Kenya's Plastic Bag Ban:

Exploring Behind the Country's Green Diplomacy

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This document represents part of the author's study programme while at the Institute of Social Science. The views stated therein are those of the author and not necessarily those of the Institute.

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Abstract

In 2017 Kenya implemented a ban on plastic bags with some of the harshest consequences for those caught disobeying the law, a legislative move that showed just how "serious" the country is about reducing pollution and being a key player in environmentalism. This paper aims to break down why Kenya chose to adopt such a strict environmental policy. Through this research, I interview candidates with internal and intimate knowledge about the creation of the policy, as well as the players directly involved in the legislative process. Through qualitative data collection processes the paper explores the history and influences that play pivotal roles in the environmental legislation discourse across the country. I aim to explore to what extent international recognition, donor-funded agencies, and public demands influence policy-making at a national level. This paper also delves into the possibly intended impact of such a drastic policy on Kenya's environmental agenda and what makes it such a unique case for the country.

Relevance to Development Studies

Among developing countries, the topic of green diplomacy is important to seek an understanding of lawmakers and policy legislation in Kenya and the surrounding East African region, or the Global South in general. Exploring the reason that governments introduce specific environmental laws could provide insight on why certain policies are passed as opposed to others. The broader debate introduces issues on how the globalization of markets and countries induce pressure on developing governments to tunnel their resources into policies that fit the "global green agenda" rather than country-specific need-based policies and regulations.

Keywords

Environmental policy, green diplomacy, plastic bags, political economy

Chapter 1: Introduction

In April of 2016, I disembarked on a long journey from the clean, suburban outskirts of my hometown in South Florida to visit the popular East African nation – Kenya. After a series of layovers and flights, I stepped foot onto the land I would call home for the next few months. Throughout my visit, whether in urban slums, rural settlements, or the vast countryside of the Maasai Mara National Park, the common theme found was the amount of litter, specifically, the plastic bags that decorated the streams, trees, and bushes in blues, whites, and blacks. I soon became accustomed to the country's plastics issue. Which is why it came as a surprise when I returned six months later to find myself in the Kawangware market surrounded by shoppers making off with potatoes in their shirt, groceries wrapped in shukas, and innumerable attempts to fashion items into containers in order to carry their goods back home. Where were all the plastic bags?

On Feb. 28 2017, The Kenya Gazette, the official newsletter from the Kenyan government cabinet, delivered the announcement concerning a policy regarding the ban on plastic bags that would come into play exactly six months from the notice – Aug. 28 2017 (The Kenya Gazette, 2017, p. 1077). The blanket ban included the prohibition of the "use, manufacture, and importation" of any and all plastic bags in commercial and household packaging, including bags with (e.g. carrier bags) or without handles (e.g. flat bags) (The Kenya Gazette, 2017, p. 1077). The abrupt and drastic policy announcement came from the Cabinet Secretary for Environment and Natural Resources' (currently the Ministry of Environment and Forestry) Judi Wangalwa Wakhungu (The Kenya Gazette, 2017, p. 1077)

The uncertainty regarding what repercussions this ban would cause for basic products (e.g., bread in a grocery store), hospitals and their bio-hazardous wastes, the plastics manufacturing industry, and even the everyday consumer signaled just how unprepared the country was for the elimination of such material. Whilst such an abrasive policy towards plastic pollution is often produced over a series of gradual steps, like charging a small fee for plastic bags or the introduction of alternative bag choices in supermarkets, this ban seemed to have fallen out of the sky and directly into public scrutiny.

The momentous nature of this policy begs the question as to where the topic of plastic bags fits into Kenya's long list of priorities as a developing nation that is tackling fundamental issues such as widespread poverty, poor infrastructure, high corruption rates, and low rates of access to education and healthcare (World Bank 2021). Even more puzzling than its seemingly arbitrary focus is the nature of the policy. A policy whereby the government singlehandedly interferes, and in this case eliminates, the market surrounding a specific good is not akin to Kenya's routine use of market-based instruments in their historically donor-driven neo-liberal approach to policy-making (Lamers &

Van der Duim 2016). The incongruent nature of this policy is even more pronounced when observing Kenya's past efforts in nature conservation, including the promotion of land privatization and the support for conservation tourism partnerships (Lamers & Van der Duim 2016). Lastly, at the time of introduction, more than 14 African nations had either a partial or total ban on plastic bags, with the majority struggling to regulate or implement the legislation (Greenpeace no date). Thus, in regards to the sociopolitical landscape that this law is nested within, this paper aims to understand the mechanisms and factors which influenced the creation of this uncharacteristic policy in Kenyan legislature.

1.1 Hypothesizing Reasons for Legislation

In this never-ending web of reasons, motives, back-stories, and context is where we inevitably land on this plastic bag ban and the surrounding environmental policy discourse across Kenya. It is essential then to not only delve into the specifics, but to consider the entire macrocosm of the evolving situation. It is important to realize that this is not a controlled scientific experiment, and that we cannot limit the variables and examine effects in a vacuum. This plastic bag ban and its journey into Kenyan environmental legislation is complicated, messy, and irrevocably complex. There is no simple answer, but instead a series of intertwining variables which we may use to understand the ban, Kenya, and its policies a little bit more. In the following section I breakdown the possible reasons for this legislative action which include international legitimacy through positive media praise, incentivized motivations from donor-driven development programs, or citizen-fueled pressure to produce tangible policies voicing their concerns.

The numerous reasons begin with Kenya's presence as a strong environmental actor within the African socio-political landscape. In fact, Kenya has been on a path to establishing itself as an environmental leader in Africa for the past decades, with programs such as the Multilateral Environmental Agreements and the long-term developmental blueprint project, Vision 2030 (United Nations no date). It could be possible that this plastic bag ban was another strategic opportunity to showcase environmental legitimacy on the international stage.

As the country hosts the headquarters to the United Nations and spearheads programs such as the UN Environment Program and the UN Habitat, its presence in the international environmental discourse is present and continuously informed by these international actors seeded in the nation's capital. With policy recommendations and pressure, both intrinsic and extrinsic, from organizations and conferences such as the 21st Conference of the Parties, this ban might have been an effort to apply the types of policies that these organizations want to see executed in their host country (Kiprono 2015).

Additionally, Kenya hosted the 2017 annual Partnership for Economic Policy conference, bringing together policy experts, researchers, donors, and international representatives from thirty-nine nations (PEP 2017). Due to the time frame, it's reasonable that these international conferences, attended by international actors and prospective donors, fostered the conditions for environmental policies akin to the bag ban. The policy's proximity to international pressure make it an ideal target for donor-driven 'greenwashing' tactics, where ineffectual but internationally appealing policies are proposed, instated, gazetted, and recognized into law. Whether intentional or not, this basis of 'greenwashing' might present as a means for external pressures from international actors and national organizations pushing for these types of bans.

From the same type of international attention we can deduce the possible drive from a donor-development standpoint. As policies are proposed that cultivate international legitimacy, it opens the floodgates for donor and foreign aid that consequently result from the international "advertising" for their country. One of the major developmental pillars is grounded in the sustainable practice of eco-conscious policies, notably across historically "littered" African nations, which may be a factor that contributed to the strict penalization of the policy. On a national basis, the ban stands for a number of reasons. The tourism industry, one of the highest performing sectors in the Kenyan economy, could provide financial motivation for environmental policies that address the marketable perception of the nation by reducing the unappealing litter that tourists are exposed to.

At face-value, the motives for an environmental policy would prioritize the overall health of its citizens and natural resources. It's important to understand the rationalization behind aggressively targeting plastic bags while suffering from multiple sources of plastics pollution in both urban and rural settlements. These countries not only endure drainage and flooding issues, but are also exposed to the ingestion of impassable materials by livestock, and public health concern as plastics are improperly discarded, aerosolized by burning, or otherwise deposited in the air, land, and water (Campanale et al 2020). This policy could have very well been a distressed approach to tackling a problem that is well beyond the reach of the actual ban in order to appease the public's demands for action on the country's waste management.

This ban is not the first time the country has discussed ways to reduce plastic bags. In the next section, I give a background into previous attempts at plastic management legislation over the years in an effort to situate the particular ban in 2017 among Kenya's political agenda

1.2 Journey to the Plastic Bag Ban

Included in this discourse is the bout with environmental laws that has made its way into both the country and the media outlets. The ban, which had been in

political conversations and struggled to come into implementation since 2005, had finally made its way into concrete legislation, but not without help from the public (Behuria 2021).

James Wakibia, a professional photographer who actively participates in environmental activism, is claimed to be the individual who re-ignited the conversation about the ban on plastic bags on a national scale (UNEP, 2018). In 2015, Wakibia began a social media movement on Twitter using the hashtag #banplasticsKE (UNEP, 2018). The campaign captured the attention of Judi Wakhungu, who as mentioned earlier, would come to announce the ban just two years later.

The major points behind Wakibia's campaign revolved around the unsightly pollution found in the environment and the effects it has had on the flooding throughout the nation (UNEP, 2018). Kenya experiences heavy rainfall during the rainy seasons in March through May and October through December (Hughes 2018). Due to improper waste disposal and management, much of the nation's refuse ends up in the drainage systems, which become overwhelmed by the amount of debris – especially non-biodegradable plastics (UNEP, 2018). The main visible source of these blockages, plastic bags, have been attributed to these obstructions. When the litter clogs the drains, it causes flooding in areas that are not adequately prepared to handle the congestion. This results in a back-up of contaminated water in communities which harbor diseases like cholera and malaria, and floods that sweep cars away and kill civilians (Behuria 2021). The plastic bag ban had gained momentum across the rural areas, which complained of livestock ingesting plastic bags, and urban areas, who demanded sanitary living conditions (Behuria 2021).

In fact, 2017 was Kenya's fourth time trying to implement such a ban on plastic bags (Behuria 2021). In 2005, 2007, and 2011 the nation tried to implement a similar ban on plastic bags, but were met with powerful resistance from the businesses involved in the production of plastic bags, as well as the large chain supermarkets that provided consumers with the bags (Behuria 2021).

In 2005, the government attempted to implement a "10-point plastic waste management strategy" which involved banning the use of particularly thin plastic bags - below 30 microns (Kiprop 2017). However, it failed to gain ground due to the lack of resources to administer the services needed for the management of plastic waste (Kiprop 2017). Two years later, the government opted to take the financial route on the matter by implementing a 120 percent excise tax on plastic bags with a thickness of less than 30 microns (Kiprop 2017). Protests and resistance from KAM and other plastic producers were enough to reverse the court's decision to implement the tax. By 2008 the state was distributing refunds to those who had paid the "excessive duties" (Onyango 2011). The third attempt occurred in 2011 when the Kenya Bureau of Standards issued a ban on plastic bags which were less than 60 microns thick, this time the ban was proposed to be enforced by the National Environmental Management Authority (NEMA)

(Onyango 2011). NEMA was established under the Environmental Management and Coordination Act No. 8 of 1999 as the primary tool for the government to enforce environmental policies (NEMA no date). Even with the proposal for NEMA to carry the enforcement, the implementation was once again unsuccessful due to resistance from the private sector. The same resistance from the private sector had also uprooted previous attempts to implement such a ban on plastics, due to threats to pass on the costs of alternative options onto the consumer (Hughes 2018).

Small shop owners became increasingly concerned with the up-front costs that their average consumer would have to endure in order to buy their daily food (Hughes 2018). The Kenyan Association of Manufacturers (KAM) signified the voice of the suppliers whose point of concern was the effect the ban would have on Kenya's economy (Hughes 2018). With over 170 warehouses employing over 60,000 employees, both for the domestic and international market of plastic bags, their appeals and protests managed to keep any plastics legislation at bay for over ten years (Hughes 2018).

Although KAM filed a petition against president Uhuru Kenyatta's order to outlaw the manufacturing of plastic bags on July 26 2017, this time, the ban was upheld by Kenyan courts (The Kenyan Gazette 2017). KAM also partook in lawsuits that individually sued Judi Wakhungu, the Cabinet Secretary for Environment, as well as NEMA and the Attorney General (Rajwayi no date). According to an analysis of these lawsuits, NEMA reports that the decision did not fall to KAM's favor as their case rested on "lack of public participation" and lack of time to prepare for the loss of their production process (Rajwayi no date*).* NEMA states that the judge took into account how KAM has been a participant in the plastic bag ban discussions and stakeholder meetings since 2006, noting an ample amount of time for preparations (Rajwayi no date*).* Sources mention that the implementation of such a ban finally won due to Judi Wakhungu, who dismissed KAM's figures on projected job losses as a mere "exaggeration" (Ngugi 2017). Judi rebutted the opposition to the ban by discussing the economic opportunities for home-made alternatives to prosper, such as traditionally weaved baskets or *kiondos* (Ngugi 2017*).* Another key motivation behind the courts upholding the ban could be the pressure exerted by other African countries. At the time of announcement in 2017, more than 14 other African nations had implemented some sort of policy related to the use or manufacturing of plastic bags. With Kenya hosting the UNEP (United Nations Environment Program), it could be that they were already late in setting an example in the region and thus decided to defend their legislation by all means (Greenpeace 2020). The commitment to the ban also emphasizes how adamant the Kenyan government was to implement a policy that is officially known as the strictest bag ban in the world. An individual who violates the ban could face consequences of up to four years in prison or a fine of over four million Kenyan shillings, or 33,000 euros (Houreld & Ndiso 2017).

1.3 Research Question and Sub-question

This study's research questions and sub-questions surround itself around the underlying and structural reasons for this policy, the reasons why such resources are being used to implement these environmental regulations, and why they find themselves in the legislative agenda. My objective is to uncover the power relations and influences that are found underneath the environmental legislation in Kenya. My main research question is to explore the extent to which this environmental policy was a conscientious effort for environmental health or a combination of other social, political, and economic factors and motives deeply embedded into Kenya's bureaucratic and complex legislative agenda.

Chapter 2: Methodology and Positionality

2.1 Introduction

This chapter provides an explanation of how and why I chose to take a qualitative and literary research approach for this project. It also discusses my selection of the virtual interview method and the process behind it throughout the Covid-19 pandemic as well as the reasons, limitations, and risk mitigation strategies I carried out through the research process. Lastly, I provide a breakdown of my positionality and its context within my research.

2.2 Research Methodology

The research question posed involves understanding the politics embedded in the legislative decision-making process in Kenya. This type of information involves multiple levels of analysis, informed by the individuals found in the environment, their worldview, and their perceptions of the systematic processes that they are situated in. The political nature of the research enticed me to choose a data collection method that would allow for the gathering of subject matter from all sides and angles, as well as create a subjective lens to interpret the data. Based on this, I chose the qualitative data method over the quantitative data method, which better fits the less rigid characteristics of my research. My methodology is informed by the view that "knowledge claims must be set within the conditions of the world today" and that these claims show up within "the multiple perspectives of class, race, gender, and other group affiliations" (Creswell, 2007: 25). This production and distribution of knowledge is a factor in how I interpret the opinions, comments, and experiences shared with me throughout the research process. I aim to focus on how these narratives play out within the context "of hierarchies, power and control by individuals" in Kenya's political environment (Creswell 2007: 25).

The method in which I collected qualitative data is through the process of semi-structured interviews, as well as secondary data from published works. In

regards to the interview process, I chose twelve individual Kenyan interviewees. I specifically chose to include only Kenyan nationals in order to capture the opinions and voices of individuals who are not only well situated within Kenyan culture, but also have familial and historical ties to the country's political standing across time and generations. The candidate's roles could be subdivided into three types of individuals – government personnel, private-sector groups, and environmental organizations. The government employees who were interviewed currently or previously held a position in branches of the cabinet that were directly or indirectly involved with the plastic bag policy or its implementation. This includes the Ministry of Forestry, the Ministry of Industrialization, NEMA, and the Nairobi County government. Two documents were submitted in order to officially request a meeting with government officials, or cabinet members of the ministry or department. The first document was an official letter from ISS explaining my thesis and proving that I was indeed a student conducting research on behalf of my studies. The second document was a physical, signed, and dated letter officially requesting a member from said cabinet, which had to be stamped and approved before scheduling the meeting. The members of the private-sector groups which were interviewed involve actors from PETCO, KEPSA, and KEPRO, which as mentioned, comprise some of the Extended Producer Responsibility Organizations that are influential actors in the plastic and waste management infrastructure set out in Kenya. The third type of interviewees are members of environmental organizations who are heavily involved in an environmental NGO situated in Kenya, whether it be through activism, a founding member, or an employee.

The method in which I secured these interviews involved correspondence with the selected members or organizations through a combination of e-mails and direct phone calls obtained through the respective website. After explaining my background in development, the research being conducted, and how their viewpoint would support the research process, I was connected to the proper individual who would best fit the level of expertise for the research. The method of interview utilized the video-teleconferencing software program Zoom, in which participants were invited to join a video conference.

2.3 Covid-19 Impacts and Obstacles

The data collection timeframe occurred from August to September of 2021. During this time, countries were still managing the effects of the global pandemic that severely affected all domains of life in individuals worldwide. In order to conduct fieldwork in Nairobi County, the extensive procedures involved with Covid-19 regulations in both the Netherlands and Kenya had to be considered. The factors involved in the decision process included travel ban/restrictions, quarantining requirements, PCR testing requirements, and stay-at-home measures. In reference to traveling to Kenya, the largest determining factor proved to be whether the benefit of an on-person interview

outweighed the limitations of the virtual interviewing process. During the data collection timeframe, preventative measures in Kenya hindered travel arrangements and the possibility of in-person interviews, as the Kenyan government had banned "public gatherings and in-person meetings" as well as mandating employees be allowed to work from home with the exception of essential services (Wasikie 2021). Based on the restrictions in place at the time, the appropriate course of action to conduct the research was to utilize the Zoom platform to hold online meetings and interviews with the members of each organization. The video-teleconferencing platform allows for two members to join a virtual meeting space and use their personal computer, smartphone, or tablet device cameras and microphones to share audio and visual data.

2.4 Limitations of Virtual Data Collection

The data collection method comes with limitations whose outcome I must disclose in order to produce data that is transparent and reliable. Using a virtual meeting room in order to discuss the participants' opinions and experiences could result in the loss of valuable non-verbal information that is obscured due to a variety of reasons. The participant may be unwilling or unable to use the video function of the meeting platform due to preferences or technical difficulties such as camera malfunction or inconsistent internet connections. Another limiting factor is that the frame for the video captures only one portion of the interviewee's body, thus any non-verbal cues from the chest down would not be observed in the interview. Due to the qualitative nature of my method, these cues are an integral part of creating a "richer understanding of context" (Roberts *et al* 2021: 10). The ability to establish "rapport with participants" may also have an impact on the amount of authenticity involved in their opinions on the questions asked (Roberts *et al* 2021: 10).

Although I encouraged each participant to use their video function, there were instances where it was not possible. In order to mitigate the disadvantages that may occur due to virtual meetings replacing in-person fieldwork, I took it upon myself to make extra efforts to develop rapport with the interviewees. Initially, I made sure to exchange multiple emails and phone calls with each participant in the days prior to the interview in order to develop familiarity. These prior communications have been shown to increase rapport by Seitz (2019) and Deakin and Wakefield (2013).

Secondly, I allotted additional time towards the beginning of each interview in order to get to know the individual personally, before asking any professional questions or sharing personal information about the journey I took to place me in this type of field. Lastly, due to the instability of internet connection, one might expect the mutual frustration of both parties to detrimentally affect communication, but conversely, a bonding effect occurs when both interviewee and interviewer work together to resolve the problem (Archibald 2019).

2.5 Positionality and Ethics

In regards to my positionality, I am a white, educated, female. Although I was born in Colombia, my upbringing was in the United States and I speak fluent, American English. The institutions of my education were predominantly white and western and as such, is reflected on my positionality in the context of these power relations. Although I actively strive to uncover the innate colonial bias embedded in them, I must also disclose my background. To the extent that knowledge is never produced in a vacuum, neither are my viewpoints.

Because the research topic mostly arises from a skepticism surrounding the motives behind the governmental policy, I aimed to be intentional in framing my questions to have inquisitive, rather than critical, characteristics. Participants that were interviewed had varied reactions to my positionality in regards to my skin color. On the one extreme, I found I was thanked and idolized to a degree for wanting to do my Dutch thesis on "their" country. Due to this thankful behavior, particularly exhibited by governmental employees, several of them agreed to have their meetings recorded before I completed standard protocol. I made sure to always submit proper formal paperwork with the appropriate personnel, regardless of the "immunity" they granted to me throughout the interview selection process. On the other hand, there were a few members who were skeptical as to what I would write about their country, or their specific thoughts on their country. I experienced a sort of outsider effect in which I would assure those candidates that I would by no means expose their identity or quote them if they directed me to do so. In understanding my role as a researcher as well as my positionality within it, the transparency I showcased with the participants allowed for a much more candid dialogue. It is for this reason that certain names have been excluded from Appendix A and throughout the findings.

Chapter 3: Political Economy of Environmental Policies in Kenya

3.1 Introduction

Chapter 3 is structured into two fundamental parts of which provide the contextual background my research rests on. The first section encompasses the main areas needed to situate Kenya's plastic bag ban within the country's history in development, its approach to environmental matters, as well as details of the current plastic bag ban being analyzed. The second part of the chapter includes the theoretical framework I will use to analyze the legislative action taken in 2017. This includes how policy-making is approached in the broader African context as well as the factors that determine the resulting effects of a policy analysis when viewed from a political economy standpoint. The overview of

each moving piece will allow us to understand the pillars, of which we discuss the results of, in our findings in Chapter four.

3.2 Kenya's History in Development

Kenya's transition into democracy began with four pivotal events. In 1992, Kenya held the first election with multiple political parties since its declaration as a de facto one-party state in 1982 (Veney & Zeleza 2013). Prior to the 1992 election, a series of social organizations surged in Kenya, including donor-backed NGOs, radical feminist movements, youth and student activism, and religious movements (Veney & Zeleza 2013). This resurgence of social organizations ushered in oppositional political parties which contained dissident members of the dominant political party, social activists insisting on political reform, and militant organizations (Veney & Zeleza 2013). In 2002, the dominant political party in Kenya since British colonial independence, the Kenya African National Union, lost the vote to the oppositional party, the National Rainbow Coalition, after four decades of rule (Veney & Zeleza 2013). In 2007, the disputed results of the presidential election initiated the most severe occurrence of violence that the country had experienced since its independence in 1963, causing 1,300 deaths and the displacement of 600,000 Kenyans (Veney & Zeleza 2013).

The nation publicly exercised its frustration with the corruption and violence surrounding their government and law enforcement in 2008 (Duri 2021). These allegations also spurred tribal violence primarily between the Kikuyu and Luo tribes throughout the country (Brownsell 2013). The violence that resulted from the 2007 election radically affected Kenya's economy and had a deep-rooted impact in Kenyan society as well as the interests of foreign donors and the international community (Veney & Zeleza 2013). This pushed Kenya into re-evaluating its constitution which consisted of dozens of amendments focused on giving more power to the executive branch, which caused a large gap between the local voice and the legislation passed at a national level (Brownsell 2013). In 2010, a new constitution was approved which ratified inclusive citizenship, a focus on equitable national development, and the "devolution of executive power" in order to decrease corruption which created 47 county-level governments and gave the legislative and judicial branches power to act independently (Brownsell 2013).

The new constitution elevated the importance of a Kenyan citizen's right to a "clean and healthy environment" from an implied statement to a constitutional right (Mwenda & Kibutu 2012). It highlights Kenya's environmental issues and goals like sustainable development, biodiversity, tree cover, and pollution and waste management (Mwenda & Kibutu 2012).

Kenya's political environment is one that has been historically enshrouded by corruption. In fact, based on 2020 figures collected for the Corruption

Perception Index, Kenya ranked 124th out of 180 countries (Transparency International no date). The country's government officials, police, and businessmen are consistently accused of "bribery, nepotism and patronage to embezzlement and mismanagement of public resources" (Duri 2021).

Due to the fragmented progress made since its independence in 1963, Kenya has struggled with the long-term economic consequences of the authoritarian colonial vacuum which, like many African nations, left the country with an undeveloped economy, an unbalanced distribution of regional development, and a dependency on foreign donors that welcomed external pressures into the country (Veney & Zeleza 2013). In the decades following independence, Kenya invested in infrastructure while welcoming foreign and local private industry and forming large public sector corporations (Veney & Zeleza 2013). The 1970's saw the internationalization of Kenya's newly diversified and capitalist economy into the world economy (Veney & Zeleza 2013).

Overall, Kenya, along with its African counterparts, have been marked as "more susceptible to global forces than wealthier nations" which led the nation to adopt policies based on a "new neo-liberal orthodoxy" starting in the 1980's (Garcia et al 2008: 407). This is due, in part, to the disruption of national postcolonial projects and strategies for the accumulation of resources, which promote social stratification and have severe consequences for all domains of social welfare, such as education (Tikly 2001: 165) Similar neo-liberal policies which are influenced by the same donors and external funders from outside of the region are currently shaping Kenyan legislation in healthcare, waste management, and agriculture (Garcia et al 2008: 407).

Kenya's long standing relationship with donors like the World Bank and IMF has a complicated connection regarding their financial support that affects both rural and urban environments (Njeru 2013: 75). The relationship these institutions share with African countries are through the use of "neoliberal economic reforms" which have pushed policies that encourage the privatization of communal areas and resources, the reduction of public spending on items on the environmental agenda, easing trade restrictions and opening markets so that farmers shift their focus to export and export-oriented industries like cash crops or construction-material, leading to large farm expansions, impeding into natural landscapes (Njeru 2013: 66).

3.3 Kenya's Positionality in Global Environmental Discourse

Before understanding the power relations that are deeply embedded in the influences of the plastic bag ban, we must take a look at the neo-liberal political systems in place under Uhuru Kenyatta's presidency which drive these economic policies (Newell & Phillips 2016). This comes as no coincidence, seeing as Kenya hosts one of the four headquarters of the United Nations, whose primary

policy recommendations include market-based instruments grounded on neo-liberal principles (Garcia et al 2008: 407)

This ideology is the common denominator when it comes to the foundations that aid countries such as Kenya, including the IMF, the World Bank, and the World Trade Organization (Garcia et al 2008: 408). The approach which these agencies utilized to construct their aid and policy recommendations pushes the already disproven 'trickle-down' effect of development and creates another nation whose values are fixated on growth, leaving environmentalism as something to tackle after a certain economic state is reached (Di Chiro 2019). In this section we will take a look at Kenya's international position and its influence over its law-governing bodies.

Development banks are donors which provide developing nations with resources to promote development, support economic incentives, strategies, and environmental policies that are ultimately ineffective as a means of environmental protection (Bell & Russell 2002: 63). While the approaches used by these donors have been effective when applied in the United States and Europe, developing nations lack the conditions necessary for reproducing those results (Bell & Russell 2002: 63). Market-based policies, such as the ones promoted by donors, use economic instruments to guide their incentives, strategies, and policies (Bell & Russell 2002: 66). Developing nations, however, create conditions that are incongruent with the implementation of such policies, such as ineffective data monitoring, a lack of transparency, corruption, and inadequate environmental enforcement (Bell & Russell 2002: 66). Additionally, staffing for these economic tools is limited in developing nations, where qualified personnel are concentrated in urban areas, as well as inadequate equipment which produce unreliable data (Bell & Russell 2002: 66).

3.4 The Plastics Management Issue in Kenya

It is impractical to speak of plastic bag bans without introducing the topic of overall plastic consumption, both generally and specifically to Kenya. Probing into the plastic bag ban without considering the contextual factors that initially prompted the ban, such as plastic pollution, is ineffective. For instance, fumes from burning plastics which increase the inhalation of airborne microplastics, plastic debris routinely consumed by livestock and wildlife, and the pollution that clogs waste management drains are all largely due to other sources of plastics, not just plastic bags (Mpungu 2020). While 2017 saw the ban of some single-use products in specific areas in Kenya, these bans were limited to conservation areas and national parks (Mpungu 2020). The bag ban simply reduces the direct impact of these plastics in the area, it does not decrease the production of such plastics, the use, or the impact it has on other environmental health factors. Single-use polyethylene terephthalate or PET, is one of the biggest contributors to similar issues that the ban on plastic bags claimed to have

tackled (Mpungu 2020). Although NEMA attempted to expand the plastic bag ban into other domains, such as single-use plastic bottles, the notions were swiftly resisted by wealthy corporations which are part of the socio-political discourse in Kenya (Mpungu 2020). Stunned by the out-of-character plastic bag ban, companies seem eager to prevent further similar bans. Treading cautiously, companies may be exercising diligence in not pursuing the historical approach of stalling which was taken throughout the previous ten years and three unsuccessful bans, which culminated in one of the strictest withstanding "slap on the wrist" that the plastics industry has experience (Mpungu, 2020). Following the 2017 ban, discussions involving these multinational companies have unified with alliances in Kenya to introduce a more 'sustainable' way of producing plastics. In 2018, the private sector cooperated to create PETCO, a "self-regulated, industry-funded solution" that claimed to pave the way in subsidizing the clean-up of single-use plastics (Mpungu 2020). The program's goal is to increase the recycling of PET substances by offering a higher-than-market amount for the return of plastic bottles (Okutoyi 2020).

This approach is highly criticized among the Kenyan community, as the program's subsidy strategy relies solely on the fees collected from members of the voluntary program, resulting in lack of adequate funding (Mpungu, 2020). Due to NEMA's inability to make membership mandatory in 2018, only one out of the eight PET manufacturers in Kenya contributes funds for the program (Mpungu 2020). Regardless of the program, the critique is flawed from the perspective of the responsible party. As the government bodies decide to hand over regulation to the plastics industry, they are leaving a gap where the producer's conflict of interest may influence the amount of effort put into the regulatory role. Meanwhile, in order to reduce the amount of resource expenditure, private industry is placing the monetary responsibility of sorting, collecting, and returning the PET onto the consumer. Their solution is simply to incentivize the consumer, without the means of making the process simpler or cheaper (Mpungu 2020). Their efforts to create awareness about the program and spread the information of how to recycle fall under the presupposition that the consumer has the responsibility of responding to the call-to-action (Mpungu 2020). The results are exemplified by Greenpeace's description of the corporations as essentially "hoodwinking" the government into a false solution that keeps any bans from causing serious financial turbulence (Mpungu 2020).

3.5 Theory and Framework

Contextually, it is imperative to seek an understanding of lawmakers and policy legislation in Kenya, East African nations, and the Global South in general. Exploring the motifs that governments have under these environmental laws could prove insightful towards understanding how the implementation of certain laws might be strategic for a nation's needs. The broader debate might include issues such as how pro-market green diplomacy induces pressure on

governments to adopt specific measures that appear virtuous, but do not tackle the real issues. This research would be relevant in terms of viewing East Africa and their development of similar plastic bag bans. Behuria's article explains the different implementation rates of these bans, therefore incorporating this topic with the plastic bag ban can build on the foundation of why they have implemented such bans with their neighbouring countries and even developing countries (2021). Environmentalism in Kenya is associated with different aspects of research. The political economy of the strategy of certain policies rests on several factors that we must take into consideration when observing these policies. African policy-making, or generally, the policies of developing countries, set the framework of this theme in Kenya.

My main theoretical framework will be surrounding the political economic perspective on different policy-making approaches that take place at the national level. The plastic bag ban is not an independent policy, its background takes us through a variety of problems it attempts to solve, from agriculture to malaria (Njeru 2006: 10047). The plastic bag problem in Kenya constitutes the underpinnings of a political ecology perspective because it originates from "political, economic, and cultural processes". Additionally, the solution may itself lead to a much more politicized objective than meets the environmental justice eye (Njeru 2006: 10047). Alongside the political ecology framework, I will explore the 'greenwashing' aspect. The concept that started as a marketing tool used by corporations to attract customers who valued sustainable business practices has spread to governments, policy-makers, and large aid agencies like the UN and the World Bank (Ekkanath 2021). By exploring similar concepts in greenwashing found throughout green economies and states, we may be able to discover patterns in Kenya's other environmental policies (Di Chiro 2019).

Generally speaking, the policymaking process in public governance is a multifaceted journey which involves the interests of hundreds of actors across time. Any given policy will be influenced by individual actors or interest groups such as journalists, researchers, and administrative officials on multiple levels of government (Sabatier 2007: 3). The differences in the interests and values between these actors shape policy preference as issues are conceptualized, processed, and evaluated by a governing body. Disputes between actors within the policy making process are often influenced not only by their beliefs, interests, and values, but also by financial gain and authoritative political pressures, leading to disputes on policy that include "cherry-picking" selective evidence, political coercion, the misrepresentation of opposing interests, and personal attacks used to discredit opposing actors (Sabatier 2007: 3). Due to the differing interests, perceptions, and preferences of actors, policy is fought about through the lengthy processes of the legislative hearings of public officials, judicial litigation, and the regulation of administrative bodies (Sabatier 2007: 3). Although the duration of the policy making process takes a decade to reach a reasonable evaluation of the policy's impact, it may take several decades for the socioeconomic impact of a specific policy to be fully understood (Sabatier 2007:

3). Even within a specific area of policy, such as environmental policy, the fact of the matter is several interrelated programs will likely operate in multiple levels of government at once (Sabatier 2007: 4). Because policy making is the result of the combination of interactions between hundreds of actors over such a long period of time, understanding the policy making process requires understanding not only the scientific and legal foundations, but the motivating interests of the actors within the sphere of influence of the policy. Actors which, depending on their interests in policy making, whether personal, corporate, or administrative, actively seek to promote their viewpoints on the matter, making it difficult to reach an objective understanding of a policy if there is no background of their motivations.

Kenya's policy-making dynamic has made a significant shift from its post-independence strategy, which had components of a welfare state, with the state taking responsibility for Kenyans to have access to free "basic education, primary healthcare, and associated goods and services" (Garcia et al 2008: 407). The transition into a more neo-liberal approach came less as an active push for policies and more of as a consequence of the debt Kenya accumulated through institutions such as the IMF and World Bank and donors that used debt-restructuring conditions to defund these state-funded programs and resources (Garcia et al 2008: 407).

The motivations for the environmental policy making process in Africa have not changed considerably since the colonial era (Keeley & Scoones 2003: 1). Particularly, African environmental policy making has been shaped by perceptions of crisis, and can still be seen today in the form of policies that regulate deforestation, desertification, and soil fertility (Keeley & Scoones 2003: 2). Due to globalization, African policy making is linked to foreign actors, namely Europe or the United States, by international initiatives and donor funds (Keeley & Scoones 2003: 3). Because of this, environmental policy in Africa can be said to be co-created between the complicated network of socio-political and economic connections between international and local actors. For example, this globalized policy making process has resulted in community centered projects and initiatives that are popular in current policy practices, and are backed by both national governments and foreign donors (Keeley & Scoones 2003: 4). Although these trendy projects have the potential for local experimentation and innovation, the double-edged sword also allows for the penetration of foreign influence and centralized regulatory control (Keeley & Scoones 2004: 4). Historically, the leverage provided by the perception of crises has allowed donors to influence African policy based on their own measure of the situation (Juma & Clark 1995: 122). Due to a shortage of economic data and analysis within African governments, it has not been uncommon for donors to evaluate projects and initiatives using their own understanding of the situation (Juma & Clark 1995: 122). These donor-backed policies are based on the analysis of foreign actors with limited local understanding or involvement, and as such are

often ineffective and have limited long term impact due to their incongruence with local opinion, production, and commitment (Juma & Clark 1995: 122).

Classical organizational theory remains the prevailing method of public policy management in the majority of African countries (Juma & Clark 1995: 124). Classical organizational theory utilizes bureaucratic control over policy and associates administrative leadership with intellectual authority (Juma & Clark 1995: 124). Due to the bureaucratic framework of this model, policy making and policy implementation are separated. This has allowed some governments to successfully establish control over policy by preventing the participation of rival institutions (Juma & Clark 1995: 125). Additionally, the policy-making process is often hidden from the public and treated as a secret process which only involves the political elite (Juma & Clark 1995: 125). Original colonial institutions were designed around a structure which allowed leaders to delegate orders, a process which did not include policy analysis, and their current day predecessors follow the same structure (Juma & Clark 1995: 125). Furthermore, the traditional colonial policy-making process which is still common in African countries today perceives the public as a source of possible problems to hinder, not as a resource or contributors (Juma & Clark 1995: 125). The task of policy implementation then falls on administrators who are subordinate and unquestioning of the leadership. In recent years, the role of policy implementation in developing African countries has expanded to include NGOs, which are expected to implement policy in a similar capacity while technically not under the control of the government (Juma & Clark 1995: 125).

Chapter 4 Findings

4.1 Introduction

My research question aims to answer why Kenya would impose such a drastic plastic bag ban considering its prior attempts to regulate the environmental landscape rest mostly on neoliberal strategies (Tikly 2001). In an attempt to capture the opinions and perspectives of different actors in the environmental field, the data collected provides a variety of answers from various moving pieces, such as media attention/public image, developmental agendas, activists and environmental movements, and personal agendas. My findings will be broken down into the next two chapters: 4) an analysis that breaks down the different reasons the plastic bag ban was introduced and 5) determining the effects of the plastic bag ban on the private sector as a way of understanding its main objective.

4.2 Constructing a Clearer Picture Through Multiple Perspectives

The journey of how this environmental legislation came to pass will follow the same path I took whilst undergoing the data collection process. When typing in the "Kenya's plastic bag ban" on an internet search engine the first results yield headlines from news articles that paint the policy as a heroic deed performed by Kenya to combat environmental problems that plastics pose for the country. These eye-catching terms like "breakthrough", "world's strictest" and "pioneering" were widely used when describing this ban throughout international media sources (Houreld & Ndiso 2017, Kiprop 2020, & Hughes 2018). The attention from the international community was overwhelming as news outlets covered the story. In fact, the feedback received on an international scale seemed incongruent with the benefits of the ban announced (Modester, interview 13 September 2021). Based on the amount of attention drawn, activist Wakibia notes "one would think Kenya banned plastic bags in Africa first, but in reality it was Rwanda. There is so much interest in Kenya though because of the strategic position it is in" (Wakibia, interview 8 September 2021). This strategic position that he mentions is referring to Kenya's title as an "economic and commercial hub in East Africa" as it boasts a fast growing economy, a favorable trade agreement landscape, and pro-business reforms that make it a highly ranked country (Ho 2019). This constant surveillance is not unknown to those seated in Kenyan parliament and could contribute to the reason certain policies are produced. The activists who were eager for a ban like this are well aware of how cognizant politicians are about the media attention, and in fact, activists are using it as a method to promote their own political agenda. Modester expressed the sentiment succinctly when she stated that

> "simply because they've [the policymakers] seen, oh we've done this [the plastic bag ban] and the international world was very receptive about it. So, it's like giving a kid a candy, they [the media] saw this candy is nice and they want more so we will feed them more, more candy, more policies, more activism on issues that we see on the ground" (interview 13 September 2021).

In Kenya, major broadcasting networks are cantered in Nairobi, and it stands to reason that being aired on international stations may be a significant motive for the initiation of the recent wave of environmental laws (K, interview 15 September 2021). Consequently, BBC's largest headquarter outside of the UK is situated in Nairobi, making Kenya an East African hub where information must pass through before being shared with the rest of the world (Shaban 2018). This message holds true as Kenya hosts some of the biggest media outlets in Africa, and politicians are acutely aware of their presence (Ogola 2011). The claim is not whether the media has an influence on

policy making, but more-so how it is used as a tool to communicate these types of policies to the external world. The media acts as an advertisement for Kenyan developmental politics that Kenyan politicians, environmentalists, and actors are keen on using to create their global image. Just like any other advertised product, the more it is seen the more likely it is to be recognized. The same goes for Kenya, as it has been able to individuate itself out of the African continent through its economic hub, safari tourism, and the heading of the United Nations. It is important to distinguish that this is still a developing country, and in order to create external legitimacy, the nation must continue to uniquely identify itself from its other African counterparts on a global scale (Behuria 2021).

Whilst many of the members involved within the environmental community claim that this bag ban was a direct outcome of the social media campaign mentioned earlier, there are others that are less convinced that the ban was strictly based on environmental goodwill. A certified NEMA expert and current researcher, CB, creates a picture on how both motives can be true regarding this policy. Media coverage regarding environmentalism creates a sort of "reactive implementation" where governments showcase their efforts to implement their policies specifically only when media outlets are seeking a story. Here she mentions that they make sure people will be there for the "right" picture and will sometimes even bribe them for that opportunity, leaving the policy forgotten about long after the media coverage is over (K, interview 15 September 2021). Throughout the interviews conducted, the theme of corruption among Kenya's politicians was raised in almost every single conservation, and as such it is important to note that the policy was incubated within an atmosphere of corruption.

The corruption commentary and anecdotes discussed by these participants highlights the complexity surrounding the political economy of plastic waste management in Kenya (Njeru 2006). Insight into the different factors arise from another environmentalist interviewed. Reinhard Nyandire brings up an interesting perspective as to why this item was in the public eye and the public agenda in the first place. He makes a correlation between the flooding problem created by the bags and the corruption surrounding the state's often unfulfilled promises towards a solution. Nyandire discusses how local politicians would try to tackle the flooding problem caused by the plastics in the drainage systems at a time that conveniently takes place during elections (interview 3 September 2021). As Kenya's rainy season brings destructive floods to urban areas, the people looked to the government to understand why this problem hadn't been fixed yet. Nyandire claims that politicians purposefully raise funds for the victims of those in flooded areas and generate projects which pledge to restore the proper working conditions of drains to avoid the disastrous effects of heavy rainfall, only to result in a corruption scheme (interview 3 September 2021). In such schemes, politicians quote the

amount of funds needed for the project at a higher amount than the contractor's quote. When the funds are raised the politician then skims the differential amount from the top and hires unqualified or less qualified contractors to complete the project. More often than not, the project is not completed and thus all funds raised are lost in the administrative, bureaucratic, and corrupt processes (Nyandire interview 3 September 2021). Commonly, politicians begin projects while campaigning for re-election and the project is abandoned after the election. Corruption schemes such as these are not uncommon in Kenyan politics. A report showed that one-third of Kenya's entire state budget is lost to corruption, a six-billion-dollar figure that's hard to ignore when discussing the political environment surrounding these flood-oriented drainage solutions (Miriri 2016). When considering the public's frustration surrounding the unfulfilled promises and shady back-door dealings regarding these floods, the policy's establishment becomes even more multi-purposed. Although this is assuming that the plastic bags were the main culprit for drainage problems, of which Nyandire reminds us that they are "just the tip of the iceberg", and after they were gone the "real" drainage problem could be contributed due to the single-use PET (polyethylene terephthalate) bottles (interview 3 September 2021).

This piece of information segues the discussion towards spotlighting the notable gap between the amount of research performed on the problem at hand and the intended solution proposed. Upon speaking with Wakhungu, and many other government members, a large premise of banning plastic bags was for the reduction of floods that were threatening people's livelihoods (interview 13 September 2021). Studies conducted in Indonesia show a possible cause and effect of water reduction in cities three years after a similar ban on polyethene bags was enacted in 2002 (Sarwar & Gotoh 2005). Current evaluations of the cause of Nairobi's flash floods, however, now point to infrastructure problems which would require the demolition of buildings, larger budgets, and cleaner rivers (Mbugua 2018).

Dr. Ayub Macharia, Ministry of Forestry Director, recalls how after the plastic bag ban was implemented, the bags that once riddled the clogged drains and rivers disappeared, leaving the new culprit, the PET bottles visible (interview 22 September 2021). Although policy-making may possess a certain level of trial-and-error (Sabatier 2007: 67), there is a certain amount of research that must be developed before committing to a policy on such a large scale. The seemingly complicated and difficult dilemma of flooding in Nairobi therefore cannot be solely attributed to one element and it could be reasonably posited that this policy has the potential to be a catch-all attempt to make small amounts of incremental progress on a variety of problems instead of tackling one major issue.

If we step down the type of ladder that this trial-and-error policy strategy depicts, policymakers can get stuck on a stop-and-go path where they incrementally tackle solutions as they show up, instead of focusing on the root problem. If plastic bottles were the problem, what will be after those are cleaned and subsequently, to what extent did the proper research fulfill its role before lawmakers set out on this legislative bill? When asked about the failure of the ban to tackle the flooding problem, I am met with political statements that support the constitutional "right to a clean and healthy environment which includes the right— (a) to have the environment protected for the benefit of present and future generations through legislative and other measures" (Constitution of Kenya 2010: 31).

A great deal of responses from one of Kenya's most impactful leaders in environmental politics skirted the question, and her responses resembled a campaign speech as she narrated her political backing for the ban (Wakhungu, interview 13 September 2021). The nature of this dialogue speaks volumes regarding the factual information which was left out of conversation which, too, aids in ascertaining the motivation behind the ban. Her words were carefully chosen and spoken eloquently, remescient of the multitude of press articles published in 2017 praising Kenya over the bag ban. She established herself as the "most successful environmental minister in the world" and emphasizes the strictness of the ban, the magnitude of the ban, while doting on an air of grandiosity. She draws on the number of lawsuits, 220, that were brought to her in court and, with her chin in the air, proudly reminds me that she won each and every one of them (Wakhungu, interview 13 September 2021). The triumph of this plastic bag ban through her leadership, and the support she received from the United Nations Environment Program, as well as international recognition, is a nod to the personal motivation that is nuanced in policy-making, as mentioned earlier by Sabatier (2007: 3).

> "I put in so many laws. I am going to argue with you that I am the most successful environmental minister in the world in terms of all the pieces of legislation I put in. It was *daring*, it is so strict because it draws attention...what I did was conducive to the Kenyan situation." (Wakhungu, interview 13 September 2021).

One cannot simply dismiss the claims towards individual health and microplastics that she mentions when asked why this type of environmental issue pressured such a drastic call to action. Professor Wakhungu addresses an important conversation that leads us away from plastic bags and into microplastics. Microplastics are found in the oceans, in the air, and in our food, and contribute to lung health, quality of life, diseases, and cancers that are being closely monitored in health research with correlations to this type of pollution (Campanale et al 2020).

Wakhungu stated that her approach to the ban was congruent with a OneHealth approach, a collaborative approach that includes the efforts of local, national and international entities to oversee the mutual health of the environment, animals, and humans (Munyua et al 2019). Although Wakhungu claimed to adhere to the OneHealth approach, she listed the economy as one of the focuses behind the ban, alongside public health, environmental health, and biodiversity (interview 13 September 2021). When pressed about why plastic bags were specifically targeted, and not waste management itself, or other plastics, or other environmentally degrading activities such as mining or air pollution due to cars, factories, and everyday life, she mentions that this ban was "a negotiation", a "low-hanging fruit", that would get the ball rolling on pollution control in Kenya (Wakhungu, interview 13 September 2021). Wakhungu speaks about her earlier proposed plans to overhaul the waste management system, that at the time were deemed implausible, but has since been passed recently, due to her laying down the groundwork - The Sustainable Waste Management Bill, 2021. In this interesting narrative, the policy takes on a more desperate nature, one in which failed and less stringent attempts to address plastic waste inspired the cabinet to reactively choose an interventive tool from their otherwise market-based toolbox.

Common parlance is to describe the nature of plastic bag pollution in Kenya as "an eyesore": they are visible to the everyday person, unlike air pollution (not considering visible smog) or other forms of environmentally degrading activities that are not perceivable to the human eye (Caldwell 2019). The attention to this visual characteristic, which might amount to the entire ban, speaks to the importance of a country's visual perception to both outsiders and insiders. The role that this characteristic plays was one that many of my interviewees agreed with regardless of background, political association, or position on the plastic bag ban.

Perhaps the most interesting theory on how this particular ban came to light rests on just how important the visual aesthetic was to the nation's leaders. The following story was shared by two different sources, both deeply knowledgeable on internal government matters based on their roles within the public sector. In late 2016, President Kenyatta Uhuru of Kenya was hosting Rwandan President, Paul Kagame, through a tour of some of the major parks in the country by means of a low-flying helicopter. It was through this intimate outing where Kagame could see the plastic bags that polluted the trees, roads, rivers, and fields. It was only after the tour that Kagame shared his opinions on the "filthy" nature of the country (P, interview 1 October 2021). Kagame stated "look around my friend, those are not birds, they are plastic bags" (F, interview 13 October 2021). According to my internal sources, the story that circulates around this policy is that Kenyatta then made an executive call to rid the country of the plastic bags by all means necessary (F, interview 13 October 2021).

Since "presidential orders or directives are not supported by the constitution", it could explain why this story has not been officially published and why this hasty and uncharacteristic policy came into legislation (Wanyoike 2017). In fact, F., who is highly involved with policy matters at the national level, speaks about how rare it was for a law to be gazetted without proper preparation, alternatives, or discussion. He mentions that the ban was so abrupt that the law had to be amended for a plethora of exceptions in order to be more "practical" as biohazards and food safety standards made the blanket ban impossible (F, interview 16 October 2021). It also explains why the amount of lawsuits brought to the attorney general for the bag, as such a policy mandates that alternatives be sought beforehand. If a presidential directive was given, one could speculate as to how Wakhungu managed to avoid the mounting lawsuits against her, as well as gain the support of unlikely allies in the Ministry of Industrialization and other ministries. Although this story was independently notified to me by two different sources, both within the governmental sphere of influence, its validity remains taken at face-value, as the implications for Kenyan law could be detrimental.

Chapter 5: Using Policy as a Means to Induce Private Sector Regulation

Although initial data collection concerned itself with the surrounding questions of why and how this type of policy made its way into the environmental agenda in Kenya, a recurring theme began to show itself in the conversations amongst key people involved in this discussion. It was the aftermath of the policy – a series of events that were not foreseen by most of the key actors involved in the development of such a ban. The unforeseen nature of such a drastic policy, which to this day remains out of character for Kenya, resulted in fear among manufacturing and industrial stakeholders which quickly sped up the timeline for the revision of Kenyan waste management policies. The government's heavy-handed intervention across the plastic market sent a clear message of how willing they are to sacrifice jobs, revenue, and trade opportunities in an effort to prioritize the environment and pollution management.

Wakhungu shares the bureaucratic journey in trying to entice the private industry to begin taking serious steps towards the polluter-pay principle. Efforts included the creation of a plastic committee which contained members from KAM, NEMA, and the Ministry of Environment who had quarterly meetings in order to assess possible solutions for the plastics waste problem in Kenya (interview 13 September 2021).

> "There is a mess out there, it's your mess, but our country" (P, interview 1 October 2021)

A member involved in those meetings describes the roles involved in such discussions as the government providing support through NEMA, while the private sector implements and funds a way to control the end-of-life on their products. After years of receiving "wonderful" yet seemingly superficial reports that amounted to the procrastination of a solution regarding the plastics problem, frustration amounted to a policy that would make a definitive statement (Wakhungu, interview 13 September 2021). After upwards of 220 court cases against Judy Wakhungu were dismissed in her favor, the court's ruling seemed to have solidified how the private sector had lost the decades-long bluffing game towards plastics management and it set the political tone for policies to come (Wakhungu, interview 13 September 2021).

The ripple effect was one felt throughout not only the domestic plastics market but the international one as well. It created a volatile plastics market that Kenya was now situated in for years to come. After news of the ban hit the global markets, it made Kenya a place where investing in plastics was now labeled as a risky maneuver, largely due to the newfound governmental strong hold on plastics policy. Inasmuch as Kenya is a free-trade democratic country, this policy inadvertently categorizes this certain sector with the risks involved in trading in countries where the government has totalitarian control over its market. This causes investors to become cautious on the summation that even if Kenya does set up a recycling program for other plastics (e.g. PET bottles), the government may take a similar approach as they did with plastic bags in 2017, making investments volatile in this industry (Gathoni, interview 29 September 2021).

This caused a reversal of KAM's approach to the plastics management issue, and the organizations' members quickly jumped from a defensive stance to an offensive one in their role on the plastics matter. Inasmuch as the policy specifically targeted one area of plastics, one member of KAM describes it as "the government trying to fragment us, they were dividing and conquering us" (P, interview 1 October 2021). In an effort to avoid similar bans that would cut off revenue from the source, the private sector decided to take a "join them" versus a "beat them" stance, and discussions surrounding the proposal of a waste management system that would rest on the hands of the producer began to take place. Insomuch as the ban was an uncharacteristically non-market-oriented policy that left no space for manufacturers to continue making profits from these certain bags, it spurred an opposite market-oriented approach to upcoming overhauls of an outdated and ineffective waste management system. The call for table-discussions began to take place between the private and public sector, where the atmosphere grew increasingly tense as the private sector seemingly tried to contain and navigate the situation so that a bigger ban on their industry would not be passed in the foreseeable future. It seems as though policymakers were pushed into a corner and used this blanket ban as a last-resort tool in order to get leverage.

> "We were not happy with the ban" because we could not keep on fighting with the industry. So we needed some consistency, some further guidance, and that is why we had to transition from a ban to create a policy that is softer and has proper guidance which is informed by proper theory, and that is why we went for the EPR regulation. Which is why I think we will achieve more. Not just withdrawing products from the market but more employing a circular economy approach to manage waste and ensure the livelihoods and living standards of Kenyans are not affected" (Macharia, interview 22 September 2021).

As a tool, the ban seems to have worked as a threat to achieve the collaboration of KAM and the private industry of plastics to work on a mutually favorable plan where "all actors benefit". Although it remains unclear whether that was the intention of this legislation, Wakhungu's admittance of the plastic bag ban compromised nature poses certain motivations beyond the policy that meets the eye. These events culminated in May of 2021, when calls for extended producer responsibility from the private sector were proposed under the Sustainable Waste Management Bill. This bill along with the Extended Producer Responsibility Bill, which are currently trying to be finalized and passed as of November 2021, make it mandatory for producers to take "measures that extend a person's or a firm's financial or physical responsibility over a product up to the consumer stage of the product including— (a) waste minimisation programmes; (b) deposit-refund and take-back schemes; (c) financial arrangements for any fund established for the promotion of reduction, reuse, recycling or recovery of waste; d) awareness programmes to inform the public on the impacts of waste emanating from the product on health and the environment; and (e) any other measures to undertaken for the reduction of the potential impact of the product on health and the environment" (Kenya Gazette Supplement 2021). This bill introduces a thorough schedule that groups certain types of waste, ranging from tires, plastics, electronic waste, and even furniture. Additionally, the bill mandates that each producer join a respective PRO (producer responsibility organization) where they will have to pay membership fees to ensure that their products do not affect the environment through a combination of "recovery, collection, sorting, recycling, and treatment" (Betterman 2021). This immense overhaul of producers stepping in to take on the role of ensuring the environmental responsibility for the majority of the nation's waste speaks to the neo-liberal overtones which govern policies that place this role in the hands of the private sector. The sector seems willing to work with the government as long as the government allows them to effectively implement a complex scheme that mimics those that are scattered throughout Europe.

The pressure is considerable, and public sector actor, Macharia, speaks with an authoritative voice when stating that producers are being watched to see if they can self-regulate. If not, it would seem that these amicable partnerships may face another consequence that puts the private sector into the hands of the Kenyan government, as it did in 2017 (interview 22 September 2021).

Chapter 6. Conclusion

hroughout this paper I have carefully dissected Kenya's plastic bag policy in order to understand the political microfibers that came together to create this ban amidst Kenya's multi-faceted political background in the intersection of both development and environment. In this attempt to understand the reasoning behind a policy that seemed out of tune within its conservative conservation strategies and market-driven policies propelled by its neo-liberal donor-driven past. After understanding the context of this plastic bag ban, we have a better picture of the different actors at play when it comes to this policy.

The ban's strictness could indeed be interpreted as a motive to be taken seriously, and can't be solely attributed to gaining media attention for the sake of external legitimacy in the international stage. The strictness of the ban cuts as a double-edged sword: the extensive fines and jail times were a call to attention from the domestic actors that was meant to send a message to both individual consumers and private sector conglomerates who have been warding off any type of regulation or policy change regarding the plastics industry that might affect their business. In the face of international politics, the general opinion surrounding its mass media coverage points to these benefits as not a primary reason, but an additional cause as to why this ban made its way through the environmental legislative agenda. Both, government officials and environmentalists, seem to portray the optimistic view that the outright motives of this plastic bag ban were strictly for the environmental impacts that affect the biodiversity and pollution that the country has been struggling to keep under control as it develops. The priority may rest on legitimate concern over the well-being and health of both human and wildlife. Conversely, the ban may serve to preserve the billion-dollar tourism industry, protecting its economic contributions to the GDP that makes Kenya one of the fastest growing economies and financial powerhouses of East Africa.

Throughout the winding path of ascertaining how this ban made its way into the political agenda of the Ministry of Environment's cabinet secretary, perhaps the most telling and unexpected motive is the exchange of words between Uhuru Kenyatta and Paul Kagame. It is the one that, unfortunately, alludes to Kenya's dark past of central, executive, unchecked power, and indicates to how its past roots and inner workings may not be too distant from the constitution that Kenya has attempted to step away from. If such internal pieces of information are concealed in political backdoor-dealings, and can set off such drastic, swift policies that shield actors involved from repercussions, albeit in the best interest of the state, the policy unveils a deeper understanding of networks within Kenyan policy-making. On the other hand, discussing the outcomes of such a drastic ban shows us that the motives may be useful in uncovering the complexity of the policy-making methodology in African nations. Particularly, just how radical and volatile the decisions can be in the face

of hierarchical, unchecked power relations, which carry out in the legislative process within a country that is finding its footing in a western, market-driven global economy.

In regards to a conclusive statement resulting from my research, and the implications towards further analyses of Kenyan environmental policies, it would be to avoid choosing one plausible reason as an absolute explanation to the multifaceted plastic bag ban. Cherry-picking a single motivation behind the ban would be discounting the political and economic nature of policy-making from an internal and external context. As mentioned earlier, the understanding of such policies includes the motivations of the actors behind the decisions (Sabatier 2007: 3). Throughout the implementation of such a drastic policy, there were multiple actors from different backgrounds, acting on diverse motives, within different criteria (social, economic, personal), creating an exponential number of different combinations that have culminated into the policy Kenya sees today. This policy could very well be the ramifications of the international legitimacy it gained through the intense media attention in 2017, resulting in donor-funds that increase international donors into the country's development projects. The back-door conversations could point to a level of 'greenwashing' that pairs well with what many participants say is now a forgotten and un-enforced policy years later. Additionally, the pressure that the ban faced, both externally from the United Nations and internally from environmentalists, indicates that the nation took on a defensive role, arguably in order to "save face" for the sake of stakeholders. In conclusion, whether this policy is simply another instance of politicians who "will dance to the tunes of the loudest music" on a global radio station that is playing trendy environmental tunes (Nyandire, interview 3 September 2021), an outcome of having large donor-driven organizations demanding visible legislation towards an approved development strategy, or a tactful strategy to manipulate the private sector into regulating the country's waste management dilemma, the answer lies somewhere in between these motives and the actors that drive them.

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Appendix A – Schedule of Interviews

	Individual	Organization	Interview Date
1	Reinhard Nyandire	Africa Sustainability Network	September 3 2021
2	James Wakibia	Activist/Photographer	September 8 2021
3	Judi Wakhungu	Former Cabinet Secretary of Ministry of Forestry Current: Spain/Portugal Ambassador	September 13 2021
4	Lynn Modester	Friends of Nairobi National Park	September 13 2021
5	Griffins Ochieng	The Centre for Environmental Justice and Development (CEJAD)	September 15 2021
6	K.	Environmental Researcher Registered NEMA Expert	September 15 2021
7	Dr. Ayub Macharia	Ministry of Forestry	September 22 2021
8	Gathoni Methu	Kenya PET Recycling Company Limited	September 29 2021
9	P.	Government Official	October 1 2021
10	Patricia Akinyi	County Government of Nairobi	October 12 2021
11	Mr.Hezekiah Okeyo	Ministry of Industrialization	October 13 2021
12	F.	High-ranking Government Official	October 17 2021