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# JOINT INITIATIVE FOR SUSTAINABLE HUMANITARIAN PACKAGING WASTE MANAGEMENT

## Activity 1.1.4: Guidance Note on Regulatory and Legislative Frameworks for Humanitarian Workers

*This note has been produced as part of the [Joint Initiative for Sustainable Humanitarian Packaging Waste Management](#), a USAID Bureau for Humanitarian Assistance (BHA) - funded project aiming at coordinating collective and effective solutions for humanitarian packaging. The project, which will run until 2023, involves various actions from working collaboratively on procurement to reduce humanitarian packaging to improving the management of items at their end of life. More information [here](#).*

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## 1. WHAT'S AT STAKE FOR HUMANITARIAN ORGANISATIONS?

Across the globe, plastic pollution is damaging our environment and creates a wide range of problems. Every year, up to 13 million tons of plastic—the equivalent of one garbage truck per minute—leak into the ocean.<sup>1</sup>

While humanitarian organizations are not the greatest polluters, the plastic crisis is particularly serious in countries receiving humanitarian assistance given that they often lack the appropriate infrastructure to adequately collect and manage plastic waste. A number of developing countries have, therefore, adopted plastic products and/or plastic waste-related measures.



The evolving legislative and regulatory frameworks (international and national) have and will continue to have implications on humanitarian organizations. Regulations in Kenya and in Tanzania for instance have already led to changes in procurement strategies for some organizations. This guidance note provides information on existing frameworks governing plastics and how they are likely to evolve. The note also aims to support awareness-raising efforts and changes in procurement practices.

## 2. OVERVIEW OF NATIONAL POLICIES

Over the past decade, there has been a steady increase in laws (both in number and in scope) governing plastic around the world. Today, approximately 90 countries have implemented policies to limit plastic use, 40 of which on the African continent alone<sup>2</sup> and this number is likely to increase<sup>3</sup>. These policies include either regulatory tools (such as a plastics ban), economic instruments (such as a levy on suppliers, retailers and/or consumers), or a combination of both.

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<sup>1</sup> United Nations Environment Programme, The State of Plastics: World Environment Day Outlook 2018, June 2018, available at <https://www.unenvironment.org/resources/report/state-plastics-world-environment-day-outlook-2018>.

<sup>2</sup> <https://www.no-burn.org/africa-plastic-policy-map/> (google map of legislation in Africa updated by the organisation No Burn).

<sup>3</sup> Environmental Law Alliance Worldwide (elaw.org).

These laws can have various objectives such as reducing plastic pollution and reducing the quantity of plastic going to landfill or entering the recycling market.<sup>4</sup> Existing legislation primarily focuses on **single-use plastics (SUP)**<sup>5</sup> as it constitutes **the majority of the plastic that is produced worldwide.**<sup>6</sup> SUPs are considered plastic products that have been **designed, manufactured, and distributed for single use**, even though they are sometimes reused. Legislation regarding plastic has, until recently, mostly focused on plastic bags; however, it is now moving onto other SUP items such as expanded polystyrene (also known as Styrofoam or foamed plastic) given its significant environmental and the health hazards it poses.<sup>7</sup>

**RWANDA CASE STUDY**

In 2008, Rwanda’s Ministry of Environment decided to strengthen its efforts to protect the environment. This decision resulted in a series of reforms, including a national ban on non-biodegradable plastic bags. Rwanda was not the first nation to apply a ban on plastic bags; Bangladesh also initiated such a ban, which came to effect in 2002. Rwanda’s law prohibited the manufacturing, use, importation, and sale of plastic bags and applied deterrent penalties (in some cases, prison time) to violating businesses. The strict enforcement has led to some revolt among small business owners and the growth of a black-market trade in plastic bags, but there has been less ire from bag manufacturers, who were encouraged through tax incentives and recycling contracts to stop their manufacturing of SUPs. However harsh it may be, Rwanda’s law in banning SUPs seems to have been very effective.

Legislation regarding plastic addresses different parts of the **life cycle of plastics** from production, use, to end of life. Over the past few years, there has been an increase in the number of laws focusing on plastics’ end of life (incineration, extended producers’ responsibility, inclusion of waste pickers, etc.).

<b>EXAMPLES OF SINGLE-USE PLASTIC BANS (UNEP 2020)</b>
<b>Burkina Faso (2014).</b> Ban on the production, importation, marketing and distribution of non-biodegradable plastic packaging and plastic bags.
<b>Haiti (since 2013).</b> Ban on black plastic bags and polystyrene containers.
<b>Vanuatu (2014).</b> Ban on the import of non-biodegradable single-use plastic bags (less than 35 microns thick), (2018) phasing out of plastic bottles.
<b>Rwanda (2008).</b> Ban on all plastic bags.

**WHERE TO GO FOR INFORMATION ON NATIONAL POLICIES**

<sup>4</sup> Due to insufficient capacity, only 9% of plastic is being recycled (UNEP 2018).

<sup>5</sup> Single-use plastics include “plastic bags and plastics commonly used for the packaging, wrapping, or handling of goods, cutlery, plates, straws, drink stirrers, drink and food containers, plastic cotton buds, balloons, tobacco products with filters, wet wipes and sanitary towels. It does not include in the definition microbeads, plastic toys, fishing gear or pellets” (UNEP legislative guide on SUP products, 2020).

<sup>6</sup> [Single-Use Plastics- A Roadmap to Sustainability \(UNEP 2018\).](#)

<sup>7</sup> Polystyrene can take thousands of years to decompose, contaminating soil and water. As a result of its high density and low weight, it is very often taken by wind, ending up in seas or rivers.

The following resources provide information on specific national legislations, the types of plastics covered, the type of activity concerned (e.g., import, use, production, sale), and the type of regulation (e.g., ban, taxes).

- Mapping by Elaw.org/ The Plastic Pollution Coalition and Zero Waste Europe is the most up-to-date online mapping tool and will be released in Q3 2022.
- [The Plastic Pollution Coalition](#) provides an [easy-to-use interactive map and online database of legislation](#) by country (updated through 2016).
- UNEP's [Single Use Plastics - A roadmap to sustainability](#) (2018) provides an overview of general trends in policies, breaking it down by regions. Pages 27 through 44 describe and map out specific national legislations.
- [International Office for Migration's 2019 mapping](#) compiles information on plastic packaging bans.
- [Elaw's 2021 overview of plastic laws](#) lists the existing national laws that govern plastics.
- The [Basel convention database on transboundary movement of hazardous and non-hazardous waste](#) is a tool that explains the applicable regulation for exporting waste in other countries regarding the treatment or recycling of plastics.

REGIONAL TRENDS	
<b>Africa</b>	Recent evidence shows that Africa is the continent where the largest number of countries have introduced a total ban on the production and consumption of plastic bags (UNEP 2018). Overall, 25 nations have introduced a national ban on plastic bags. Rwanda and Kenya have made good progress due to the enforcement of punitive measures such as stiff fines and jail terms, loss of trading license, and closure of business after a grace period. Nevertheless, many countries are still faced with myriad challenges such as porous borders, illegal importation, and lack of substitute goods or packaging.
<b>Central and South America</b>	Regulations to limit use of plastic bags are in place in a number of countries. Some countries such as Haiti and Costa Rica also regulate the use of foamed plastic products (Styrofoam). The small Caribbean Island countries have been leaders in adopting national legislation on plastic use and plastic waste. <b>Costa Rica</b> aims to ban <b>all SUPs</b> by 2021, becoming the first country in the world to do so.
<b>Asia</b>	Many countries have introduced measures to control the production and consumption of plastic bags through levies. Some countries (12) introduced plastic regulations more than a decade ago, such as Myanmar (2009) and Bangladesh (2002 for plastic bags). However, enforcement of regulations has often been weak, and state and municipal authorities have not been successful in enforcing regulations. <b>India</b> has announced intentions to <b>abolish SUPs</b> by 2022.
<b>Oceania</b>	In addition to Australia where a number of states have had legislation on plastics, a large number of small island countries who are heavily affected by the consequences of marine pollution have implemented levies or bans on SUP since 2016. The Marshall Islands for instance has enforced a ban on importation, manufacture and use of single-use plastic carrier bag as well as on Styrofoam and plastic cups, plates and packages.
<b>Europe</b>	Countries in the European Union are amongst the world's largest producers of plastic packaging waste per capita. Countries have chosen economic instruments as well as private/public agreements rather than bans to regulate SUP. Since 2015, member states must ensure that by the end of 2025 no more than 40 lightweight (<50µ) bags are consumed per person per year.

## EXEMPTIONS

Legislation often includes exemptions for the manufacturing and use of certain types of plastics for a variety of reasons, such as health and safety or the lack of sustainable alternatives. For instance, Vanuatu (2018) has implemented a ban on single use plastic bags, straws and polystyrene takeaway food containers. This legislation sets an exemption on bags to wrap and carry fish or meat.

Restrictions may also be lifted during emergency situations, such as when a State of Emergency has been declared. In some contexts, waivers can be secured by the national authorities for specific aid items.

## ENFORCEMENT

In some countries, legislation is not systematically enforced for a variety of reasons, for example, because of poor governance or economic interests in maintaining a market. In some contexts, organizations have been able to import SUPs in countries despite the existence of a ban, while others have not. In a weak legislative context, it is therefore up to the organization to decide whether to comply with legislation or not, noting that one of the consequences of non-compliance is the emergence of a black market around SUP products.

## 3. INTERNATIONAL FRAMEWORK REGARDING PLASTICS

- **The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** aims to protect human health and the environment against the adverse effects of the generation, management, movements, and disposal of hazardous and other wastes. In 2019, [Basel Conference of the Parties amended the convention](#) to include **plastic waste** in a legally binding framework. This makes global trade in plastic waste more transparent and better regulated, while also ensuring that its management is safer for health and the environment.
- Addressing Single-Use Plastic Products Pollution using a Life Cycle Approach ([Resolution UNEP 4/9](#)) discusses how, at the United Nations Environmental Assembly (UNEA), governments from around the world committed to address the pollution generated by SUPs-Resolution UNEP/EA.3/L.20 encourages member states to reduce unnecessary plastic use and promote environmentally sound alternatives.
- On March 2, 2022, UN member states adopted a [mandate for an International Negotiating Committee](#) to develop a legally binding UN Treaty on plastic pollution ((UNEA 5.2). This global instrument addresses plastic from a life cycle perspective, i.e., from production to waste.

## 4. HUMANITARIAN POLICY FRAMEWORK REGARDING PLASTICS

**Strategy for sustainable management in the United Nations (UN) system** (Phase I-2020-2030): Commitment to reduce SUPs across UN compounds and activities. Progress is measured by UN agencies looking, for example, at the percentage of reduction in the use of SUPs in entity headquarters, the field, and humanitarian operations; percentage of reduction in the use of plastics from UN activities or compounds dispersed into the environment; and percentage of reduction in UN entities with SUP policies in place. Linked to this, the **Strategy for Sustainability Management in the UN System** committed to sustainable procurement and developed the following [indicators](#) to measure this:

- I. Requirement from the prime contractor to extend all sustainability requirements of the

contract to its tier 2 suppliers and to report on the status.

2. Primary contractor's subcontractors need to be identified pre-engagement and their employment is subject to the UN agency's approval based on sustainability considerations.

**Global Shelter Cluster Environment Statement on the Reduction of Single-Use Plastics (2019).** Calls on organizations involved in providing shelter in humanitarian settings to “take all necessary steps to eliminate the **use of all but essential plastic packaging in relief items by the end of 2020.**”

**Environment and Climate Charter for Humanitarian Organizations (2021).** Commitment 2 of the charter commits organizations to “maximize the environmental sustainability of our work and rapidly reduce GHG.”<sup>8</sup> This includes the reduction of waste and making choices about the use of plastic and other non-biodegradable materials.

**Interagency Standing Committee (IASC) Guidance on Environmental Responsibility in Humanitarian Operations (2022).** This guidance, which will be released in Q2 2022, calls for member organizations to “avoid plastic and redundant packaging whenever possible and implement sustainable procurement practices.”

## 5. ADDITIONAL RESOURCES

- [UN System Response to Marine Litter and Plastic Pollution \(Geneva Environment Network 2022\)](#)
- [Tackling Plastic Pollution: Legislative Guide for the Regulation of Single-Use Plastic Products \(UNEP 2020\)](#)
- [Single-Use Plastics: A Roadmap to Sustainability \(UNEP 2018\)](#)

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<sup>8</sup> Greenhouse gases (GHG) defined as “atmospheric gas responsible for causing global warming and climate change”