Juba³², however, the country is still struggling to fully enforce the ban and mitigate the pollution caused by the improper disposal of plastic bags³³. Current economic challenges have also made implementation of the ban less of a priority.

Below we will look at the policies and regulations in South Sudan that address environmental protection and SUPs.

Vision 2040.

The vision is "Towards freedom, equality, justice, peace and prosperity for all".

³¹ [South Sudan's ban of plastic carrier bags: An empirical move or an emulation?](#)

³² [South Sudan's Plastic Bag Ban](#)

³³ [Plastic pollution remains biggest environmental problem](#)

The document is expected to strengthen environmental governance by increasing the capacity and financing for the Ministry of the Environment and Forestry, which would help to ensure that the country's natural resources are both protected and used sustainably³⁴.

The Environmental Protection Act, 2001

This was legislation before South Sudan became independent. While the Act is no longer legally binding in South Sudan, it remains an important piece of legislation that is used to give guidelines in ensuring environmental conservation in the country.

The Act has the following objectives: i) to protect the environment in its holistic definition for the realization of sustainable development; ii) to improve the environment and the sustainable exploitation of natural resources; and iii) to create a link between environmental and developmental issues, and to empower concerned national authorities and organs to assume an effective role in environmental protection.

The Interim National Constitution of South Sudan (the "ICSS"), 2005

Highlights that every person shall have the right to have the environment protected for the benefit of present and future generations, through reasonable legislative action and other measures that prevent pollution and ecological degradation; promote conservation; secure ecologically sustainable development and use of natural resources while promoting rational economic and social development so as to protect biodiversity. It also demands that every person or community shall have the right to a clean and healthy environment.

Local Government Act (2009)

Under the Local Government Act, waste management is considered as one of the public services to be provided by local governments along with water supply, sanitation, electricity, transportation, communication, etc.

The Transitional Constitution of the Republic of South Sudan, 2011 (the "TCRSS")

Following the vote to secede from Sudan in July 2011, the ICSS was replaced with the TCRSS. Article 41(1) of the TCRSS specifies that every person or community shall have the

³⁴ [South Sudan: the first outlook environmental report 2018 summary](#)

right to a clean and healthy environment. Article 41(2) imposes an obligation on every person to protect the environment for the benefit of present and future generations.

Draft Environmental Protection Bill (2015)

The bill was prepared by the Ministry of Environment and Forestry and has comprehensive plans that include waste management. The draft Bill aims to protect the environment in South Sudan and to promote ecologically sustainable development that improves quality of life. The draft bill also provides for the establishment of an autonomous South Sudan National Environmental Management Authority to enforce the country's environmental laws and regulations.

The National Environment Policy 2015 - 2025

The policy aims to develop laws, regulations, and guidelines that ensure sustainable management of the environment as well as the prudent utilization of natural resources. The policy contains ten chapters including chapters on climate change, management of resources, corporate social and environmental responsibilities, and environmental planning.

Plastic Bag Ban

The ban on the importation and use of plastic carrier bags was enacted in December 2015 by the Ministry of Environment, however, implementation started after the ban in Kenya.

Democratic Republic of Congo (DRC)

Single-Use Plastic Bans

Plastic carrier bags ban

Enacted in 2021.

Single-Use Plastics ban

Ban on plastic sachets and plastic packaging (with certain exceptions).

Relevant Government Institutions

- Ministry of Environment and Sustainable Development
 - Congolese Environmental Agency
 - Parliamentary Commission for Environment

DRC does not have a comprehensive environmental legislative framework. However, there are various laws in place that apply to the protection of the environment and the regulation of plastics.

The Republic of Congo has banned the production, import, sale and use of plastic bags in a move to fight environmental pollution as of March 2021. This decree is applied to the sale of food, water and other plastic beverages in Kinshasa, the capital to curb the pollution as a result of plastic food and beverage packaging such as water sachets³⁵.

Despite the existence of policy, there is little enforcement, as goods with plastic packaging are imported with little restriction. In fact, plastic waste management is covered by the National Sanitation Policy (Politique Nationale d'Assainissement, PoNA) as well, but policies and plans specific to plastic waste management have not yet been formulated.

Below we will look at the policies and regulations in DRC that address environmental protection and SUPs.

³⁵ [Greenpeace Africa reacts to strict measures against water sachets announced in Kinshasa](#)

National Environmental Action Plan 2002

Defines all the actions required to implement better environmental management at national level

Constitution of the Third Republic, Adopted on 18 February 2006, Article 53 states that:

“Every person has a right to a healthy environment, which is favourable to his/her full development, the environment must be protected and the State must look after the protection of the environment and the health of the people.”

Environmental Protection Act 2011

Sets out the fundamental principles relating to the protection of the environment, as well as the institutional framework and procedural mechanisms for an environmental

Decree No. 17/018 of December 30, 2017

The Decree prohibits the production, importation, marketing, and use of plastic bags, sachets, films and other plastic packaging for the sale of food, water, and any drink.

REGIONAL CONTEXT

East African Community (EAC)

Treaty for the Establishment of the East African Community, 1999

Chapter 19 of the Treaty for establishment of the East African Community enjoins the Partner States to cooperate in all issues of environmental and natural resources management, while certain provisions urge the Partner States to adopt common environment control regulations, incentives and standards; encourage the manufacture and use of biodegradable pesticides, herbicides and packaging materials; and to adopt common environmental standards for the control of atmospheric, terrestrial and water pollution arising from urban and industrial development activities.



East African Protocol on Environmental and Natural Resource Management, 2005

The East African Protocol on Environmental and Natural Resource Management governs the partner states in their cooperation in the management of the environment and natural resources within their jurisdiction including transboundary environment and natural resources.

The East African Community Polythene Materials Control Bill, 2016

In 2017, the East African Legislative Assembly passed the Polythene Materials Control Bill, 2016³⁶. The Bill has however not been assented to by all the various Heads of State of the EAC Partner States. The assent of all the Heads of State is required in order for the Bill to be an Act of the EAC Community.

The objectives of the Bill are to:

- establish a legal framework for the control of the use of polythene in the Community;
- promote the use of environmentally friendly packaging materials;
- preserve and promote a clean and healthy environment and land use management for sustainable development;
- prevent any type of pollution caused by polythene materials in lakes, rivers and oceans;
- protect infrastructure including drainage systems biodiversity and livestock;
- promote recycling; and
- brand the East African Community as green and clean.

The Bill applies to all types of polythene materials (though there is a list of exempted materials) and states that “the elimination of polythene bags shall be complete in all Partner States within one year from coming into force of this Act.”

One of the major setbacks of the Kenyan plastic carrier bag ban in 2017 was smuggling from neighbouring nations. Rwanda experienced the same setback. In this Act, the EAC tries to address and prevent this from occurring.

³⁶ [East African Community Polythene Materials Control Bill, 2016](#)

Economic Community of West African States (ECOWAS)

Although there is currently no ECOWAS-wide initiative for SUP waste management, the majority of countries in the region have sustained partial if not full bans on SUP³⁷.

These are outlined below:

Country	SUP Policy
Senegal, Togo, Mali, Mauritania, Côte D'ivoire, Niger, Gambia, Burkina Faso, Guinea-Bissau, Cape Verde, Benin.	Partial Ban, implemented between 2013 - 2018.
Ghana, Nigeria, Guinea, Liberia, Sierra Leone.	No Policy/Ban. Ghana has a tax.



In addition, a 2020 article by Greenpeace reported that “Ministers for Environmental Protection of the 15 member countries of the regional body ECOWAS (Economic Community of West African States) have also decided to put a ban on the import, production and marketing of plastic packaging in the region by 2025.

The same applies to the ban on the installation of new plastic packaging production units in the ECOWAS countries.”³⁸

³⁷ [Policies to reduce single-use plastic marine pollution in West Africa](#)

³⁸ [West Africa breaks free from Plastic | Time to celebrate Victories](#)

Southern African Development Community (SADC)

Similar to ECOWAS, the 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 SUP bags with varying levels of implementation. Out of 16 member states, 10 have implemented their policies, 4 are yet to implement their policies, and 2 have had their policies revoked.³⁹

Several countries, including Comoros, Mauritius, and Seychelles, also have additional bans on specific SUPs.



The SADC is composed of the following 16 member states: Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini (formerly known as Swaziland), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania (also part of the EAC), Zambia, and Zimbabwe.

³⁹ [Single-use plastic bag policies in the Southern African development community](#)

African Union (AU)

Bamako Convention, 2001

This Convention prohibits and regulates importation and trans-boundary movement and management of hazardous wastes within African states.



Having undertaken a gap analysis of the existing legislative and policy framework of English-speaking, as well as French and Portuguese-speaking African countries, UNEP has now produced a set of draft guidelines for African countries for the development of policy and legislation on plastic pollution and marine litter⁴⁰

⁴⁰ [Draft regional guidelines for the development of legislation and policies on marine litter in africa](#)

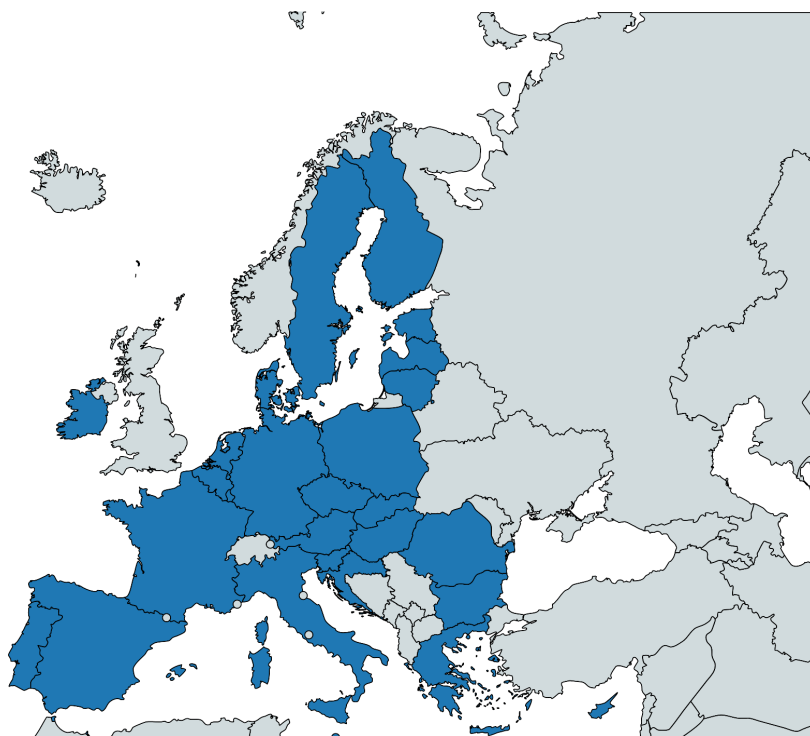
European Union (EU)

The Plastic Bags Directive (Directive (EU) 2015/720)

The Plastic Bags Directive “is an amendment to the Packaging and Packaging Waste Directive (94/62/EC) and was adopted to deal with the unsustainable consumption and use of lightweight plastic carrier bags (i.e. plastic carrier bags with a wall thickness below 50 microns), which are one of the top ten littered items in Europe.⁴¹”

Under this directive, Member States are required “to take measures, such as national reduction targets and/or economic instruments (e.g. fees, taxes) and marketing restrictions (bans), provided that the latter are proportionate and non-discriminatory.”

The European Union (EU) Directive on the Reduction of the Impact of Certain Plastic Products on the Environment



The European Parliament approved the SUP directive in 2019⁴² (effective from July 2021) – which “provides for a progressive phase out of single-use plastics, to be replaced by reusable products and systems. It also addresses single-use plastic items through a range of complementary policy measures.

⁴¹ [The Plastic Bags Directive](#)

⁴² [European Parliament Passes Single-use Plastic Ban](#)

This includes:

- EU-wide bans for 15 items (e.g. plates, cutlery, straws, cups made of expanded polystyrene, food and beverage containers made of expanded polystyrene) from 3 July 2021,
- Consumption reduction for food containers and beverage cups, by 2026 compared to 2022,
- Fee-modulated Extended Producer Responsibility (EPR) schemes for a number of items (packets and wrappers, wipes, tobacco products, etc.), including the costs of clean-up,
- Specific design requirements for beverage containers and bottles, including recycled content integration and attachment of the cap to the container,
- Separate collection of bottles - 77% of bottles put on the market by 2025 and 90% by 2030,
- Labelling requirements, including on the presence of plastic and impact on the environment, for beverage cups, menstrual items, wet wipes and tobacco products.
- Awareness raising measures, on the impacts of single-use plastic on the environment and the promotion of reusable alternatives.⁴³

As of July 2021, several EU countries had made significant strides towards transposing the directive into law⁴⁴, however, several others⁴⁵ were falling behind.

⁴³ [Assessment of European countries' transposition of the Single Use Plastics Directive](#)

⁴⁴ [Single-use plastics pollution: where does Europe stand?](#)

⁴⁵ [Italy reported to EU over plastics law failure](#)

INTERNATIONAL CONTEXT

Existing and Potential International Legal Frameworks Governing Plastic Pollution

Towards a global plastics treaty

In a historic move at UNEA-5, UN Member States endorsed a resolution on March 2, 2022 to end plastic pollution by forging an international legally binding agreement by 2024; the resolution addresses the full lifecycle of plastic, including its production, design and disposal, the design of reusable and recyclable products and materials, and the need for enhanced international collaboration to facilitate access to technology, capacity building and scientific and technical cooperation.⁴⁶

The Intergovernmental Negotiating Committee had the first working session (INC-1) in Punta del Este, Uruguay during which calls were made for a human rights-based approach, a just transition, equity, inclusivity, transparency, human and environmental health, taking into account the special needs and circumstances of least developed countries, small island developing states and vulnerable communities⁴⁷. Additional issues raised during the discussions include: the role and responsibility of the private sector on plastic legacy issues; and the need of infrastructure for sound plastic waste management and a timetable for negotiations was also proposed.

The 2nd session, INC-2 will take place in June 2023 at the United UNESCO Headquarters in Paris, France. During this session, the agenda is to resume conversations which were not concluded in Uruguay, and mark the start of more substantive deliberations⁴⁸, more specifically the preparation of an internationally legally binding instrument on plastic pollution, including the marine environment.

⁴⁶ Historic day in the campaign to beat plastic pollution

⁴⁷ Stakeholder dialogue at INC-1 synthesis report

⁴⁸ INC-2 Proposed Agenda

1978: MARPOL

EAC Signatories: Kenya

The MARPOL regulations address in Annex V all categories of waste from ship operations including plastics. All plastic waste generated during the normal operation of the ship is strictly banned from discharge in any waters. This includes but is not limited to synthetic ropes, fishing gear, garbage bags, and ashes from incineration. The regulations for the prevention of pollution from ships entered into force internationally in 1988. Today, more than 150 countries are signatories to MARPOL Annex V.

1989: The Basel Convention

EAC Signatories: Kenya, Uganda, Rwanda, Burundi

The Basel Convention is an international treaty that was designed to reduce the movements of hazardous waste between nations, and specifically to prevent the transfer of hazardous waste from developed to less developed countries.

In 2019, the Conference of the Parties to the Basel Convention adopted two important decisions to address plastic waste, make global trade in plastic waste more transparent and better regulated, whilst also ensuring that its management is safer for human health and the environment. These steps have strengthened the Basel Convention as the only global legally binding instrument to specifically address plastic waste. Technical assistance is provided to assist parties in fulfilling their obligations.

A Plastic Waste Partnership (PWP) was also established to mobilise business, government, academia, and civil society resources, interests, and expertise to improve and promote the environmentally sound management (ESM) of plastic waste at the global, regional and national levels and to prevent and minimize its generation. The overall tasks of the PWP include:

- Advance the prevention, minimization, collection and environmentally sound management of plastic waste;
- Undertake pilot projects which support the delivery of the other overall tasks;
- Collect, analyze and consider possibilities to improve information on transboundary movements of plastic waste;
- Encourage and promote relevant innovation, research and development.

Non-Binding Pledges and Campaigns Around Plastic Pollution

Clean Seas Pledge

EAC Signatories: Kenya, Uganda



The Clean Seas campaign is UNEP's global campaign devoted to ending marine plastic pollution. It rallies individuals, civil society groups, industry and governments to take concrete actions to reduce marine litter. Since the campaign was launched in 2017, more than 60 countries have joined.

Ocean Plastics Charter

EAC Signatories: Kenya, Rwanda

The Ocean Plastics Charter was first adopted by Canada, France, Germany, Italy, the UK, and the EU in 2018. It brings together governments, civil society, and businesses, to take action towards a sustainable and resource efficient approach to managing plastics.

Global Partnership on Marine Litter (GPML)

The GPML is a “multi-stakeholder partnership that brings together all actors working to prevent marine litter and microplastics”. By providing a platform for coordination and knowledge sharing, stakeholders can collaborate to advance solutions to addressing marine litter.

CONCLUSION AND RECOMMENDATIONS



While EAC members have individually made strides towards addressing plastic pollution, there remains a pressing need for further legislative action with respect to addressing the manufacture, importation, use and sale of not just plastic bags, but unnecessary SUPs at a regional level.

As it stands, there remains a huge gap in legislative alignment, consistent enforcement, uniform standards, common language, and clear targets regarding plastic pollution and management in the region. There is a need and

opportunity to tackle transboundary pollution and this includes collaboration and strengthening the commitments of states in the international treaties they ratify, and more specifically an East African Regional instrument.

To approach this monumental challenge, we ask the EAC member states to come together to achieve the following:

- establish a legal framework to control the manufacture, importation, use and sale of SUPs, that coordinates with existing regulations and agreements;
- allocate technical and financial support to the framework;
- establish monitoring and reporting structures that track progress and ensure compliance;
- develop suitable waste management infrastructure;
- promote the use of sustainable and reusable products and incentivise circular economy businesses and services; and
- lead awareness-raising campaigns to educate consumers and producers, among other key stakeholders.

The growth of East Africa's economies offer a range of opportunities to rethink SUPs, by developing new production and consumption models that take us away from the destructive nature of 'business as usual' and towards actions more closely associated with our own traditional values – where quite simply put: nothing should go to waste.

Increasing policy frameworks that support more conscious economies while promoting a just transition - in which policies stimulate economic opportunities relating to SUP alternatives; protect livelihoods; and ensure inclusive representation in the policy making process - is critical.

Now is the time for East Africa to build on the momentum of member states, raise the bar in the EAC, draw lessons and best practices from around the world, and come together to outline bold and inspired measures that benefit the health, wellness, and livelihoods of all East Africans.

East Africa lies in an enviable position of taking a stand as environmental leaders tackling SUPs, and with that spurring global action and agreement on the same. Only when we make the conscious decision to work together towards a shared vision for East Africa, will we begin to see the progress that we so desperately need.

AUTHORS AND CONTRIBUTORS

[The Flipflop Project](#) is a circular economy movement based in East Africa whose vision is a world without single-use plastic. Flipflop showcases alternate uses of waste plastic and the viability of a circular economy in Africa through education programmes, innovation hubs and advocacy and governance programmes.

[ALN \(Africa Legal Network\)](#) is an integrated alliance of the preeminent full service corporate law firms in 14 African countries and a regional office in UAE. Together, ALN firms provide clients with seamless practical and business-focused legal, advisory and transactional services across Africa. The alliance specialises in blending deep local knowledge and reach with sector-specific expertise, to successfully guide clients in navigating locally and across borders.

[Sustainable Inclusive Business Kenya](#) is a neutral platform that works with government, civil society, academia, businesses, startups, youth and business experts across all sectors with these focus areas: Circular Economy (Waste, Recycling, and Plastics), Climate Change – Food – Land – Water, People (Employee engagement, workers, work environment, gender, and youth) and Business Values.

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