

UNEP/WIOMSA regional consultative meeting to discuss draft guidelines for development of legislation and related policies on marine litter in Africa

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Panel topic: Banning of products or overarching frameworks - *Peter Manyara, IUCN MARPLASTICCs*

Questions

1. What works best for Africa, laws and policies targeting banning of production and use of products or overarching frameworks?

- It should be remembered that governments (on behalf of the African population) have the constitutional mandate to assure a clean and healthy environment.
 - o *we see increased government responses to intervene on the marine plastics issue over the past decade*
 - o *and SSA countries are leading, largely through bans*
- Countries tend to have an overarching policy on environmental management that provides a framework for an integrated approach to planning, protection and Sust Mgt. of natural resources, + environmental law framework.
- Through these frameworks, countries address plastics pollution thro' regulations on thickness (e.g. of plastic bags), imposition of taxes, standards for recycled plastic, etc or through outright bans on plastics carrier bags or a limited selection of SUPs
 - o *These instruments have achieved some mixed results, and in some cases notable success.*
- Bans are a popular legislative instrument in the continent in reducing the generation of plastic waste and pollution.
- In Africa, more than 30 states have some form of legislation to regulate or completely ban the use, manufacture, sale, distribution, and import of plastic carrier bags.
- There have been unintended consequences as a result of bans - use of other types of non-reusable bags e.g. non-woven bags
 - o *and very few governments can boast of having the prerequisite capacity to enforce and monitor their bans*

2. What should be taken into consideration in their decision? Provide examples' and

- Before a ban, there is need to explore other approaches and instruments, and it's the most viable option, availability and cost of sustainable alternatives to banned products should be taken into account.
 - o *need to promote inexpensive alternatives*
 - o *banning of plastic products can lead to job losses (some studies)*
- Bans encounter challenges in clearly elaborating their scope, incl. responsibilities of relevant state agencies
- There is need to respond to challenges, e.g. plastic pollution from a holistic, life cycle perspective to avoid diverting the problem to another medium e.g. resulting in increased deforestation
- Legislative and regulatory design and drafting should be comprehensive enough to capture all intended elements of a ban in a way that ensures certainty of expectations, compliance and enforcement.
- Avoid piecemeal policies e.g. targeted at one polymer
- **Science:** Bans should be informed by science-based metrics in order to determine the baseline, set targets, and track developments to ensure we stay on the right trajectory.
- **Population:** Africa's population is big (~ 1 billion) and highly heterogeneous. There are far too many varied interests to unite behind a specific policy

- *majority are not fully aware of the need for plastic regulation in environmental protection*
- *not easy to reach consensus on the most appropriate legislative design for plastics control*
- **Participation:** need to emphasize a broad interpretation and clear commitment to “meaningful” participation by the public and business – only way to assure buy-in towards change to a new way of doing things
- **The principle of incrementalism** is critical. It would work well if policymakers were free to learn from their mistakes to improve existing policies
 - *be wary of small step-by-step changes vs piecemeal changes – due to vested interests, high turn over of political regimes, etc*

3. 'How can the life cycle approach be incorporated in either new or existing waste-related legal frameworks to minimize leakage at every step?'

- A lifecycle approach helps us strengthen governance frameworks towards the circular economy
 - *keeps materials and products in circulation e.g. via reuse, sharing, repairing, recycling, preventive/predictive maintenance, remanufacturing (design out waste, close resource loops and regenerate nature)*
- Majority of the legislative instruments in Africa contain general provisions around control and prevention of pollution to terrestrial and aquatic environments or on waste management (most regulated area)
 - *this is the Business-as-Usual scenario.*
- The challenge with this WM approach is that it places significant responsibility on municipalities, districts or counties who in most cases ill-equipped to address the challenge
 - *face capacity, legislation, resources issues*
- A number of countries have on-going processes to develop national Extended Producer Responsibility frameworks – a policy principle or instrument that extends producers’ responsibility for their products and packaging to the end-of-life stage of their life cycle.
- EPR encourages product redesign, or eco-design, for increased reusability or recyclability and, therefore, play a critical role in supporting a circular economy transition
- In considering a lifecycle approach, we need to consider plastics from sourcing of raw material to end of life.
 - *waste prevention, production/manufacturing, trade and distribution systems, consumption and maintenance, waste handling, and waste conversion*
- There is need to explore regional governance frameworks given the interconnectivity of countries e.g. the EAC Polythene Materials Control Bill 2016, even continental Continental Free Trade Agreement, COMESA and related trade blocs
- **Quick win:** Beyond these measures, significant plastic leakage in a number of African countries is associated with their high mismanaged waste index –strengthen measures to prohibit littering, dumping and open burning of plastic waste.
 - *Controls plastic waste in streets, wastewater drains and other public places*
- African countries have an opportunity now to mandate for negotiations on a binding Global Plastics Treaty that aims to address the entire life cycle (extraction to legacy plastic pollution).