

**EAST AFRICAN COMMUNITY  
EAST AFRICAN LEGISLATIVE ASSEMBLY**



**COMMITTEE ON AGRICULTURE TOURISM AND NATURAL RESOURCES**

**REPORT ON THE OVERSIGHT ACTIVITY ON THE CONTROL AND  
MANAGEMENT OF SINGLE USE PLASTIC MATERIALS IN THE EAC**

**9<sup>TH</sup> TO 14<sup>TH</sup> NOVEMBER, 2023**

**MOSHI, UNITED REPUBLIC OF TANZANIA**

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Arusha – TANZANIA**

**05 December 2023**

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## **LIST OF ACRONYMS**

ALN	Africa Legal Network
ATNR	Agriculture, Tourism and Natural Resources
CSOs	Civil Society Organizations
DRC	Democratic Republic of Congo
EAC	East African Community
EPR	Extended Producer Responsibility
HAC	High Ambition Coalition
LATAFIMA	Lake Tanganyika Fisheries Management Project
LATAWAMA	Lake Tanganyika Environmental Management Project
LATRA	Land Transport Regulatory Authority
LGRA	Local Government and Regional Administration
MIRWA	Lake Tanganyika Watershed Management
MINEAGRIE	Ministry of Environment, Agriculture and Livestock
NEMA	National Environmental Management Agency
NEMC	National Environmental Management Council
NGOs	Non- Governmental Organisations
PCE	Policy Committee on Environment
TBS	Take Back System
UNEA	United Nations Environment Assembly
VAT	Value- Added Tax

## **1.0 INTRODUCTION**

According to Article 111 of the Treaty for the Establishment of the East African Community, EAC Partner States recognize that development activities may have negative impacts on the environment leading to degradation of environment and depletion of natural resources and that a clean and healthy environment is a pre-requisite for sustainable development. Therefore, Partner States agreed to cooperate and co-ordinate their policies and actions for the protection and conservation of the natural resources and environment against all forms of degradation and pollution arising from development activities. Specifically, Partner States agreed to preserve, protect and enhance the quality of environment, contribute towards the sustainability of the environment. In particular, Partner States agreed to:

- i. Develop a common environmental management policy that would sustain the eco-system of the Partner States, prevent, arrest and reverse the effects of environmental degradation;
- ii. Adopt common environment control regulations, incentives and standards; and
- iii. Encourage the manufacture and use of bio-degradable pesticides, herbicides and packaging materials.

## **2.0 BACKGROUND INFORMATION ON SINGLE USE PLASTIC MATERIALS**

Single use plastics are goods that are made primarily from fossil fuel-based chemicals (petrochemicals) and are designed to be thrown away after being used only once. Single use plastic materials are most commonly used for packaging and service ware, such as bottles, wrappers, straws, and bags. Almost all plastic ever produced still exists today! Plastics are mostly non-degradable and rarely anything else can be made of. Only 9% of plastics in the world are recycled or re-used.

Plastic pollution is one of the most serious threats to the planet health. Single use plastics are polluting the majority of ecosystems from rainforests to the world's deepest ocean trench. When consumed by fish and livestock, plastic waste ends up in

our food chain. According to the study by plastic oceans (<https://plasticoceans.org/the-facts/>) the proliferation of plastic products in the last several decades has been extraordinary globally:

- i. Over 400 million tons of plastic are produced every year;
- ii. Ten million tons of plastic are dumped into oceans annually. That is equal to a garbage of truck load every minute;
- iii. Up to 50% of all plastic produced is for single-use purposes;
- iv. It is estimated that more than 10 million tons of plastic is dumped into oceans and water bodies every year;
- v. One million marine animals are killed by plastic pollution every year;
- vi. 100% of mussels (kind of seafood) tested have contained micro plastics;
- vii. Humans eat over 40 pounds of plastic in their lifetime; and
- viii. Research concludes that there will be more plastic in oceans than fish by 2050 (If nothing is done to address plastic pollution).

It is against the above background, that the Committee on Agriculture, Tourism and Natural Resources conducted the oversight activity on the control and management of single use plastic materials in the Partner States. The activity took place from 9<sup>th</sup> – 14<sup>th</sup> November, 2023, in Moshi, Tanzania.

### **3.0 OBJECTIVE OF THE OVERSIGHT ACTIVITY**

The overall objective of this activity was to assess policies, laws and regulations of the Partner States on the management and control of single use plastic materials. Specifically, the Committee assessed the strategies to ban production, import, trade and use of single use plastic materials.

## **4.0 METHODOLOGY**

The activity was conducted in Moshi, Tanzania, through engagement with representatives of relevant authorities of Partner States. The representatives made presentations before the Committee. Each presentation was followed by discussions and recommendations. Partner States were requested to inform the Committee about the following:

- i. The prevalence of single use plastic materials within the Partner State;
- ii. The major causes of environmental degradation within the Partner State;
- iii. The contribution of single use plastic materials to the environmental degradation within the Partner State;
- iv. Policies, laws and regulations of the Partner State for control and management of single use plastic materials;
- v. Whether single use plastic materials are banned and which products are banned;
- vi. The effects of single use plastic materials from other Partner States;
- vii. Recommendations on the areas of cooperation among the EAC Partner States in the control and management of single use plastic materials; and
- viii. Recommendations on what EAC should do to enhance the control and management of single use plastic materials.

Figure 1: Image of plastic bags at a dump site in one of the EAC Partner States



Figure 2: Fishermen collecting plastic wastes in Lake Victoria





Figure 3: Floating plastic bottles in one of the EAC Partner State



## **5.0 PRESENTATION FROM EAC PARTNER STATES**

### **5.1 REPUBLIC OF KENYA**

#### **5.1.1 Introduction**

Plastic packaging consumption in Kenya is estimated at 260,000 tons, which is 5.6 kg per capita per year. The sector was also a major employer with over 200,000 people depending on it before 2017. Plastic raw materials imported per year was 185,000 tons and plastic packaging was 44,000 tons. Secondary plastic materials recycled per year was approximately 30,000 tons. Total plastics recycled is about 37,000 tons per year at a recycling rate of 15%. Single use plastic materials were widely used in Kenya, including plastic bags, straws, bottles, and packaging. These items were commonly used in daily life due to their convenience and affordability.

#### **5.1.2 Major Causes of Environmental Degradation in Kenya**

In 2017, Kenya passed a law banning the single-use plastic bags. Plastic bags used for packaging food and other products were exempted. Cutting down of trees to create more land for cultivation, charcoal, quarrying and occupational practices are the major threats of environmental degradation in Kenya. The other documented unsustainable management practices include water pollution, soil nutrient mining, overgrazing, and cultivation on steep slopes. Environmental changes may be driven by many factors including economic growth, population growth, urbanization, intensification of agriculture and rising need of energy.

#### **5.1.3 Effects of Plastic Pollution**

- i. Single use plastic materials, such as plastic bags, bottles, and packaging, are commonly found littering streets, public spaces, and natural landscapes in Kenya.
- ii. Plastic waste often clogs drainage systems in urban areas, leading to flooding during heavy rains.
- iii. Cases of deaths of livestock after ingesting plastics have been reported.

- iv. Single use plastics break down into smaller particles, releasing micro plastics into the soil and water. These micro plastics can disrupt ecosystems and have the potential to enter food chains, affecting human health.

#### **5.1.4 Incentives for Plastic Recycling**

The Kenyan government in the 2019/20 Financial Year provided incentives to businesses for plastic recycling. This budget included an exemption from the 16% VAT for all services offered included in plastic recycling plants and the cost of machinery and equipment to build plastic recycling plants. The government also reduced the corporate tax from 30% to 15% for the first five years for any investor operating a plastic recycling plant. In 2012, the Environmental Management and Coordination Act banned the use of excise duties on plastic shopping bags. However, the 2019/20 budget removed that ban, providing a disincentive against plastic shopping bags.

Enablers of plastic ban in Kenya include but not limited to education, communication and outreach programs. These were undertaken based on a communication strategy working with strategic partners including airlines operating in Kenya; embassies and missions in Kenya; Kenya's embassies abroad, religious groups; NGOs/CSOs and residents' associations. Political will is also an important enabler in the banning of plastics.

#### **5.1.5 Exemptions From the Ban**

The ban of single use plastic materials provided for exemptions to certain products as follows:

- i. Packaging constitutes primary industrial packaging;
- ii. Packaging for product preservation and public health concerns;
- iii. Packaging for security considerations;
- iv. Packaging for water and dust proofing;
- v. Packaging for product integrity on transit;
- vi. Unavailability of non-plastic option/alternative;
- vii. Packaging not constituting over packaging; and

- viii. Demonstration of effective Take Back Systems (TBS) and/or Extended Producer Responsibility (EPR) mechanisms.

The exemption also included some sectors including bakeries; medical; horticulture and forestry. Other sectors were those being transitioned to sustainable alternatives for example the forestry/horticulture sector that has moved to biodegradable options.

#### **5.1.6 Policy and Legal Framework for Management of Plastic Materials in Kenya**

The following are policies, strategies and legal framework for the control and management of plastics in Kenya:

- i. Kenya welcomed the UNEA 5.2 resolution to establish an Intergovernmental Negotiating Committee with the mandate to forge an international legally binding agreement to end plastic pollution;
- ii. Plastic Bag Ban in 2017 was one of the most significant actions taken by Kenya was the ban of the use, manufacture, and importation of plastic carrier bags in 2017;
- iii. Draft Single Use Plastics Regulations 2019 to address other forms of single use plastics, such as plastic bottles, straws, and disposable cutlery;
- iv. Management of plastic bottles in protected areas: In addition to the 2017 plastic bag ban, there are initiatives to ban plastic bottles in national parks, forests, and wildlife reserves;
- v. Incentives/ Disincentives: The National Treasury through the 2017-2018 National Budget provided tax subsidies to industry players by allowing a duty waiver for the importation of plastic recycling machinery;
- vi. The Sustainable Waste Management Act of 2022 provides that all producers have obligations for their products throughout their lifecycle including the post-consumer phase;
- vii. The National Solid Waste Management Strategy with a focus on waste as a resource. It promoted avoidance of waste; and
- viii. The National Marine Litter Management Action Plan.

### **5.1.7 Challenges affecting the Implementation of the Ban**

Despite Kenya's nationwide ban of plastic bags, along with a ban of single use plastic materials in protected areas, and emphasis on educating the public and enforcing the law, it remains a challenge to implement the ban effectively due to the difficulties of monitoring porous borders and changing consumer behaviour.

### **5.1.8 Recommendations to the East African Community**

The following recommendations were made by the Republic of Kenya:

- i. Consider establishment of a special taskforce with limited timelines to develop a plastics strategy for the region;
- ii. Harmonize regulatory frameworks;
- iii. Standardize Definitions and Nomenclature;
- iv. Improve information sharing and data collection;
- v. Improve cross border surveillance and enforcement;
- vi. Provide incentives for sustainable alternatives to plastic materials;
- vii. Collaborate in the development and improvement of waste management infrastructure;
- viii. Public Awareness, Information and Education;
- ix. Regional Industry Engagement;
- x. Encourage Research and Innovation in developing alternative to plastic materials;
- xi. Establish a regional framework for monitoring and evaluating progress in reducing single use plastic waste and pollution; and
- xii. Revive the East African Network for Environmental Compliance and Enforcement.

## **5.2 REPUBLIC OF UGANDA**

### **5.2.1 Incidence of Plastics in Uganda**

Overall, single use plastics form the largest input of plastic resins in Uganda. 18.8% of total waste households and institutions are the major sources of plastic waste. Single use plastic constitutes a considerable portion of collected aquatic litter.

### **5.2.2 Policies, Laws and Regulations**

- i. The National Environmental Management Policy 2014
- ii. Existing Legal Framework:
  - a. The Constitution which provides for the responsibility to safeguard the environment (Articles 39 and 41);
  - b. The National Environment Act, No. 5, 2019. Section 76 (1) prohibits 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); and
  - c. The National Environment (Waste Management) Regulation, 2020.

### **5.2.3 Past Interventions by the Government of Uganda**

The Committee was informed that the Republic of Uganda had in the past implemented some cabinet decisions including the following:

- i. The Cabinet, through Minute CT (1993) 85 reviewed the ban on importation of polyethylene carrier bags and agreed on the phased out approach;
- ii. The Cabinet directed the Minister to review legislation on banning, importation, manufacture and use of polyethylene packing materials;
- iii. The Cabinet directed the Minister to undertake education of the masses on the use and disposal of polyethylene packing materials;

- iv. In the 2009 National budget speech, the government increased excise duty up to 120% on all polyethylene and other plastic materials; and
- v. In 2019, the government attempted to ban harmful plastics through the National Environment Act, 2019 but the efforts failed at Parliament where the legislation banned only plastics below 30 microns.

#### **5.2.4 Current Interventions by the Republic of Uganda**

- i. A draft strategy is in place awaiting approval by the Policy Committee on Environment (PCE);
- ii. There are ongoing awareness campaigns on plastic management for example the TuveKukavera and the TaasaObutonde, part of clean seas campaign;
- iii. The National Environmental Management Agency (NEMA) is working with Uganda National Bureau of Standards on labeling;
- iv. The NEMA is working with KACITA to sensitize traders; and
- v. Globally, the country is part of global negotiations to develop instrument of plastic pollution.

Uganda has begun implementing the e-procurement programs and it requires formal establishments to stop plastic pollution for example using glass bottles for water by hotels and institutions.

#### **5.2.5 Planned Interventions**

The Republic of Uganda has initiated the revision of the current law. The revised law is expected to ban plastic carrier bags and packaging materials that have alternatives in the market. The law will reduce virgin single use plastic production by 5% to promote recyclable alternatives. This will trigger economic interventions by introducing applicable economical instruments such as incentives for reusable, recyclable or compassable packaging, while increasing duty on plastic raw materials. The

government will also consider the use of public private partnerships (PPP) to mobilize investment in plastic waste management services and infrastructure.

### **5.2.6 Recommendations to the East African Community**

The following recommendations were made by the Republic of Uganda:

- i. Urges EAC to develop a common policy on plastic pollution that would sustain the eco-system of the Partner States, prevent, arrest and reverse the effects of environmental degradation by plastics;
- ii. Urges EAC to adopt common environment control regulations, incentives and standards;
- iii. EAC should encourage the manufacture and use of bio-degradable alternatives to single use plastics; and
- iv. Urges the EAC to implement the Bamako and the Basel Conventions on cross boarder transportation and management of chemicals respectively.

## **5.3 REPUBLIC OF RWANDA**

### **5.3.1 Rwanda's Journey to Ban Plastic Materials**

- i. In 2003 the Ministry in charge of Environment assessed the problem of plastic in Rwanda;
- ii. In 2004 the Government of Rwanda decided to ban plastic shopping bags;
- iii. In August 2004 the Ministerial Instructions on the use and manufacturing of plastic bags in Rwanda banned shopping bags of less than 60 microns;
- iv. In 2008 the Law No. 57/2008 of 10/09/2008 relating to the prohibition of manufacturing, importation, use and sale of polythene bags in Rwanda extended to cover all packaging plastics bags. It also provided penalties; and
- v. In the 2019 the law was reviewed to include all single use plastics (Plastic bottles, cups, plates, cutlery, etc.).



### **5.3.2 Ban of Plastic Carrier Bags and Single Use Plastic Items i**

Single use plastics are controlled by the law No 17/2019 of 10/08/2019 relating to the prohibition of manufacturing, importation, use and sale of plastic carrier bags and single use plastic items as follows:

- i. Article 3 prohibits and controls plastic carrier bags and single use plastic items;
- ii. Article 4 provides for exemptions where authorization can be granted for manufacturing, importation, use or sale of home compostable plastic items or woven polypropylene subject to prior authorization from the competent authority;
- iii. Article 5 provides for environmental levy on imported goods packaged in plastic materials or single use plastic items;
- iv. Article 6 provides for collection of plastic carry bags and single use plastic items where authorized dealers must put in place mechanisms to collect and segregate used plastic carrier bags and single use plastic items and hand them over to the recycling plants.
- v. Article 8 provide for institutions responsible for enforcement of the law in Rwanda :
  - a. Rwanda National Police;
  - b. Institution in charge of Customs;
  - c. Rwanda Investigation Bureau;
  - d. Rwanda Environment Management Authority;
  - e. Rwanda Standards Board;
  - f. Rwanda Inspectorate, Competition and Consumer Protection Authority;  
and
  - g. Administrative decentralized entities.

### **5.3.3 Impact of the Law**

- i. Contributed to a clean Rwanda;
- ii. Reduction of solid waste production/non biodegradables;
- iii. Saving life (human and animals especially aquatic species);
- iv. Contributing to increment of agricultural productivity;
- v. Contributing to flood control;
- vi. Reduce the emission into atmosphere/ contribute to clean air; and
- vii. Climate change resilience.

### **5.3.4 Compliance Challenges**

- i. Illegal transboundary movement of plastic carrier bags and single use plastics by smugglers;
- ii. Plastics from neighbouring countries wastes pollutes the waterbodies;
- iii. Importation of plastic wrapped products as a secondary packaging;
- iv. Import of plastic labelled products; and
- v. Lack of support from neighbouring countries.

### **5.3.5 Future plans**

- i. Have regular Inspection and monitoring to control the illegal use of single use plastic items;
- ii. Promote the innovation for alternative to single use plastics;
- iii. Promote the reusable packaging materials; and
- iv. Continue the awareness and education of local community and solicit for other countries' support.

### **5.3.6 The High Ambition Coalition**

The representative of Rwanda informed the Committee that the initiative of High Ambition Coalition (HAC) was announced for the first time during the UN Environment Assembly in Nairobi. The Coalition was launched virtually in August 2022. The Coalition is Co-Chaired by Rwanda and Norway. All likeminded and high ambitious countries invited to join the coalition. The Coalition has members from all regions, currently it

has 58 members. [hactoenvironmental.org/become-member](https://hactoenvironmental.org/become-member). The objectives of HAC are:

- i. To keep the momentum of like-minded countries towards an ambitious legally binding treaty that responds to the objectives of the HAC;
- ii. Set target of no plastic in nature by 2040;
- iii. Set objectives and strategic goals expected to be the plastic Treaty;
- iv. Set common priorities as HAC members;
- v. Make the voice of HAC members stronger;
- vi. Work together during negotiations; and
- vii. Work together to increase HAC member towards the common objectives.

### **5.3.7 Actions for Control of Single Use Plastic Materials**

- i. Eliminate problematic plastics, including by bans and restrictions;
- ii. Develop global sustainability criteria and standards for plastics;
- iii. Set global baselines and targets for sustainability throughout the lifecycle of plastics;
- iv. Ensure transparency in the value chain of plastics, including material and chemical composition;
- v. Establish mechanisms for strengthening commitments, targets and controls over time;
- vi. Implement monitoring and reporting at each stage through the lifecycle of plastics; and
- vii. Facilitate effective technical and financial assistance, scientific and socio-economic assessments.

### **5.3.8 Recommendations to the EAC**

The Republic of Rwanda urges the EAC to:

- i. Support the High Ambition Coalition;
- ii. Promote environmental friendly packaging material initiatives;
- iii. Conduct awareness raising on the ban of single use plastic materials;
- iv. Initiate political decision makers to enforce plastic ban law; and
- v. Set a common legislative framework to end plastic pollution among Partner States.

## **5.4 REPUBLIC OF BURUNDI**

### **5.4.1 Introduction**

The representative from the Republic of Burundi informed the Committee that plastic materials results in permanent persistence in the outskirts of towns like Bujumbura, clinging to trees and scattered in all corners of neighbourhoods and even in nature. Plastic films are easily blown away by the wind or rain during, polluting towns and waterways and rapidly transmitting harmful germs from contaminated plastics. This presents risks for humans and animals. When it rains, plastic bags clog up the gutters, causing flooding and destroying infrastructure such as houses, bridges, and electricity grids. This in turn promotes erosion and the proliferation of many diseases.

### **5.4.2 Ban of Single Use Plastic Materials**

Given the seriousness of the situation in Burundi and with the aim of preserving human health and protecting the environment, the Government of Burundi enacted a Decree No. 100/099 banning the import, manufacture, marketing and use of bags and other plastic packaging signed by His Excellency the President of the Republic of Burundi on August 8, 2018. The purpose of this decree is to:

- i. Establish a legal framework for controlling the use of plastic bags and other plastic packaging; and
- ii. Promote the use of materials that do not degrade the environment; and
- iii. Prevent all kinds of pollution caused by plastic products.

The decree includes special exemption that may be authorized for biodegradable bags, sacks and plastic materials used in medical services, pharmaceutical packaging, and industrial construction research laboratories, and education. Article 7 of the Decree stipulates that plastic waste including plastic bottles and flasks are returned to the supplier who ensures their storage, recycling or recovery. Economic promoters of alternative packaging and recycling projects are encouraged to invest in this area.

The institutions responsible to check compliance of the law includes Burundi Revenue Authority, Department of MINEAGRIE and Departments of the Ministries of the Interior, Trade and Industry.

### **5.4.3 Implementation Measures**

The Government issued a Ministerial Order to implement the Decree No. 100/099 of August 08, 2018 banning the import, manufacture, marketing and use of bags and other plastic packaging. The Order clarifies that:

- i. only plastic bags and plastic packaging made from ethylene polymer, under tariff codes 3923.21.00 and 3923.29.00 of the Common External Tariff, 2017 version of the East African Community, are prohibited from being manufactured, imported, marketed and used in Burundi;
- ii. any non-biodegradable plastic bags and sacks benefiting from a special dispensation must imperatively have a thickness greater than or equal to 100 micrometres;
- iii. the application for authorization to import, sell, use or manufacture plastic materials must be submitted to the Minister in charge of the environment;
- iv. It is strictly forbidden to reuse any single use plastic packaging; and
- v. Economic promoters of plastic bag substitution and recycling projects are eligible to incentives provided for under Burundi's investment code.

### **5.4.4 Impact of the Law**

- i. Plastic packaging bags and sacks are no longer used;
- ii. Recycling companies are already in place and running; and

- iii. Youth associations for the collection of plastic bottles are at work.

#### **5.4.5 Challenges Hindering Enforcement of the Law**

- i. Slowness in behaviour changing of the population despite popularization and awareness campaigns;
- ii. The proliferation of packaging plastics coming from outside as packaging for other imported products which are not affected by national regulations;
- iii. Low stakeholder involvement; and
- iv. Porous borders with neighbouring countries.

#### **5.4.6 Strategies Used by the Republic of Burundi to Eliminate Plastic Materials**

Currently it is impossible to eliminate all plastic materials because they are used for several purposes. However, the Republic of Burundi apply the following strategies to manage plastic waste from different activities:

- i. Project promoters who want to import plastics must request special authorization and among the required documents is the Environmental and Social Management Plan for plastic waste;
- ii. The Ministry via the General Directorate of the Environment and Water Resources must monitor the implementation of the national plans; .
- iii. Awareness and monitoring campaigns are regularly organized and fines imposed on recalcitrant;
- iv. The Ministry in charge of the environment through the General Directorate of Environment, Water Resources and Sanitation regularly organizes awareness campaigns and collection of plastic waste especially in the city of Bujumbura and other cities and on the coast of Lake Tanganyika; and Plastic wastes collected is recovered by plastic waste recycling companies.

#### **5.4.7 Achievements in Elimination of Single Use Plastic Materials in Burundi**

- i. Implementation of Decree No. 100/091 of October 12, 2020 relating to the Reorganization, mission and operation of the Ministry of the Environment, Agriculture and Livestock;
- ii. Joint Ministerial Order No. 350/540/710/1560 of 10/12/2020 as a measure to implement decree No. 100/099 of 08/8/2018 prohibiting the importation, manufacturing, marketing and use of bags and other plastic packaging in Article 6 specifies that it is prohibited to reuse single use plastic packaging;
- iii. Awareness campaigns via different communication channels on the effects of reusing single use plastics and on the sanctions provided for in Article 17 of the order are regularly organized by the Ministries in charge of the Environment; and
- iv. 608 applications for authorization to import plastic packaging have been registered to date for a period of approximately 3 years.

#### **5.4.8 Strategies for Stakeholders Participation**

The Republic of Burundi applies the following strategies to engage Media, Civil Society Organizations, faith-based Organizations and International Organizations in elimination of single use plastic materials:

- i. Joint planning y with partners;
- ii. Economic promoters of replacement and recycling bag projects benefit from the advantages provided for in the investment code;
- iii. Organization of stakeholder awareness campaigns;
- iv. Organization of plastic waste collection campaigns in collaboration with stakeholders;

- v. Involvement of stakeholders in the implementation of Environmental and Social Management Plans for plastic waste proposed by promoters and importers.

#### **5.4.9 Government Efforts to Stop Waste and Plastics into Lake Tanganyika**

- i. Development of the Lake Tanganyika coastline management plan;
- ii. Lake Tanganyika Watershed Management (MIRWA);
- iii. Implementation of Lake Tanganyika Environmental Management Projects (LATAWAMA);
- iv. Implementation of Lake Tanganyika Fisheries management projects (LATAFIMA);
- v. Established wastewater discharge standards;
- vi. Establishment of a Thursday ordinance dedicated to the environment, where community environmental protection works are organized;
- vii. Establishment of a national day dedicated to Lake Tanganyika;
- viii. The Government of Burundi regularly carries out awareness campaigns on sanitation in the city of Bujumbura;
- ix. The Government of Burundi regularly organizes cleaning campaigns along the coast of Lake Tanganyika specifically to collect plastic waste along the lake;
- x. A 150-meter buffer zone has been established and demarcated to protect Lake Tanganyika. No activity can be carried within the zone;
- xi. Waste collection companies, including plastic waste, are at work in all neighbourhoods; and



- xii. Plastic waste recycling companies use associations to collect plastic waste in all districts of the city of Bujumbura.

#### **5.4.10 Recommendations to the EAC**

The Republic of Burundi made the following recommendations to the EAC:

- i. Organize plastic waste collection campaign in the EAC cities;
- ii. Harmonize the regulation to prevent imported plastic packaging with foodstuffs;
- iii. Organize public awareness campaigns on the reuse of single use plastic materials;
- iv. Promote recycling and recovery of plastic wastes; and
- v. Technical and financial support for equipment and infrastructures for recycling.

### **5.5 DEMOCRATIC REPUBLIC OF CONGO**

#### **5.5.1 Introduction**

The Democratic Republic of Congo (DRC) covers an area of 2,345,000 km<sup>2</sup>. The current population of DRC is 100 million people, with immense natural resources.

The situation of plastic materials in DRC is worrying with accumulating plastic wastes causing severe flooding in Kinshasa and other cities. In 2018, DRC was producing 48,154 kilos of plastic per day, 85% of which are poorly managed. (UN Environment Report, 2018). The production of plastic materials in Kinshasa is estimated to be 10,000 tones per day with a population of 15,000,000 originating from industries and domestic uses. The effects of environmental degradation in DRC includes the following :

- i. Loss of biological diversity ;
- ii. Soil, air and water pollution ;

- iii. Destruction of the ozone layer ;
- iv. Loss of soil fertility ;
- v. Floods ;
- vi. Depletion of fish stocks ; and
- vii. The deterioration of Natural and cultural heritage.

### **5.5.2 Legal Instruments for the Control of Plastic Pollution in Democratic Republic of Congo**

- i. International instruments ratified and/or signed by DRC ;
- ii. The Constitution of DRC of 18 February 2006 ;
- iii. Legal and regulatory framework as enacted by DRC :
  - a. Law No. 11/009 of July 09, 2011 on the fundamental principles of environmental protection as modified and completed by the Law No. 23/007 of 3/03/2023 ;
  - b. Decree No.17/018 of December 30, 2017 prohibiting production, importation, marketing and use of bags, sachets, and other plastic packaging ;
  - c. Ministerial Order No. 409/CAB/MIN/TC/0082/2006 of July 18, 2006 regulating packaging in DR Congo; and
  - d. Inter-ministerial order No.001/CAB/MIN/ENVIRO/ 2010 and No. 409/CAB/MIN/TVC/001 of January 21, 2010 establishing a center for control and monitoring of marine pollution in the DR Congo.

### **5.5.3 Measures Taken by the Government of DRC**

- i. Provided facilities to industries for establishment of recycling plants for plastics, metal and other types of waste. For example in Kinshasa there is KIN BOPETO, a major programme of Local Government to clean the city ;
- ii. Local Government in partnership with OK PLAST Society specialised in collecting, evacuation, treatment and recycling of plastic waste.

#### **5.5.4 Major Constraints**

- i. Ineffective implementation of laws and other ratified instruments ;
- ii. Inadequate financial resources;
- iii. Inadequate appropriate logistics to carry out actions with a visible impact ;
- iv. Inadequate infrastructure and capacity for processing and elimination of plastic waste; and
- v. Failure to promulgate several decrees.

#### **5.5.5 Recommendations**

The Democratic Republic of Congo made the following recommendations to the East African Community and to the EAC Partner States:

#### **5.5.6 The East African Community**

- i. Organise technical capacity-building training on the management and control of single use plastic materials in EAC Partner States ;
- ii. Conduct exchange experience programs and support for the environmental sound management of plastic wastes in EAC EAC Partner States ;
- iii. Setting up a regional structure to monitor the implementation of environmental protection measures.

#### **5.5.7 EAC Partner States**

- i. Urge Partner States to implement all international Treaties and Conventions which they are party to ;
- ii. Continuos improve infrastructure relating to control and management of single use plastic materials including national policies, laws and regulations.

## **5.6 UNITED REPUBLIC OF TANZANIA**

The Committee was informed that there is high prevalence of single use plastic materials of various forms with dump sites packed with large plastic wastes. It was explained further that the major causes of environmental degradation are from industrial, domestic, municipal, mining, agricultural, transport and health activities.

### **5.6.1 TANZANIA MAINLAND**

#### **5.6.1.1 Policies, Laws and Regulations for Control and Management of Single Use Plastic Materials**

The Committee was informed that in controlling and managing single use plastic materials, Tanzania Mainland enacted the Environmental Management Act, 2004. Section 230 (2) (f) of the Act provides for the control of manufacture, importation, exportation, collection, transportation, treatment, storage, recycling, recovery or disposal of substances which may be hazardous to the environment and public health. Through this provision, Tanzania prepared the regulations to control the single use plastic materials in 2019 and revised in 2022.

#### **5.6.1.2 Ban of Single Use Plastic Materials**

Tanzania Mainland banned the single use plastics carrier bags in 2019. The country has been encouraging use of alternatives to plastic carrier bags. However, not all plastics are banned, there are exceptions e.g., industrial packaging materials which are given specifications by Tanzania Bureau of Standards. The ban is through the following regulations:

- i. Environmental Management (Prohibition of Plastic Carrier Bags) Regulations, 2019;
- ii. Environmental Management (Prohibition of Plastic Carrier Bags and Plastic Bottle Cap Seals) Regulations, 2022. This new regulation included current issues like climate change.

To enforce these regulations, Tanzania Mainland formed Task Forces for Plastic Ban at National and Regional levels. The National Plastic Ban Task Force comprised of Vice

President's Office (Secretariat), National Environmental Management Council (NEMC), Land Transport Regulatory Authority (LATRA), Tanzania Bureau of Standards (TBS), Local Government and Regional Administration (LGRA), Police, Immigration and Media.

The Regional Plastic Ban Task Forces comprises of Regional Commissioners, Regional Police Commanders, Regional Administrative Secretaries, Regional Security Officers, Immigration Officers, Regional Environmental Management Experts, Economic and Production Section Officers, Environmental and Healthy Officers, Trade Officers, and Community Development Officers.

Several approaches have been used in combating single use plastic materials, some of which are:

- i. Awareness raising through media such as radios, TV, newspapers and social media;
- ii. Awareness raising through meetings, workshops, gathering (including churches and mosques);
- iii. Enforcement of regulations for plastic ban through:
  - a. Inspection in strategic areas like border posts, whole sellers' shops, retail shops and markets;
  - b. Provision of incentives to informers;
  - c. Take legal actions to those caught breaching the regulations for plastic ban;
  - d. Confiscation of banned plastic materials; and
  - e. Promotion of alternative to banned plastic materials.

The Committee was informed further that the law provides for heavy penalties to violators including confiscation, imprisonment and fines of up to billions of shillings. However, there is no regular inspection due to inadequate of both human and financial resources.

### **5.6.1.3 Challenges of Single Use Plastic Materials**

- i. Emerging tendency of use of permitted packaging plastic materials as carrier bags;
- ii. Continuing illegal production of prohibited plastic carrier bags.

### **5.6.1.4 Recommendations on the Areas of Cooperation among the EAC Partner States**

- i. Cooperate in the control and management of single use plastic materials;
- ii. Harmonize standards of alternatives to plastic carrier bags in all EAC Partner States;

### **5.6.1.5 Recommendations to the EAC**

- i. Single use plastic materials should be abolished in EAC;
- ii. Harmonize laws and regulations prohibiting the production of single use plastic materials in the EAC; and
- iii. Promote affordable and reliable alternatives to plastics.

## **5.6.2 TANZANIA ZANZIBAR**

Zanzibar is part of the United Republic of Tanzania. Zanzibar has its own government, legislature and judiciary, which prepares policies and enacts laws for non-union matters. Policies and laws for union matters are under the mandate of the government of the United Republic of Tanzania. Environment is one of the non- union matters, therefore the Revolutionary Government of Zanzibar is responsible for policies, laws and enforcement.

The major causes of environmental degradation in Zanzibar includes marine land-based sources especially during rainy seasons, poor waste management caused by unawareness and inadequate enforcement strategies. This pollution has the devastating effects on aquatic and terrestrial ecosystem because plastic debris injures and kills wildlife, either from being tangled or through ingestion. Additionally, as the plastic decomposes, it leaches toxic chemicals that can harm both humans and animals.

### **5.6.2.1 Policy, Law and Regulations for Control and Management of Single Use Plastic Materials**

Zanzibar enacted the following policy, law and regulations for control and management of single use plastic materials:

- i. The Zanzibar Environmental Policy 2013,
- ii. The Zanzibar Environmental Management Act, No. 3 of 2015;
- iii. The Ban of Plastic Bags Regulations of 2018.

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According to the Ban of Plastic Bags Regulations, Zanzibar banned manufacture, import, store, sell, transport, supply, possess, litter, burn or use any plastic carrier bags in Zanzibar for any purpose whatsoever. As provided by the regulation, Zanzibar banned plastic carrier bags only leaving other single use plastic materials.

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### **5.6.2.2 Recommendations**

Zanzibar made the following recommendations to the EAC Partner States and the EAC as follows:

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- i. The EAC Partner States are urged to control and manage the single use plastic materials, marine pollution, waste management, awareness raising and capacity building.
  - ii. The East African Community is requested to support the control and management of single use plastic materials by:
    - a) Supporting Partner States financially and technically in awareness raising programs;
    - b) Developing regional instruments;
    - c) Assisting Partner States to put in place mechanism of controlling the use of plastics such as drafting regulations;
    - d) Encouraging Partner States to conduct campaigns on single use plastic materials;
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- e) Allocating adequate resources to facilitate regional programs in phasing out the single use plastic materials in the EAC.
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## **5.7 REPUBLIC OF SOUTH SUDAN**

The Republic of South Sudan is planning a formidable campaign for solid waste management that will control the use and disposal of plastic waste. The Minister of Environment revealed that Juba would consider a two-year ban on some plastics that make the city chock full of garbage because of irresponsible disposal.

The Ministry of Environment and Forestry is considering declaring a two-years temporary banning on the importation of plastic bottles and the production of 500mm and 1 litre bottles, as well as glass bottles. Once the ban is declared, water companies will only produce 10 and 20 liters and it will only be lifted when a recycling plant is established in the country.

As the government intends to end the importation of such materials, other officials argues that the process should encompass the views of the water companies.

Environmentalists welcome the ban on some plastics for the protection of environment arguing that:

- i. Plastic pollution has become more dangerous on earth and is one of the longest-lasting forms of pollution that destroy ecosystems;
- ii. Most plastics are single use containers hence their pile up rate is higher and has far reaching negative impacts on the environment;

Plastic bottles would break down with time into smaller particles known as microplastics. Microplastics, due to their size, cannot be eliminated from the environment. However, companies that produce water in Juba pointed out challenges in economy once the ban of plastic bottles into effect. They argued that sensitization on proper disposal of waste will address the problem rather than banking on a total ban.



## 6.0 MEETING WITH THE AFRICA LEGAL NETWORK

During the undertaken of this activity, the Committee held a meeting with the Africa Legal Network (ALN) on 10<sup>th</sup> November, 2023 to discuss the legal framework for the control and management of single use plastic materials in the EAC. ALN was represented by Ms. Rosa Nduati-Mutero Managing Partner, ALN Kenya and Ms. Carlotta Dal Lago, Head of Business Development, Marketing and Communications.

ALN is an integrated alliance of the preeminent full service corporate law firms in 14 African countries. Apart from their main business as a legal firm, ALN Kenya engaged in research about the single use plastic materials and the existing legal framework in the EAC Partner States. ALN informed the Committee that emergence of plastics as affordable substitute for other materials with great technical performance was adopted without foresight regarding the long term environmental impact. Since plastics do not decompose, laws are needed to address the issue at source.

ALN presented the table below which summarizes the status of legislations on single use plastic materials in the EAC Partner States.

Table : Ban, Tax Incentives and provisional fines

COUNTRY	BAN OF PLASTIC	TAX INCENTIVES	FINES
BURUNDI	Yes	No	No
DRC	Yes	No	No
KENYA	Yes	Yes	Yes
Rwanda	Yes	Yes	Yes
South Sudan	Yes	No	No
Tanzania	Yes	No	Yes
Uganda	Yes	Yes	Yes

Source: Presentation by ALN before the Committee

ALN informed the Committee that they are developing a Bill titled “*The East African Community Prohibition of Manufacturing, Importation, Use and Sale of Single – Use Plastics Bill, 2023*” to be enacted by the EAC. They presented their Bill before the Committee and the Committee made its comments for the Bill. After discussion, it was agreed that the Committee will take the Bill and process it as a Committee Bill.

## **7.0 GENERAL OBSERVATIONS OF THE COMMITTEE**

- i. Single use plastic materials contribute to the Gross Domestic Product (GDP) of Partner States and create employment opportunities;
- ii. Single use plastics are used once and discarded causing pollution and break down into smaller pieces in landfills where it may take up to hundreds of years to degrade, leaching potentially toxic substances into the soil and water;
- iii. All EAC Partner States have a form of ban of plastic materials (carrier bags, seals and packaging) with a different level of enforcement;
- iv. The Republic of Rwanda is an example in the enforcement of the law on the control of single use plastic materials in the EAC Region;
- v. Research, development and incentives to investors will enable the production of affordable and reliable alternatives to single use plastic materials;
- vi. Sorting of wastes is a big challenge in the EAC Partner States, hence all type of wastes is mixed in dumpsites;
- vii. Many citizens of EAC are unaware of the impact and the consequences of the single use plastic materials;
- viii. Many Partner States does not have reliable data on single use plastic materials.

## **8.0 RECOMMENDATIONS OF THE COMMITTEE**

The Committee on ATNR recommends to the Assembly to:

- i. Commend all EAC Partner States for taking action to address the problem of single use plastic materials;
- ii. Urge the Council of Ministers to direct Partner States to ban all single use plastic materials and not just the plastic carrier bags and seals;
- iii. Urge the Council of Ministers to direct Partner States to put more efforts in combating the problem of single use plastic materials specifically on the enforcement of laws and data collection;
- iv. Urge Partner States to adopt best practices from the countries which have done better in the enforcement of the ban of single use plastic materials;

- v. Urge the Council of Ministers to prepare a regional action plan and strategies to eliminate the single use plastic materials; Commend the Africa Legal Network (ALN) for their efforts to develop a Bill to address the problem of single use plastic materials in the EAC;
- vi. Direct the Committee on ATNR to collaborate with the ALN in the preparation and introduction of the East African Community Prohibition of Manufacturing, Importation, Use and Sale of Single Use Plastics Bill, 2023;
- vii. Urge the Council of Ministers to support the initiatives by ALN in collaboration with the Committee on ATNR to introduce the East African Community Prohibition of Manufacturing, Importation, Use and Sale of Single Use Plastics Bill, 2023;
- viii. Urge the Council of Ministers to urge Partner States and EAC to join the High Ambition Coalition which is co-chaired by the Republic of Rwanda and Norway to end plastic pollution;
- ix. Urge the Council of Ministers to direct Partner States to allocate adequate resources for research and development of alternatives to single use plastic materials;
- x. Urge the Council of Ministers to direct Partner States to intensify the sensitization programs on the effects of single use plastic materials; and
- xi. Urge Partner States to encourage sorting waste at source point.

## **9.0 CONCLUSION**

In conclusion, the oversight activity and the corresponding discussions highlighted the importance of regional cooperation, collaboration and commitment towards achieving a common goal for the betterment of the citizens of East Africa. The report provides useful recommendations which if implemented will address the plastic pollution.