Eastern Africa Regional Framework Agreement on Air Pollution (Nairobi Agreement-2008)

We, the Ministers assembled at the Ministerial Session of the Eastern Africa Sub-Regional Workshop on Better Air Quality in Cities held on 23 October 2008 agree to this Nairobi Agreement.

Introduction:

- This regional framework on air pollution in Eastern Africa brings together 11 countries – *Burundi, Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia*, *Sudan, Tanzania, Uganda,* to develop actionable targets to address air pollution in the following key areas: Transport, Industry and Mining, Energy, Waste, Vegetation Fires, Indoor Air pollution Urban Planning and Management, and Regional and National Environmental Governance.

- It is the outcome of a sub-regional meeting held on 21-22 October (Policy Session) and 23 October 2008 (Ministerial Session) at UNEP Headquarters in Nairobi, Kenya. The Better Air Quality (BAQ) process is supported by Air Pollution Information Network for Africa (APINA), Stockholm Environment Institute (SEI), World Bank's Clean Air Initiative in Sub-Saharan African Cities (CAI-SSA), African Refiners Association (ARA), United States Environment Protection Agency (USEPA), Swedish International Development Cooperation Agency (Sida), the Global Atmospheric Pollution Forum (GAPF) and United Nations Environment Programme (UNEP) through the Partnership for Clean Fuels and Vehicles (PCFV).

Considering:

- The socio-economic development in the sub-region and resultant activities that increase pollutants released into the atmosphere. Main air pollutants of concern are: particulate matter, sulphur dioxide, oxides of nitrogen , ammonia, volatile organic compounds, persistent organic pollutants, carbon monoxide and heavy metals;

- The environmental, economic and social costs of air pollution and the retarding effect of such costs on sustainable development and the possible effects of transboundary pollution between countries;

- The atmospheric transformations associated with emissions volatile organic compounds and oxides of nitrogen result in the formation of ground level ozone and haze that can have impacts on human health and environment;

- That about 90% of the energy sources in household in the region is biomass using traditional technologies that contribute to air pollution negatively impacting human health and environment;

- The diverse cultural and social dimensions of different traditional methods of energy use in the region.

Recognising:

- The high rate of urbanisation in Eastern African countries and constrained urban management capacities by concerned authorities with consequent impacts on urban infrastructure and service provision, especially waste management;

- The rapid increase of motor vehicle traffic with most countries having limited or non-existent vehicle import and emission standards, and poor fuel quality; which has resulted in the use of fuels with high sulphur levels and importation of old second hand vehicles, consequently increasing air pollutant emissions;

- The limited transport planning and management in urban areas resulting in inadequate provision of public transport, inadequate investment in infrastructure for motorised transport, non-motorised transport and pedestrian traffic, thus, reducing urban mobility options, increasing traffic congestion, and increasing air pollutant emissions;

- The increasing emissions from the industrial and mining sector including: manufacturing and processing industries, mineral extraction, and power generation using fossil fuel;

- The limited information on air quality in all the countries, thus, hindering coordinated approaches to air quality management and introduction of programmes that would contribute to better air quality, and making it difficult to track trends;

- The linkages between air pollution and climate change, associated with the release of greenhouse gases (carbon dioxide, methane, ozone), and the co-benefits of reducing air pollution in all sectors of the economy for greenhouse gas reduction;

- The contribution that uncontrolled burning of vegetation and open air waste burning activities can make to local and regional air pollution e.g. formation of particulate matter and ozone.

Reiterating:

- Principle 21 of the UN declaration on the Human Environment in 1972, which states that: States have, in accordance with the Charter of the United Nations and the Principle of International Laws, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction;

- The EAC Treaty, Chapter 19, Article 112, 1(c), that obligates Partner States to take measures to control trans-boundary air, land and water pollution arising from developmental activities;

Noting:

- Regional and national initiatives to control and prevent air pollution, in particular: The 2006 Regional Conference on *Better Air Quality in Sub-Saharan African (SSA) Cities*, and various regional and national activities of the PCFV and partners;

- The IGAD Environmental Strategy that seeks to assist and complement the efforts of the member states in environment and natural resource management, and specifically the

recognition of the atmosphere as a shared resource necessitating a regional approach in air quality management;

- The successful phase out of leaded gasoline through cooperative strategies between, governments, industry, civil society and development partners that now enables the use of vehicles equipped with catalytic converters allowing significant reductions on air pollution;

- That countries in the region have taken significant steps to reduce the age limit of vehicles imported into the region (Kenya has adopted the maximum age for imported vehicles to 8 years, and Tanzania and Eritrea have set the maximum age limit for imported public transport vehicles to 5 years);

- The efforts made by some countries in the region to introduce cleaner fuels and improved biomass technologies (Ethiopia is already marketing ethanol blended gasoline).

Agree to the following actions:

1. Regional Cooperation

1.1 Cooperate in the preparation of flexible and differentiated agreements for the control and ultimate reduction of agreed air pollutants;

1.2 Consider the synergies and co-benefits of taking joint measures against the emission of air pollutants and greenhouse gases;

1.3 Harmonise among states as far as is practical national air quality management legislation, standards, monitoring procedures, and data management procedures;

1.4 Promote the exchange of educational and research information on air quality management;

1.5 Promote regional cooperation to strengthen the regulatory institutions to eliminate petroleum products smuggling and adulteration.

2. Transport Sector

Vehicle standards:

2.1 Establish minimum regionally agreed emission standards by 2012 for the different categories of motor vehicles as stringent as available fuel quality will allow;

2.2 Establish programs on vehicle emission testing, inspection and maintenance by 2010 and develop the necessary capacity to enforce the maintenance programmes through public information and training campaigns thereafter;

2.3   Enact regulations to restrict the age of imported vehicles and to ensure that imported gasoline vehicles are equipped with functioning catalytic converters by 2011;

2.4   Explore and adopt modern technologies that promote vehicle fuel efficiency and reduce emissions including: catalytic converters, diesel retrofits and low emission vehicles;

2.5   Harmonise vehicle emission standards within the sub-region.

Fuel standards:

2.6   Enact regulations to reduce sulphur in imported motor fuels to 500ppm by end of 2010 and commit necessary refinery investments to reduce sulphur in fuels to 50ppm from 2012 onwards;

2.7   Enforce regulations against the procurement, sale and use of fuels not meeting the set standards;

2.8   Undertake detailed economic, social, and environmental assessments to enable sustainable use of bio-fuels;

2.9   Harmonise fuel standards and practices in the sub-region.

3.   Urban Planning and Management

Transport Infrastructure and Urban Planning:

3.1   Channel more investments in the development of urban infrastructure including road and rail systems;

3.2   Encourage the use of non motorized transport systems that have many advantages and are used by an overwhelming majority, but are constantly overlooked. At least 10% of infrastructure costs should be dedicated to this majority and the focus should be on safety. Particular emphasis should be given to high-demand, mixed-use roads in urban and peri-urban areas;

3.3   Promote the use of traffic corridors to reduce distances by locating transport hubs nearer to industrial, commercial and residential areas;

3.4   Create interfaces between non-motorised transport, public transport and individual motorized transport to improve efficiency of urban mobility;

3.5   Encourage attitude change among all users to encourage non-motorised transport and public transport;

3.6   Set capacity standards for public service vehicles;

3.7   Enact regulations to control the growth of private motor car traffic through measures such as road pricing, congestion charging and parking management;

3.8   Always specifically consider financial sustainability when planning for public transport improvements;

3.9   Develop parking reforms for urban areas;

3.10   Develop adequate baseline databases as a necessity for urban planning scenario formulation and policy assessment;

3.11   Enact laws for tree planting, greening of urban space, and paving of walkways and driveways;

3.12   Develop and use master plans based on a vision for the city, while encouraging short term, cost-effective options, including travel demand management and attitude change (e.g. driving behaviour);

3.13   Ensure political support and commitment for these measures and involve both the public and the mass media;

3.15   Encourage networking and exchange of information (North-South, South-South).

Waste Management:

3.16   Develop programs for integrated management of solid wastes;

3.17   Provide adequate and suitable facilities and land for treatment and disposal of all forms of waste, including liquid and hazardous waste;

3.18   Enact regulations to control the manufacture, sale and use of plastic packaging material;

3.19   Enact regulations to prevent the open burning of waste in urban areas.

4.   Industry and Mining

4.1   Enact policy and legal framework to promote adoption of best available technologies in new industrial establishments and reduce emissions from old establishments including the gradual phase-out of inefficient and environmentally unfriendly industrial technologies by 2012;

4.2   Enact policy and legal framework to facilitate and promote adoption of cleaner fuels and efficient utilisation of energy for heavy industrial operations;

4.3   Subject activities that have an impact on air quality to an environmental impact assessment and environmental audit process;

4.4   Maximize the synergies and co-benefits of air pollution and climate change mitigation projects;

4.5   Develop and/or use land-use control instruments, such as zoning regulations, to ensure the appropriate location of industrial establishments;

4.6   Enact emission standards and regulations for the different categories of industries and mining and require the monitoring of emissions from their activities;

4.7   Harmonise industrial emission standards and regulations to address the effects of national and transboundary air pollution.

5. Vegetation fires, uncontrolled burning and deforestation

5.1   Support investigations into the frequency and impacts of natural fires in the African savannah and forests;

5.2   Enact regulations to prevent and control human initiated vegetation wild fires;

5.3   Develop and implement fire early warning systems and fire management strategies;

5.4   Promote reforestation programs in damaged landscapes and develop alternative livelihood programs.

6.   Indoor Air Pollution

6.1   Promote the use of affordable, more efficient, cleaner burning and safer energy appliances;

6.2   Promote the use of cleaner energy and improved technologies – solar, wind, biogas, bio fuels;

6.3   Support efficient use of energy training programs and subsequently create formal and informal awareness to public on the impact of indoor air pollution;

6.4   Formulate recommendations and emission standards for combustion appliances;

6.5   To promote and support the construction of properly ventilated, energy efficient houses;

6.6   Enact legislation to prevent smoking in indoor public places, and outdoor gathering locations.

7.   Regional and National Environmental Governance

7.1   Promote coordination of national stakeholders in the development and implementation of air quality policies and management strategies;

7.2   Enhance the capacity of air quality management divisions and enforcement units in national environmental agencies;

7.3   Develop and maintain national emission inventories for main air pollutants and greenhouse gases, including trans-boundary air pollution and assess the impact of different policies and measures on these emissions;

7.4   Establish air quality monitoring stations using harmonised regional instrumentation and protocols and link this to modelling and forecasting efforts globally;

7.5   Facilitate the regional harmonisation of air quality standards and carry out periodic reviews to benchmark regional and national air quality standards against best international practise.

8.   Public Participation in Air Quality Management

8.1   Enhance public awareness on air pollution issues through sensitisation campaigns using both formal and informal communication channels;

8.2   Enhance stakeholder participation in air quality management by supporting capacity building initiatives in government, academic institutions, and civil society organisations;

8.3   Promote the active engagement of the civil society and other stakeholders in collaborative air quality management projects;

8.4   Promote access to and exchange of information on air pollution including, inter-alia, research and educational information;

8.5   Develop effective communication strategies on the impacts of air pollution on human health and the environment.

9.   Research Development and Capacity Building

9.1   Promote and establish regional training centres, including the designation of regional centres of excellence on air quality management research and related issues;

92   Promote and support regional post-graduate training and student exchange programmes on air quality management and related issues;

9.3   Develop or adopt methodologies to assess the impacts of air pollution during environmental impact assessment, environmental audit studies and socio-economic assessments in collaboration with national and international academic institutions;

9.4   Promote and support initiatives for reducing air pollution in collaboration with international and regional organisations;

9.5   Support the application of harmonised air pollution emission inventories, monitoring and modelling, impact assessment, mitigation options and policy framework approaches;

9.6   Establish a sub-regional air quality information database;

9.7   Conduct economic analysis on the impacts of air pollution and policy options to promote sustainable development.

Implementation of these provisions is to be realised over time subject to the circumstances of each country, especially those countries in war or emerging from war and crisis situations.

Ministers in attendance: H.E. Ir Kanyenkiko Anatole, Minister, Ministry of Environment, Burundi; H.E. Elmi Obsieh Wais, Ministre, Ministère de l'Environment, Djibouti; H.E. Woldemickael G. Mariam, Minister, Ministry of Land, Water and Environment, Eritrea; H. E. Ramadhan Seif Kajembe, Assistant Minister, Ministry of Environment and Mineral Resources, Kenya; Dr. H.E. Batilda Burian, Minister, Ministry of Environment, Tanzania; H.E. Adam Kighoma, Deputy Minister, Ministry of Energy and Minerals, Tanzania; H.E. Maj. Gen. Kahinda Otafiire, Minister, Ministry of Local Government, Uganda; H.E. Urban Tibamanya, Minister of State for Urban Development, Ministry of Lands, Housing and Urban Development, Uganda.