

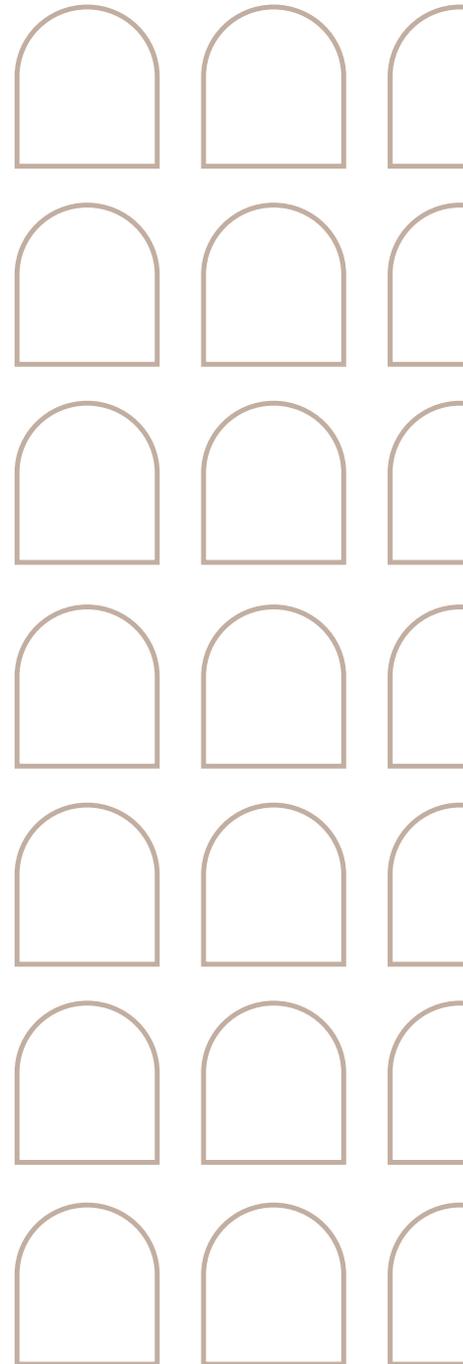
STG Policy Papers

# POLICY BRIEF

## EFFECTIVENESS OF SINGLE-USE PLASTIC BAG BANS IN AFRICA: BARRIERS AND POTENTIAL SOLUTIONS

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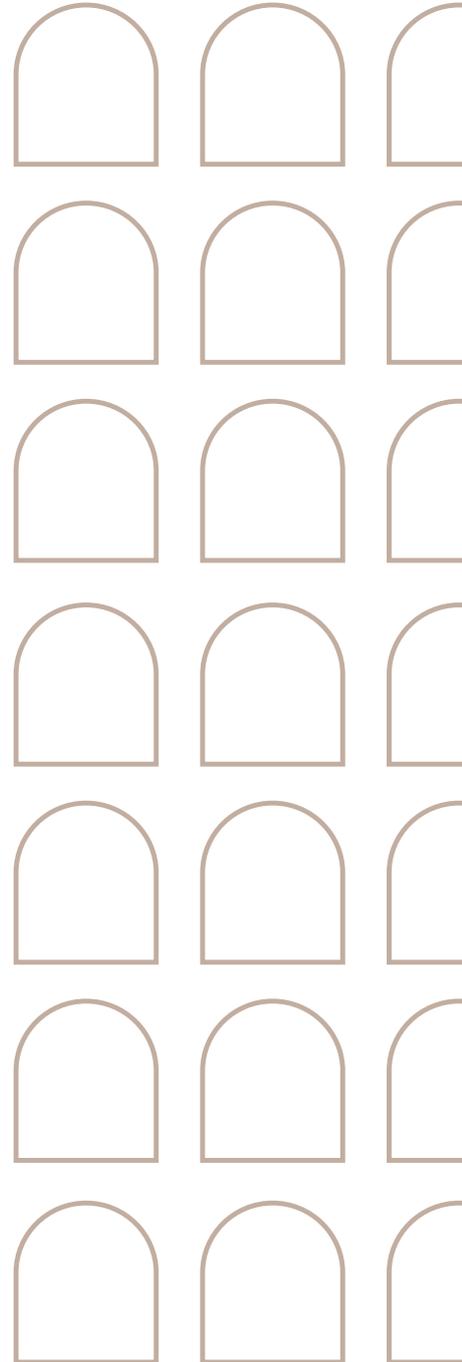
## EXECUTIVE SUMMARY

In an attempt to reduce plastic pollution, African countries began by eradicating single-use plastic bags by developing policies and regulations prohibiting their manufacture, distribution, importation, or usage outrightly or partially. Bans were introduced to eliminate the bags entirely from the market chains; however, they faced several obstacles. This policy brief discusses the barriers hindering the effectiveness of the single-use plastic bag bans in Africa and proposes potential actions to counter the impediments. The brief is informed by insights from discussions held in September 2021 with high-level individuals composed of professors and experts from the European University Institute and beyond who have been involved in the formulation and implementation of plastic bag policies or have steered sustainable development beyond Africa. The author developed the recommendations based explicitly on the identified hindrances. The need to harmonise bag ban policies across the continent and engage in transboundary dialogues to address border porosity are some of the key recommendations.

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## 1. INTRODUCTION

The last two decades have seen many countries globally introduce restrictions and complete or partial bans on manufacturing, importing, selling, or using single-use plastic bags. Countries have instituted policies and regulations governing the bags variedly; the thickness, degradability, and nature of the use of the bags are some aspects defining the policy dynamics. Africa is considered to be on the [right track in eliminating plastic bags](#); 34 out of 54 countries have banned or regulated the manufacture and circulation of single-use plastic bags within their boundaries. However, the variation in scope of bans and implementation within the African continent has exposed deterrents that limit the attainment of the envisioned goal.

## 2. HINDRANCES TO EFFECTIVE IMPLEMENTATION OF SINGLE-USE PLASTIC BAG BANS

Some of the barriers complicating the enforcement of the plastic bag bans identified are listed below.

### 2.1. Border Porosity

Many countries in Africa are faced with widespread [smuggling of banned bags](#) into their territories. Most borders are porous, facilitating easy movement into and out of either country. Kenya, Rwanda, Morocco, and Cameroon are some countries whose bag bans are being threatened by illegal importation from neighbouring countries. Border porosity is believed to be a pressing obstacle that if governments do not create measures to address, it will be hard to realise the success of the bans. Rwanda, despite having an active, dedicated counter for luggage inspection for any banned plastic bag at every border, smugglers still find a way to sneak in the bags. Border porosity is not an individual country problem. It emerged from the discussions that countries sharing borders have to work out a joint strategy such that there is no movement of banned bags whatsoever. It also means that bordering countries must have similar policies and regulations.

### 2.2. Varying Policies, Regulations and Exemptions

The policies, regulations, and exemptions across the 34 African states that have banned or restricted single-use plastic bags vary. Each country developed its frameworks based on social, economic, political, and ecological statuses and pressures. Some countries have instituted outright bans on the manufacture, importation, use, and sale of plastic carrier bags, while others have banned plastic bags based on their thickness. Some countries have only [banned non-biodegradable plastic bags](#), and others, such as South Africa and Eswatini, applied [plastic bag tax and levy](#). Such variations coupled with border porosity hinder effective implementation of the bans in countries motivated to eliminate the bags from their value chains. Banning plastics less than a certain thickness means anything beyond the specified mark is legal and can be produced and distributed. This approach is a setback to many countries with contrary guidelines. The variations mean that what is considered illegal in one country is legal in another country.

Similarly, Africa is advancing the actualisation of the [African Continental Free Trade Area](#), an agreement set to ease business operations, movement of people, custom regulations, and create favourable competition across the region. With the deal comes the prerequisite to meet other laws and policies specific to each signatory country. The divergent plastic regulations and bans on single-use plastic bags in the continent will likely complicate many companies' ability to operate. Free trading may facilitate easy entry of banned bags into either country if businesses fail to package and move their products according to country-specific plastic bans weakening the policies.

### 2.3. Noncompliance and opposition

Noncompliance emerged as a problem challenging the implementation of the bag ban. The banned plastic bags are back in circulation in some states powered by ready demand and supply. Increased noncompliance across the region exposes weak and inconsistent implementation. Individual countries could address the nonconformity if specific and well-defined regulations are developed. In

addition, investing in progressive and strict implementation could mandate compliance by business entities and trigger behavioural change among the citizens. As highlighted in the previous subsection, border porosity promotes noncompliance in countries with weak implementation mechanisms and those with low priority to control what enters or leaves their territories.

The opposition of the bans and the scope of the policy were cited to driver noncompliance among individuals and business entities during the discussions. [Rwanda's 2004 ban](#) on plastics targeting manufacturing, distribution, and usage demonstrated a one-sided solution; the consumers were not in the equation. Learning from experience, Rwanda used transformative initiatives such as the [Umuganda](#), a compulsory monthly community service day, to empower the citizens on environmental conservation, including the dangers of plastic bags to human health and the environment. The step taken by the Rwandan government is reflected in the outcome of the 2008 plastic bag ban. This mix of a top-down and bottom-up approach to shifting public minds to accept policies is crucial for all countries to realise success.

Awareness and comprehension of plastic policies were mentioned as significant influencers of compliance. Often, people fail to comply due to little understanding of the contents of the policy. Most of the enforcing agencies in Africa have invested few resources in educating the public on the dangers of plastics and solutions to adopt at an individual, communal or institutional level. This point is reinforced by limited access to affordable, quality, and acceptable alternatives due to insufficient information and a lack of guidelines on the alternative options the businesses can manufacture or supply to the market. Kenya, in 2019 was forced to [gazette a total ban on non-woven polypropylene bags](#) that flooded the market immediately after the plastic bag ban policy took effect. Non-woven polypropylene bags are non-biodegradable and plastic. Despite the gazette, the non-woven bags are still at large.

## 2.4. Court injunctions and oppositions

Plastic bag bans in Africa have been delayed or overturned by court injunctions. For example, Kenya's ban was challenged at the [high court by the Kenya Association of Manufacturers](#) and human rights activist, which took almost ten months from when the ban came into effect until a verdict in favour of the ban was given. Before the 2017 ban, Kenya had encountered protests that weakened the [2005, 2007 and 2011 plastic bag bans and regulations](#). Malawi's ban introduced in [2015 was overturned in 2016 by the High court](#) after 14 plastic companies challenged the policy. It was until April 2019 that Malawi's Supreme court reinstated the ban. The arguments behind the rejection of the bans include; threats to livelihood sources, closure of plastic industries, loss of jobs, limited access to alternatives, short timeframe to transition, and lack of consultation. Policy-makers can avoid court injunctions by consulting widely.

## 2.5. Wavering implementation

Despite many countries declaring action against single-use plastic bags, implementation of the policies has been inconsistent over time. Even with regulations detailing the steps to eradicate the banned bags and outlining the actions to be taken should an individual or a company contravene the policy, enforcement remains erratic in most countries. The wavering implementation can be attributed to the following reasons;

1. lack of coordination with other sectors
2. business pressures
3. unavailability of eco-friendly alternatives
4. lack of regulations
5. lack of political goodwill
6. limited resources, and
7. hierarchy of needs

Interdepartmental and interagency collaboration in enforcing the ban is lacking across the region, creating a single-entity execution scenario. For instance, [Kenya's plastic bag ban](#) is under the National Environment Management Authority (NEMA) jurisdiction, which is the principal government instrument

executing environment-related policies. It would be expected that NEMA being a government instrument, has enough resources to implement the policies seamlessly; that is not the case. NEMA needs to work with other departments such as health, human resources, standardisation bureaus, the association of manufacturers, border control, and the law enforcers. For example, the agricultural and health sectors that use single-use plastic bags for packaging should have been widely engaged to strengthen enforcement. The lack of eco-friendly alternatives puts the policy in jeopardy, making implementation a challenge; limited access to the substitutes encourages smuggling, which is a huge stumbling block for the enforcing agency.

The hierarchy of needs in Africa differs from that of the developed world, and countries within the region are at [different levels of development](#). Many countries are working to grow their economies and provide basic needs for their people. This is one of the reasons hindering strict enforcement of plastic bag ban policies for fear of risking the jobs of thousands of people. Sub-Saharan Africa accounts for about [63% of the global poor](#) population. In simple terms, the priority of such a population is to meet its basic needs, eventually swaying the commitment of governments to execute policies as required.

### **2.6. Unattainable policies**

Setting unrealistic goals is a serious challenge affecting the attainment of the primary objective of the single-use plastic bag bans in Africa. Policy-makers have designed policies that cannot match the present social and economic conditions of their countries. Unrealistic goals are challenging to implement, explaining why some bag bans and restrictions collapse as soon as they come into effect. Arguments presented in courts by individuals and entities that petitioned their governments against bag bans cited [stipulations that tend to curtail socioeconomic progress](#) instead of providing enabling grounds for the transition from plastic to biodegradable, durable, reusable, and recyclable items.

## **3. POTENTIAL ACTIONS TO COUNTER THE BARRIERS**

Several actions have been proposed for adoption to counter the barriers to effectiveness of the bans.

### **3.1. Harmonise the policies**

Emphasis on uniform policies and regulations governing single-use plastic bags across the continent is crucial if countries are to meet the intended objective of bans. All government leaders and the relevant departments or ministries in consultation with other stakeholders should convene, guided by existing country-specific policies, to coin rules and regulations that serve the entire continent. This should be approached from a regional level (as per regional economic communities) which will, in turn, inform the continental policies under African Union's oversight. Harmonised policies reduce obstacles to intercountry trading and enable businesses to design products that meet the stipulated guidelines under the joint policy.

### **3.2. Transboundary Dialogues**

Fighting border porosity requires adjoining countries to come up with standard solutions and implement them in unison. Neighbouring countries should assemble, identify the underlying issues, and design realistic strategies meeting the interests of both parties; 1) set up dedicated offices for inspecting persons and luggage moving in and out of either country, specifically for banned plastic bags, 2) avail alternatives to the banned bags, 3) impose huge fines to those smuggling plastic bags meant for sale or distribution, 4) train border officials to be able to identify banned and exempted plastic bags.

### **3.3. Complete ban over taxes and levies**

Mandatory taxes or levies is a short-term solution that does not stop the production and distribution of single-use plastic bags. In fact, it burdens the consumers as the producers will transfer the cost by increasing the unit prices of every bag. If not implemented well, the use of taxes and levies is bound to collapse like in the

case of Eswatini; hence, African governments and policy-makers should focus on introducing complete bans to eliminate the single-use plastic bags right from the source. Similarly, complete bans will cushion consumers and producers from the possibility of double taxation.

### **3.4. Determine eco-friendly alternatives to be produced and distributed in the market**

One of the reasons plastic bag bans fail is the lack of informed and predefined alternatives. Implementing agencies should work with research institutions and the manufacturing sector to design, test, and advise on the alternative options that do not cause more harm to the environment. The manufacturing industry should be mandated to indicate the raw materials and the percentage of recycled ingredients used on their products. This strategy will reduce the impact of plastic packaging bags on nature, given that some consumers tend to turn them into carrier bags.

### **3.5. Stakeholder engagement**

Effective implementation of plastic bag bans is impossible without consulting different stakeholders. At the county or country level, minimising the possibility of court injunctions while encouraging collaborative enforcement and citizen responsibility, it is prudent for policy-makers to consult broadly at every stage, from formulation to the execution phases. Open channels of communication should be facilitated where the bottom-up approach is valued in equal measure as the top-down approach. Seeking the public's views during inception and amendment stages arouses a sense of ownership, making execution seamless. Not to be left out are the association of manufacturers and lobby groups whose position and thoughts significantly impact the effectiveness of plastic bans or policies. Other sectors such as agrochemicals, health, bakeries, and agriculture, whose operations heavily rely on plastic packaging, should be engaged to guide the best approaches to adopt, leading to a win-win scenario. The youth, waste pickers, and recycling companies have been at the

forefront of managing plastic waste, including single-use plastics at the disposal stage; their comments, views, and opinions should be downplayed. The thoughts of the civil societies and non-governmental organisations aligned to environmental conservation and climate change need to be considered; most of them have been creating awareness at the grassroots and community levels as well as supporting groups championing sustainability.

### **3.6. Intentional awareness creation**

The public drives the demand for banned bags up or down; a population that is aware of the detrimental impacts of plastic bags on the environment and their health increases their adherence to related laws and regulations. Governments in Africa should intensify awareness creation and be intentional by ensuring that the larger population understands the contents of the plastic bans and the overall benefits of complying. Informational campaigns and the media should be used to empower the public, especially in the marginalised and rural areas. The jargon used to communicate policies and regulations should be simplified during awareness forums for the illiterate or semiliterate population to comprehend.

### **3.7. Emphasise behavioural change**

Emphasis should be on triggering behavioural change among the citizens. The power of transformed attitudes towards policy change should not be ignored. Stimulating positive attitudes will, in turn, alter consumer patterns resulting in reduced production and demand for plastic bags, both banned, regulated, or unrestricted.

### **3.8. Integrate Circularity**

A circular economy in waste management needs to be at the centre of slowing down plastic production at the source. Circularity, which is a stepping stone towards sustainable development, will ensure no resource is wasted, plastics are eradicated from the value chain, and will invoke positive attitudes on producers and consumers. In this case, circularity has to be integrated at the conception and design

stages. All manufacturing companies must change their prototypes and produce products that can be reused, recycled, or taken back to the factory for remanufacturing. To realise this, policy-makers in every country will have to develop extended producer responsibility (EPR) regulations and extend the responsibility to the consumers. The EPR should incorporate aspects such as take-back schemes under the sole responsibility of every manufacturer or through their agents. To achieve a comprehensive EPR, engaging representatives from diverse sectors is inevitable.

### **3.9. Design realistic goals**

There is a need to design achievable policy goals within the social and economic frameworks of a nation. Policy-makers should revisit the bag bans and make amends on proposals that are too ambitious to realise the value of the prohibitions. The copy and paste culture should be abandoned and allow policies to be developed based on the actual state and ability of a country or region to attain

them on short and long-term trajectories.

## **4. CONCLUSION**

Rwanda, despite being a small country, leads the way in addressing single-use plastic bags in the region. Emphasis on behavioural change and awareness creation through Umuganda strengthened the implementation of the ban in Rwanda; learning from this could improve enforcement quagmire evident in many countries. Total bans like in the case of Kenya where positive results have been recorded measures that need to be adopted continent-wide.

Therefore, a systemic overhaul is required to address the barriers discussed in this policy brief and achieve the fundamental objective of the bag bans; if not, plastic pollution will not be fixed, exploitation of fossil fuels will continue, and the environment, biodiversity, and human health will suffer.

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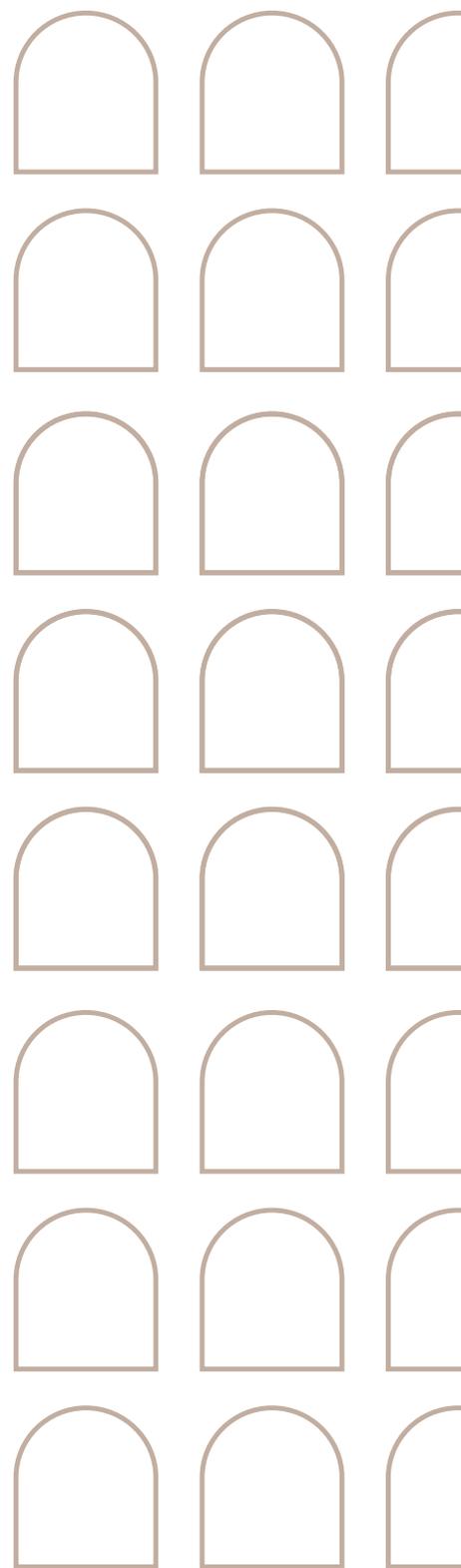
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