

# CASE STUDY – PLASTIC POLLUTION IN AFRICA

## AFRICA



## A BRIEF INTRODUCTION TO PLASTIC POLLUTION IN AFRICA

The issue of marine litter, and the associated environmental, economic, and human health impacts, is being increasingly recognized around the world. As marine litter is a transboundary issue, it presents a unique challenge to national governments in the development of legislation that is applicable within and across countries. Regional collaboration and coordination needs to be fostered.

Africa, the second largest continent in the world, is experiencing a higher urban population growth (estimated at 3.5% per year) than any other continent, with a steep rise in the middle class and the associated increase of municipal solid waste from 0.78kg per capita per day to 0.99kg by 2025. When coupled with various waste management challenges, there is an expected increase in mismanaged waste and pollution for the continent (ACCP, 2019; UNEP, 2018). Considering Africa's extensive coastline (Deloitte, 2014), and shared river systems, which flow through large urban settlements (Hoag, 2013), much of Africa's waste is transferred, in critical quantities, to the ocean (Jambeck et al., 2020). 30 African countries have agreed under the [Bamako Convention](#), the regional instrument related to the Basel, Rotterdam and Stockholm Conventions, to strengthen management of hazardous waste including plastics and electronic waste (e-waste).

Africa's shipping and fishing activities may be also be one of the most significant sources of marine pollution (Richardson et al., 2019) because these industries are difficult to monitor. Researchers anticipate that a total of 640,000 tons of Abandoned, Lost, or otherwise Discarded Fishing Gear (ALDFG) will contribute to worldwide marine litter (Macfayden et al., 2009).

There is considerable variation in the promulgation and enforcement of legislation across Africa, ranging from very little to comprehensive. Below you can see an overview of some of the more comprehensive national legal frameworks by way of example, primarily from English speaking countries.

## **DRAFT REGIONAL GUIDELINES**

To build on the existing efforts made by African countries on marine litter, UNEP recognized the need for a regional framework to guide both regional and national efforts. 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 litter. See [here](#) for further information. The full version of the draft guidelines can be accessed [here](#). It is ambitious to envisage these recommendations being effectively implemented in all African countries. Rather they are intended as a guide or 'best practice framework' to work towards.

The guidelines are summarised below. These can be applied regardless of the type of measure being considered (strategic, incentive, restrictions, etc.):

### **International level**

- Ratify the United Nations Watercourses Convention
- Redefine electronic waste under the Basel Convention
- Implement the MARPOL Convention at the national level

### **Regional level**

- Address international aspects of marine litter
- Create common goals across regions (Regional best practice guides)
- Harmonise objectives across all levels
- Increase the role and capacity of existing regional entities

### **National level**

- Create an overarching guidance document
- Integrate soft laws into binding legislation
- Inclusion of the Informal Sector
- Ensure documentation is clear
- Integrate E-waste into national legislation
- Including Extended Producer Responsibility (EPR)
- Create viable end-markets for Reuse, Recycling and Repurpose

## **Country-specific recommendations**

### *Lesotho*

A lack of appropriate resources and infrastructure in Lesotho makes effective management difficult. Currently, there is no waste management division within the Lesotho National Environmental Secretariat, nor at the local government (municipal) level, and there are no specific legal frameworks addressing waste management. There are also no existing regulated landfills in Lesotho, rather there are "legal" dumping sites. With only ~25% of Lesotho receiving municipal waste collection, illegal dumping is prevalent. It is recommended that Lesotho formalise a waste management division within the National

Environmental Secretariat, and specified regulatory frameworks are implemented which includes establishing well-regulated landfills. The beginning of this process can be seen in the 2022 launch of the [Waste Management Information System \(WMIS\)](#) in Lesotho.

## OVERVIEW OF NATIONAL LEGAL FRAMEWORKS BY COUNTRY

### Botswana

The second most common waste type targeted is plastic waste, however, the majority of plastic waste targeted comprises solely of plastic bags, with the rest unspecified. No plastic bans exist, although there are financial incentives such as penalties for polluting as well as a plastic bag levy.

Plastic ban levy, 2007: The idea of this regulation is to tax plastic bags, thus giving incentives to consumers. This obviously aims to limit the amount of plastic produced, as well as the plastic that is thrown away. Retailers are then free to set their own prices for plastic bags.

Waste Management (Plastic Bag Carrier Bags and Plastic Flat Bags Prohibition) Regulations, 2018: This is a development that comes after the taxation system put in place in 2007, this time prohibiting the use, sale, import, or manufacture of plastic bags. The regulation further strengthens the internal system for combating plastic pollution. It is a logical extension of the policy to abolish the use of single-use plastic.

Control of Goods, Prices and Other Charges (Plastic Carrier Bags and Flat Bags) (Levy) Regulations, 2021: Introduces a levy on the import and production of plastic bags in Botswana.

### Gambia

The Gambia provides both a very strict regulation of plastic bags as shown below, but the lack of internal rules on microbeads or single-use plastic seems to limit the state's action to one specific area.

Ban on Plastic Bags Order, 2015: The Gambia has enacted a regulation, that prohibits the manufacture, importation, use or sale of plastic bags in Gambia. The idea here is not to give incentives to consumers as seen above with the "Plastic ban levy" in Botswana. This is a regulatory text that aims to punish those who do not respect the ban on the use of plastic bags on national territory. Violations of this regulation lead to penalties and arrests, and in cases of imports, or manufacturing, it can also lead to prison sentences. In general terms, a very important step forward in this area has been taken by the Gambia with the entry into force of this regulation.

### Ghana

In Ghana, most national legal frameworks (approximately 59%) govern waste at the waste management stage of its life cycle. Most of the national legal framework on waste management is focused on addressing plastic waste (about 41%) through policy. Plastic bags specifically are governed by 12% of the legal framework through legislation.

Customs and Excise (Duties and Other Taxes) Act (Act 512), 1996 [Amended by Act 863, 2013]: This law, which is intended to be very general, underlines the importance of taxing

plastic and all its derivatives. It reviews the environmental excise tax on plastic and plastic products and imposes a 15% excise duty on polythene bags and other plastic packaging materials. This obviously aims to limit the amount of plastic produced, as well as the plastic that is thrown away.

[National Plastics Management Policy, 2020](#): The purpose of the National Plastics Management Policy is to bring renewed focus and cohesion to the many existing policies and programmes within the public and private sectors to address the rapidly growing plastics pollution crisis in Ghana. Therefore, this National Plastics Management Policy sets the framework for the proper and sustainable management of plastics across their life-cycle, across the economy and across Ghana's diverse society.

Nationally, plastic waste is only partially addressed through the National Plastics Management Policy 2020 which uses a life cycle approach that addresses the whole plastic value chain. However, at present, there is no legislation or laws for plastic that are binding. Furthermore, there is no part of the legal framework that bans plastic bags, microbeads, or other single-use plastics. Ghana shows the intention to commit to plastic reduction through its international participation in collaborations such as the [Global Plastic Action Partnership](#) and the [#breakfreefromplastic](#) campaign.

For a more detailed overview see the Ghana case study available on this toolkit [here](#).

## **Kenya**

In Kenya, the national legal framework mainly governs waste at the final stage of the lifecycle but also considers the two first steps as important

[Notice No. 2356 of 2017 on Plastic Bags](#): It is a regulation that gives concrete expression to the Environmental Management and Co-ordination Act. The idea is to ban the use, manufacture and importation of all plastic bags of the type as specified in the Notice used for commercial and household packaging, as we have already seen with the Gambian "Ban on Plastic Bags Order".

[Plastic Action Plan, 2019](#): This plan is intended to be general in its consideration of plastics in all their forms provides in-depth research into the Kenyan plastics sector. It incorporates the entire plastics value chain, spanning from imports of raw material to manufacturing processes to uses and subsequent recycling of different plastic fractions.

Furthermore, there is no national legal framework that targets microbeads or single-use plastics besides plastic bags. Kenya does show the intention to manage plastic better through action plan development and membership to initiatives such as [#breakfreefromplastic](#), the [Alliance to End Plastic Waste](#), and the [Commonwealth Clean Ocean Alliance](#).

For a more detailed overview see the Kenya case study available on this toolkit [here](#).

## **Malawi**

In Malawi, approximately 33.33% of national legal frameworks address the upstream component of primary production and processing, 33.33% address the midstream component of produce sale and consumption, and 20% address the downstream component of waste

management. Pollution from waste is therefore included in many laws and regulations in this country. Approximately 33.3% of the waste targeted are plastic bags, governed entirely by regulation, with a further 6.7% addressing unspecified plastic waste governed by policy.

[Plastic bag ban, 2015](#): The regulation provides that plastic bags, which have <60 microns are prohibited. The ban concerns in particular the use, sale, production, exportation, and importation of those plastic bags. This obviously strengthens the plastic waste protection regime in a targeted way by targeting only a certain category of plastic bags.

Aside from plastic bags, plastic waste is not addressed in the existing legal framework, with no other single-use products banned.

For a more detailed overview see the Malawi case study available on this toolkit [here](#).

## **Mauritius**

In Mauritius, the legal frameworks address the upstream, midstream, and downstream components of the waste life cycle. Plastic waste is addressed by 45% of the legal frameworks found around waste and marine litter.

[Environment Protection \(banning of plastic banners\) Regulations, 2008](#): It is a regulation that specifically addresses one area of plastic waste, namely plastic banners, and their restriction in public places. This must be the result of a recurrent problem in Mauritius. It is therefore a targeted and concrete action that responds to a specific need for the de-pollution of public places that are loaded with plastic banners.

[Plastic bag ban, 2016](#): Mauritius has also confronted the problem of plastic bags, by enacting a regulation in this area. The resulting prohibitions are mainly the importation, manufacture, sale or supply of plastic bags. However, 11 types of plastic bags for essential use and hygienic and sanitary purposes are exempt (eg. waste disposal bags).

[Excise Duty on non-biodegradable plastic containers, 2019](#): It is a regulation that aims to give incentives to people who use plastic in their daily lives. The incentive tax is generally very effective as a measure, as it prevents pollution by giving the polluter a direct reason to limit his carbon footprint and waste.

[Environment Protection \(Control of Single Use Plastic Products\) Regulations, 2020](#): As Mauritius has decided to tackle plastic pollution in a very targeted way, the country has also put in place a regulation on single-use plastics. The developments in this regulation prescribe that no person shall import for home consumption, manufacture, possess, sell, supply, or use any non-biodegradable single-use plastic products as specified.

[Waste Management and Resource Recovery Act, no. 3 of 2023](#): This Act provides for a regulatory framework in order to ensure the environmentally safe and sound management of solid and hazardous wastes and a sustainable waste management system through the adoption of a circular economy approach focusing on waste reduction, reuse, material recovery and recycling.

[Environment Act 2024](#): This Act repeals the Environment Protection Act and replaces it with a modern legislative framework with a view to ensuring better protection, management and conservation of the environment.

Mauritius' legal framework addresses single-use plastics quite extensively, with all governed by legally binding regulations. There is a smaller proportion of their legal framework that addresses waste management with minimal allocation to the recycling and reuse of plastics.

## **Rwanda**

Within the Rwandan national framework, all waste life cycle stages are addressed, covering upstream, midstream, and downstream components.

[Plastic bag ban, 2008 - amended in 2019](#): This regulation lays the foundation for future developments regarding the management of plastic bags at the national level. The regulation contains rules on the ban of the production, importation, use and sale of all polyethylene bags. The regulation foresees that it will be supplemented by subsequent amendments, given its general formulation to include aspects of EPR.

[Regulations No. 02/2015 Governing Solid wastes recycling in Rwanda](#): To provide a regulatory framework for the design, installation and operations that recycle, compost or convert solid wastes in Rwanda. To encourage the diversion and recovery of recyclable materials

[Law No. 48/2018 on the Environment](#): Determines modalities for protecting, conserving and promoting the environment, including the disposal of plastic waste.

[Regulation Governing E-waste Management in Rwanda, 2018](#): establishes a legal framework for electrical and electronic waste management in Rwanda

[Law No. 17/2019 Relating to the prohibition of Manufacturing, Importation, Use and Sale of Plastic Carry Bags and Single-use Plastic Items](#): This law prohibits the manufacturing, importation, use and sale of plastic carry bags and single-use plastic items. The law contains an exemption of compostable plastic items or woven polypropylene which therefore provides an incentive for the citizens of Rwanda to use biodegradable items.

All forms of waste are targeted in Rwanda, however, national laws governing plastic waste are exclusively aimed at dealing with plastic bags, thus leaving all other forms of plastic waste without any form of legal coverage. Furthermore, Rwanda is not part of any multilateral agreements that address plastic waste.

## **Seychelles**

The legal framework in Seychelles addresses the upstream, midstream, and downstream components of the waste life cycle. Approximately 47% of the legal framework addresses plastic waste through regulations.

[Environment Protection \(Restriction on manufacturing, importation, distribution and sale of Plastic Bags\) Regulations 2017 \(S.I. No. 37 of 2017\)](#): These Regulations, made under the Environment Protection, 2016 by the Minister responsible for Environment, Energy and

Climate Change, prohibit the manufacturing, importation, distribution and sale of plastic bags which do not fall into the category of exempted plastic bags.

[Environment Protection \(Restriction on importation, distribution and sale of Plastic Utensils and Polystyrene Boxes\) Regulations, 2017](#): This regulation on the use of plastic utensils prohibits the manufacturing, importation, distribution and sale of plastic utensils and Polystyrene boxes for use within Seychelles but allows import permits for biodegradable utensils and boxes. This difference between biodegradable and non-biodegradable elements obviously gives incentives to producers and consumers who use plastic to change their habits.

[Environment Protection \(Restriction on the manufacturing, importation, distribution and sale of Plastic Straws\) Regulation, 2019 \(S.I. No. 31 of 2019\)](#): These Regulations, made under the Environment Protection, 2016 by the Minister responsible for Environment, prohibit the manufacturing, importation, distribution and sale of plastic straws for use within the Republic of Seychelles but allows import permits to be issued for non-plastic straws by the Ministry responsible for Finance and Trade subject to the approval of the Ministry responsible for Environment.

Seychelles has banned plastic bags and other types of single-use plastic products, and this is specifically addressed in the legal framework. However, recycling and reuse were not.

### **South Africa**

The national legal framework in South Africa addresses every stage of the waste value chain. It is focused on combating pollution at the source.

[Plastic Carrier Bags and Plastic Flat Bags \(No. R. 625 of 2003\)](#): This regulation, which works with bans and financial incentives, is very innovative, as it was adopted in 2003. The manufacture, trade, and commercial distribution of domestically produced and imported plastic carrier bags and plastic flat bags, for use within RSA are prohibited. The mechanisms it provides for are precursory in Africa, but it deserves to be completed, given the evolution of knowledge in the field of plastic bag pollution since it came into force.

[Amendments to the Regulations and notices regarding Extended Producer Responsibility, 2020](#): Makes EPR mandatory for all producers and importers of packaging. The following are required for producers: (i) Existing producers to register with the Department of Environment, Forestry and Fisheries (ii) Join or form an EPR scheme that includes the entire value chain and be accountable for the operation and performance of an EPR scheme; (iii) Pay the appropriate fees to the EPR scheme; (iv) Fulfil monitoring and reporting obligations.

### **Tanzania**

In Tanzania, waste is addressed throughout all its life stages. In this country, no national legal framework addresses E-waste or plastic waste (other than plastic bags) specifically. This means that no national legal framework address microbeads or other single-use plastic products.

[2018 National Solid Waste Management Strategy](#): This National Solid Waste Management Strategy (NSWMS) seeks to establish a common platform for action between stakeholders to systematically improve waste management in Tanzania .

[Environmental Management \(Prohibition of Plastic Carrier Bags\) Regulations, 2019](#): This law provides for restrictions on the import, export, manufacture, sale, supply, storage and use of plastic carrier bags within Mainland Tanzania. This is a late regulation but is a result of targeted problems in Tanzania regarding plastic pollution.

### **Uganda**

In Uganda, approximately 27% of the national legal framework address the first life and the second stage of waste. This is one of the lowest numbers that we can comparatively find in Africa.

[Plastic bag ban \(Finance Act\), 2009](#): An Act prohibiting the importation, local manufacture, sale or use of plastic bags using polymers of ethene and polyethene, with effect from 31st March 2010.

[National Environment Act, 2019](#): The Act provides that plastic bags which are <30 microns are prohibited. This obviously strengthens the plastic waste protection regime in a targeted way by targeting only a certain category of plastic bags.

[National Environment \(Waste Management\) Regulations, 2020](#): Prohibition of the importation, sale and use of plastic bags (polythene/polypropylene) and other plastics used for packaging. Duty of all persons to minimise the generation of plastic waste by finding alternatives and preventing littering of the environment by plastics. Industry in charge of appropriately disposing or recycling plastics. Those in violation are liable to fines.

### **Zambia**

In Zambia, approximately 25% of the national legal framework addresses the primary production and processing stage of waste, 25% addresses the produce sale and consumption stage, and 37% addresses waste management. Pollution from waste is therefore included in many laws and regulations. Plastic bags are addressed with the following regulation in Zambia, however, there is no other type of plastic waste addressed in this way.

[The Extended Producer Responsibility Regulations 2018](#): Extended Producer Responsibility Regulations is one of the tools that the Government will rely on to manage, in an environmentally sound manner, packaging materials such as plastics and their resultant waste. The EPR Regulations will also regulate non-returnable glass and plastic bottles, cartons, beverage cans, waste oils, pesticides or chemical containers, used tyres, electrical and electronic equipment and their resultant waste.

Furthermore, Zambia has made progress in addressing plastic waste, and importation, manufacturing, and use of plastic bags have been banned. Though this progress has been made, it accounts for all the seen legal framework for upstream and midstream components. Therefore, there is a lack of overall legal recourse on other single-use plastics and microbeads.

### **Zimbabwe**

Zimbabwe's legal framework addressed all three LCA stages directly, with less legal framework addressing waste in general, overarching legislature. Among these legal

frameworks, the ones that address plastic waste specifically constitute 72% of the whole internal legislation on waste, with the legal framework targeting plastic waste using regulations.

[Plastic Packaging and Plastic Bottles Regulation, 2010 \(Amended by SI 84 of 2012\)](#): The regulation prohibits the manufacture, commercial distribution or importation of plastic packaging <30 microns. Exemptions exist for bread packaging and cling film and biodegradable plastic. This obviously strengthens the plastic waste protection regime in a targeted way by targeting only a certain category of plastic bags. The specificities due to national needs, notably for bread packaging and cling film and biodegradable plastic are well taken into account.

Zimbabwe has, placed bans on plastic bags and other single-use plastic products and shows commitment to protecting its environment from plastic pollution, as it is a member of the [#breakfreefromplastic](#) initiative.

At the national level, no country currently has a marine litter strategy in place (although at least one is under development). Some of the study countries have relatively comprehensive existing national legislative frameworks, however, significant variability is observed, with other countries having much more limited regulatory frameworks.

All these policies, although linked by some common international treaties, are not unified. They tend to consider specific needs in certain regions, but also tend to retain some use of plastics for obvious economic reasons at all stages of LDA. There is much room for progress, and this includes collaboration and strengthening the commitments of states in the international treaties they ratify.

## **BIBLIOGRAPHY**

SUSTAINABLE SEAS TRUST (SST) & ECOGEOS (UNEP / WIOMSA): Report on gaps in legal frameworks governing marine litter for English-, French- and Portuguese-speaking countries

SUSTAINABLE SEAS TRUST (SST) & ECOGEOS (UNEP / WIOMSA): Draft guidelines for the development of legislation and policies on marine litter in Africa

Compendium of existing legal and regulatory frameworks in English-speaking countries

ACCP, 2019. Africa Solid Waste Management Data Book. African Clean Cities Platform.

Deloitte, 2014. The Deloitte Consumer Review. Africa: A 21st century View. London.

Jambeck, J., Moss, E., Dubey, B., 2020. Leveraging Multi-Target Strategies to Address Plastic Pollution in the Context of an Already Stressed Ocean. Washington DC: World Resources Institute. Available online at: <https://oceanpanel.org/blue-papers/pollution-and-regenerativeeconomy-municipal-industrial-agricultural-and-maritime-waste>.

Hoag, H.J., 2013. *Developing the Rivers of East and West Africa: An environmental history*. A&C Black.

Macfayden, G., Huntington, T., Cappell, R., 2009. Abandoned, Lost or Otherwise Discarded Fishing Gear. *Fisheries and Aquaculture Technical paper* 523, 139p.

UNEP, 2018. *Africa Waste Management Outlook*. United Nations Environment Programme, Nairobi, Kenya.

UNEP, Life Cycle Initiative, 2021. Webinar "What does a life-cycle approach applied to address marine litter and plastic pollution look like?"

UNEP, 2021. *Catalysing Science-Based Policy Action on Sustainable Consumption and Production: The Value-Chain Approach and its Application to Food, Construction and Textiles*. Nairobi. UNEP, 2019. *Addressing Marine Plastics: A Systemic Approach - Recommendations for Action*. Nairobi, Kenya. UNEP, 2018. *Africa Waste Management Outlook*. United Nations Environment Programme, Nairobi, Kenya.