



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

KENYA

We were not able to locate specific court cases in Kenya waste producer liability. The national provisions that affect waste producer liability are set out below.

Summary of National Law

The [Kenya National Sustainable Waste Management Bill 2018](#), provides for the “polluter pays” principle:

“polluter-pays principle” means that the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected with or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law,” Part 1, sec. 2.

The [2018 amendments](#) also contain an obligation on the part of waste generators to properly manage their wastes. The 2018 law explicitly states:

“26. Public and private entities that do not manage their waste in accordance with the provisions of this Act shall be required to clean up and restore the site the entity was using to its natural state and pay a fine of not less 5% of their net income”

This includes an obligation to recovery of waste materials and safe disposal of the non-recoverable portion: *“The non-recoverable fraction of waste must be safely treated for final disposal at a secure facility.”* Part IV, Sec. 11(2).

The [Waste Management Regulations \(2006\)](#). (Kenya Gazette supplement No 69) provide:

“Responsibility of Waste Generator

- (1) No person shall dispose of any waste on a public highway, street, road, recreational area or in any public place except in a designated waste receptacle.*
- (2) Any person whose activities generate waste shall collect, segregate and dispose or cause to be disposed of such waste in the manner provided for under these regulations.*
- (3) Without prejudice to the foregoing, any person whose activities generates waste has an obligation to ensure that such waste is transferred to a person who*

is licensed to transport and dispose of such waste in a designated waste disposal facility.” (emphasis added).

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