

Law School

LLB

SLS 4140: INTERNATIONAL ENVIRONMENTAL LAW & POLICY

SOLICITORS FIRM ONE

GROUP ASSIGNMENT

Agwa Awino - 145757

Samuel Ngware- 150530

Priscilla Achol - 150966

Yahya Adan - 151254

Natasha Joy - 150967.

Swaleh Sanaa - 147693

Wairimu Mburu - 151267.

Nkaiwuatei Sarah Kiserian - 150952

Maingi Isidoro Fredrick Muriithi - 150708

Paul Jerry Wafula-145626

TEXTILE POLLUTION IN KENYA

IDENTIFICATION OF THE PROBLEM

Textile pollution refers to any piece of cloth or clothing that is old and deemed unusable or neglected and ultimately ends up in a landfill. It can be classified into three types based on its sources:

- I. Pre-consumer waste is generated during the manufacturing and processing of textiles.
- II. Post-consumer waste that resulted from the disposal of textile products before or after their useful life.
- III. Post-industrial waste that is produced by industries that utilise textiles as part of their operations, like medical textiles.¹

These textile products range from threads, fabric scraps, clothing, to curtains and furniture.

Textile pollution is a big problem since it is estimated that textile finishing treatment and dyeing contribute to about 20% of industrial water pollution, and that approximately 72 harmful chemicals have been detected in water exclusively from the dyeing of textiles.² Additionally, synthetic fibres contribute to microplastics by chaffing the textiles during the laundry process. Developing countries happen to consume a majority of these synthetic fibres.³ Unfortunately, Kenya is considered a developing country and thus may be a huge consumer of these harmful clothing fibres.

Overproduction and overconsumption of clothes have resulted in inadequate disposal conditions. This has made Global North countries dump their fashion waste in the Global South, among them Africa, under the disguise of charitable donations. Second-hand clothing trade is a common practice across African countries, like Kenya, for example, the Gikomba market.⁴

In Nairobi, the environmental costs of second-hand fashion concentrate in Gikomba, East Africa's largest mitumba market. Every day, bales of clothing arrive from Europe, North America and Asia. Traders quickly sort the items, but between 30–40 per cent are unsellable on

¹ Emara A, "What is the Impact of Textile Waste on Environment, Climate?" The Earth Call, 13 January 2025 — https://theearthcall.com/en/news/What%20%20Impact%20%20Textile%20Waste%20%20Environment%20Climate on 20th September 2025.

² Odero G.C, Textile Waste Management in Kenya: An Investigation into the Current Practices and Opportunities for Improvement (MSc thesis, Vienna University of Technology, 2023), 19.

³ Odero G.C, Textile Waste Management in Kenya: An Investigation into the Current Practices and Opportunities for Improvement (MSc thesis, Vienna University of Technology, 2023), 21.

⁴ Greenpeace Africa, 'How fast fashion is fuelling the fashion waste crisis in Africa', Greenpeace Africa Blog, 2025 — https://www.greenpeace.org/africa/en/blog/54589/how-fast-fashion-is-fuelling-the-fashion-waste-crisis-in-africa/ on 20 September 2025.

arrival, meaning thousands of tonnes of garments effectively arrive as waste each year.⁵ These discards are often dumped in open sites, washed into the Nairobi River, or openly burned, polluting air, land and water with dyes, microfibres and toxic fumes. Synthetic fibres dominate this waste stream, and when washed or weathered, they release microplastics that wastewater treatment cannot filter, threatening aquatic ecosystems and human health.⁶

Gikomba also embodies Kenya's paradox: it provides affordable clothing and livelihoods for millions, yet entrenches dependency on Global North waste streams and suppresses the domestic textile industry.⁷ European Union debates over banning or restricting used-clothing exports underscore the problem, as many "reusable" exports to Africa are in reality low-quality discards.⁸ Kenya, however, lacks specific textile-waste legislation and adequate collection infrastructure, meaning unsellable imports overwhelm local systems and end up in dumpsites like Dandora. Without stronger import standards, waste-sorting systems and recycling incentives, Gikomba will remain both a livelihood hub and a pollution hotspot.

LEGAL FRAMEWORKS GOVERNING THE TEXTILE INDUSTRY

Legal frameworks can be drawn from the universally agreed principles of international environmental law that Kenya agrees to. The principles include the principle of preventive action, which states that a state is under an obligation to prevent environmental damage within its jurisdiction. The state of Kenya, therefore, has the obligation to ensure that, before the construction of more textile industries or the disposal of more textile products in the country, environmental impact assessments and climate change assessments are done. If this principle is adhered to, more textile pollution will be prevented.

Kenya is a party to the United Nations Framework Convention on Climate Change (UNFCCC). Kenya has a duty under Article 3(3), UNFCC, to take precautionary measures whenever there is a threat of irreversible damage that is likely to be caused. As such, Kenya should take precautionary steps to ensure that the environment is conserved, which implies that it has to

⁵ Odero G.C, Textile Waste Management in Kenya: An Investigation into the Current Practices and Opportunities for Improvement (MSc Thesis, Vienna University of Technology 2023), 41.

⁶ Ellen MacArthur Foundation, A New Textiles Economy: Redesigning Fashion's Future (2017) 29.

⁷ Andrew Brooks, Clothing Poverty: The Hidden World of Fast Fashion and Second-hand Clothes (Zed Books 2015) 113.

⁸ European Commission, EU Strategy for Sustainable and Circular Textiles (2022) COM(2022) 141 final, 7.

⁹ Nauru v. Australia, *International Court of Justice*, 1992, 240-244.

¹⁰ Article 3(3), The United Nations Framework Convention on Climate Change (UNFCCC), 1922

come up with policies that govern the textile industry to prevent textile pollution. It is well known that constant pollution by the textile industry would certainly cause irreversible damage to our ozone layer.

Furthermore, Kenya is a party to the Paris Agreement, which is mainly aimed at keeping the global average temperature increase significantly below 2.0 degrees Celsius above pre-industrial levels while striving to reduce the increase to 1.5 degrees Celsius.¹¹ The agreement provides for common but differentiated responsibility to conserve the environment.¹² This provision places the duty to protect the environment, in its own capacity, on Kenya. A way of seeing this principle through would mean that Kenya comes up with laws and policies to regulate the textile industry in order to achieve its Nationally Determined Contributions to the goal of protecting the environment.

The textile industry is also governed by different provisions of the Kenyan Laws. Article 42 of the Constitution of Kenya guarantees everyone the right to a clean environment.¹³ This provision calls for the protection of the environment from any sort of pollution, including textile pollution. The Constitution of Kenya further, at article 69 (1), mandates the state to ensure sustainable conservation of the environment.¹⁴ This provision aligns with sustainable development as a principle of international environmental law. The textile industry is a developmental step, and the principle demands that development and sustainability are integrated and not separated. This, therefore, places the mandate on the state to provide policies to guide such industries.

Apart from the Constitution, statutory laws give legal frameworks to govern the textile industry. The Sustainable Waste Management Act (Chapter 387 C of the Laws of Kenya)provides the legal and institutional framework for sustainable waste management in an attempt to give effect to the right to a clean environment. This Act gives a detailed way to go about waste management. Section 2 of the Act defines waste as any substance or material intended for disposal, whether reusable or not, which can be recycled or not for the definition cuts across all

¹¹ Art 2, Paris Agreement, 2015

¹² Art 4, Paris Agreement, 2015

¹³ Article 42. Constitution of Kenya (2010).

¹⁴ Article 69(1), Constitution of Kenya (2010).

¹⁵ Sustainable Waste Management Act (Act No. 158 on 12 August 2022).

¹⁶ Section 2(1), Sustainable Waste Management Act.

waste, including that produced by the textile industry. This, therefore, implies that the Act can and should be used to govern the industry.

In 2024, there was the introduction of the Sustainable Waste Management (Extended Producer Responsibility) Regulations, as well as the Sustainable Waste Management (Extended Producer Responsibility) Regulations (Amendment) Regulations of 2025. These two regulations make the producer responsible for products beyond manufacturing to the post-consumer stage of a product's life cycle. ¹⁷ Since a large percentage of the textile waste results from the dumping of substandard clothing from the global North, these regulations aim at operationalising the polluter pays principle. The producer bears the financial and operational responsibility for managing waste associated with their products. It further tried to tackle textile waste by requiring the producers to register with NEMA and product and package design that minimizes waste. 18 importers of finished products, such as second-hand clothing, pay importer fees to NEMA at the point of importation, and for textiles, this is Kshs 150/= per item. 19

Additionally, the Environmental Management and Coordination Act (Chapter 387 Laws of Kenya) paves the way for the necessary legal and institutional framework for the management of the environment.²⁰ The Act establishes the National Environmental Management Authority (NEMA) under Section 7(1) of the Act, whose primary responsibility is to oversee and coordinate all matters regarding the environment and ensure all policies are developed with respect to the environment, including textile waste.²¹

Although these laws are available, perhaps for full realisation of the constitutional right to a clean environment, Kenya should come up with laws that directly govern the textile industry. Perhaps, legislators should come up with laws that limit the amount of textile products that can be imported or disposed of in Kenya, for instance. The present laws can be implied, but they are not specific to the pollution caused by the textile industry. This paper proposes that a more specific law should be introduced, as there is a lacuna in Kenyan laws.

¹⁷ Section 2, Sustainable Waste Management (Extended Producer Responsibility) Regulations

¹⁸ Regulation 5, Sustainable Waste Management (Extended Producer Responsibility) Regulations

¹⁹ Regulation 6, Sustainable Waste Management (Extended Producer Responsibility) Regulations

²⁰ Environmental Management and Coordination Act (Chapter 387 Laws of Kenya)

²¹ Section 7(1), Environmental Management and Coordination Act.

TARGET AUDIENCE

Importers

In Sub Sahara, Kenya is amongst the largest importers of second-hand clothes.²² Importers therefore create a pathway for the entry of textiles into the country. According to the Economic Survey by the Kenya Bureau of Statistics, in the year 2024, Kenya imported about 230,535 tonnes of second-hand clothes.²³

Although Kenya is governed by protocols and standards set by the Kenya Bureau of Standards, which prescribe the quality of second-hand clothes imported²⁴, about 20 to 50% of second-hand clothing imported into Kenya are climatically unsuitable, improperly sized and irreparably damaged contrary to the set standards in play.²⁵ Therefore this implies that there is a gap between what is provided for in the standards and what is happening on the ground. Consequently, this initiative is crucial to importers due to the role they play. They: establish partnerships with foreign suppliers, negotiate on prices, quantities and shipping as well as conducting the sorting out and quality control upon arrival.²⁶ This means that they are in a better position to actively participate in preventing low quality or damaged textiles from being brought into the country.

Waste managers

Waste managers are professionals who are in charge of collecting, organising, disposing and treating of waste in the country.²⁷ However, waste managers in Kenya hardly complete their mandate often abandoning it at disposal. This is evidenced by the increasing piles of waste in dumping sites such as Dandora. Only a few organisations have taken the initiative of fulfilling their responsibility such as Takataka Solutions which actively engage in sorting the waste into categories tailored to the appropriate means of disposal.²⁸ Furthermore, they educate and engage

²² Information Research Solutions, *The Quality of second-hand clothes imported to Kenya and the associated environmental impacts*, 2023,12.

²³ Institute of Economic Affairs, *Mitumba: A welfare and market argument*, 10 July 2025.

²⁴ Institute of Economic Affairs, *The state of second-hand clothes and footwear trade in Kenya*, 5th March 2021,27.

²⁵ Changing Markets Foundation, *Trashion: The stealth export of waste plastic clothes to Kenya*, February 2023, 21.

²⁶ Information Research Solutions, *The Quality of second-hand clothes imported to Kenya and the associated environmental impacts*, 2023,27.

²⁷<<u>https://www.ube.ac.uk/built-environment-job-profiles/waste-manager/#:~:text=What%20is%20a%20Waste%20Manager.Manager%20and%20Environmental%20Services%20Manager</u>>.

²⁸https://unfccc.int/climate-action/momentum-for-change/activity-database/takataka-composting-and-sustainable-waste-management-project>.

people on waste separation training.²⁹ For this reason, it is important to include them in this enterprise as they are already tasked with mitigating pollution effectively through either reusing, reducing or recycling. If intervention does not occur, individuals may resort to detrimental waste management methods like the ongoing illegal dumping and open burning, which exacerbate pollution.

Policy makers and legislators

Policy makers and legislators are individuals who develop policies and laws geared towards reducing the rate of textile waste that contributes to the high levels of pollution. Therefore, this memo is relevant for them as they are in a position to spearhead laws that ensure a balance is struck between the economic value and environmental conservation arising from the textile industry. The above is attributed to the fact that the textile industry contributes Kenya Shillings 12 billion to revenue every year.³⁰ As a result, it offers livelihoods for about 2 million people in Kenya.³¹

The ordinary citizen (men, women and the youth)

Besides these targeted stakeholders, the general Kenyans are divided into men, women, and youth so that the campaign can be relevant and reach the entire groups of people in the society with unique environmental contacts and communication requirements.³² Men are usually the ones involved in farming, leadership in the community, as well as in business affairs that affect the utilization of resources.

Women as the main managers at home are disproportionately affected by the degradation of the environment and are vital in controlling the consumption and disposition of household resources. Further into the future, the youth who are becoming more interrelated through digital media and are engaged in social activism are the future stewards of the environment. By addressing all three demographics using personalized communication, there is a high chance of the behavior of numerous individuals changing and the environment remaining stewarded across communities.³³

²⁹< https://unfccc.int/climate-action/momentum-for-change/activity-database/takataka-composting-and-sustainable-w aste-management-project >.

³⁰ Institute of Economic Affairs, *The state of second-hand clothes and footwear trade in Kenya*, 5th March 2021,9.

³¹ Institute of Economic Affairs, *The state of second-hand clothes and footwear trade in Kenya*, 5th March 2021,9.

³² <5 Audience Segmentation Examples for Marketers | Blueshift> (2023).

³³ Champine VM, 'An audience segmentation study of native plant gardening behaviors in the United States' Elsevier, 1-9, 2025.

Global reach

The theoretical basis of this focused segmentation is flexible across the world as it puts into context the cultural values, legal systems, and the media consumption patterns in various nations. This flexibility enables duplication of the method of dealing with environmental crisis at a global level so that it is inclusive and efficient in both geographical and social setting.³⁴

The segmentation approach of the campaign is justified by its thorough coverage as it covers all aspects of the environment, starting with the behavior of people on grassroots level and going down to the policy and commercial activities. This multi-level strategy gives the people the strength to change their everyday routines, activates importers and waste managers in the working levels, and mobilizes the policymakers in order to institutionalize sustainable practices.³⁵

Justification of Target Audience.

- i. The demographic is segmentation into consumers; men, women and youth, as well as policy makers, importers and waste managers. This will make sure that all the aspects of the society are covered, as the various experiences and roles in environmental impact and mitigation will be taken into account.
- ii. Inclusion of importers and waste managers will help target important nodes in the horizontal environmental impact chain and have an upstream and downstream intervention.
- iii. Involving policymakers facilitates structural change; this is sustainable because it aligns legal frameworks with advocacy to change.
- vi. A multi-faceted approach promotes changes in the citizens' behaviour as well as changes in the system or legal reforms.

³⁵ Fegher M, 'Developing Communication Strategies on Climate Change in Kenya', Marist International University College, (2023).

³⁴ Nyukuri E, 'Gender approaches in climate compatible development: Lessons from Kenya', Practical action consulting, (2016).

CAMPAIGN STRATEGY

Fashion Footprint

This campaign strategy seeks to flip the idea of style from aesthetics to sustainability. It seeks to show how the small choices make great impacts, in that every outfit leaves a footprint on the environment. The idea of dressing up is to feel good and comfortable in your skin and show your creativity. Why not make a conducive environment where having a fashion footprint and a sustainable environment can co-exist? In this campaign, we will spread awareness on how fashion footprints leave a negative mark on the environment, such as water pollution, waste accumulation and microplastic pollution. We are responsible for the shaping of the Earth's footprint, through what we buy, wear or throw away. Some solutions to these negative impacts would be thrifting, repairing or some form of barter trade with your loved ones or friends (clothes swapping).

Our video seeks to show the many ways in which upcycling one outfit can give you multiple different fashion impressions, which essentially shows the essence of buying less but better.

How we intend to push the narrative.

The video will spread awareness on textile pollution, by showing how clothes mostly come from countries such as the United States and Europe, and since they are in large quantities, they mostly end up in dumping sites such as Dandora.

We aim to spread hashtags that will also spread awareness, as well as encourage people to leave a more positive fashion footprint and be the change the environment needs. These hashtags aim to normalise certain trends, such as repeating an outfit instead of repeatedly buying new outfits for every other occasion.

We also aim to create reels to show some DIY fashion hacks. Through the use of creative spaces to share these videos, which will accumulate likes and reposts across the different social media platforms, we are able to educate people on how to curb textile pollution. The goal is to also normalise certain trends which bring more good and support the common good, which in this case is having a sustainable environment.

Mazingira week action plan

Our campaign embraces a digital-first approach that is both modern and environment conscious. By creating a compelling video and strategically sharing it across different social media platforms, we are able to maximize the reach and engagement in a way that resonates strongly with the target audience, which is not only the young generation but also those who are older. The engagement by different people through the sharing and reposting of the videos is one of the ways in which the reach is maximized and this is done by each individual willingly. To extend this impact offline, we will place QR codes at major stations and public points, which will allow people to instantly access the campaign video, by simply scanning the code. We eliminate the wastage of paper since there is no printing of brochures and promote environmental sustainability. This is also sustainable in that the QR code can be reused indefinitely, whereby when there is additional information, the link can just be updated without the need to reprint new versions every other time.

Implementation Plan in a Real-World Setting

To address the textile pollution in Kenya effectively, our campaign will adopt a community-driven and multi-level approach that blends public education, legal awareness and behaviour change. The plan will unfold in three interconnected phases: awareness, adoption and action.

Our first step will be to make the issue of textile pollution relatable and accessible to our intended audiences. We will develop easy-to-understand, short videos and reels in English, Kiswahili, and local languages. These will highlight the environmental impact of textile waste, such as water pollution, dumping, and microplastics, while linking it to everyday consumer choices. It will also highlight the rights and responsibilities under existing environmental laws such as the Waste Management Regulations under the Environmental Management and Coordination Act (EMCA). We will disseminate these through social media, ensuring that the message reaches a big population.

Secondly, the campaign will focus on promoting sustainable consumer behavior by encouraging ordinary Kenyans to "buy less and buy better". This will involve awareness drives in schools, markets and churches to promote second-hand clothing (mitumba) as a sustainable choice, while also advocating for eco-friendly businesses that produce durable, biodegradable, or recycled fashion products. Partnerships will be sought with local county governments, eco-friendly textile producers and civil society organizations to strengthen legal literacy and provide incentives for responsible consumption practices.

Finally, the plan will be scaled through community-driven initiatives such as clean-up drives, textile recycling hubs and repair workshops where citizens learn how to upcycle or mend clothing instead of discarding it. Pilot programs can be rolled out in Nairobi and Mombasa, where textile waste is highest, before expanding to other counties. These initiatives will not only reduce textile pollution but also create green jobs and enhance public ownership of environmental protection efforts. By embedding the campaign in community structures, leveraging existing legal frameworks, and using relatable messaging, the project can achieve long-term sustainability and contribute to tackling Kenya's role in the triple planetary crisis.