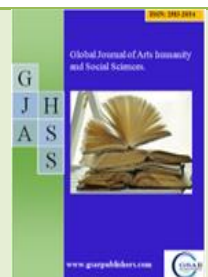


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AN EXAMINATION OF THE LEGAL FRAMEWORK GOVERNING SOLID WASTE MANAGEMENT IN RELATION TO ENVIRONMENTAL PROTECTION IN TANZANIA: A CASE OF MWANZA CITY COUNCIL

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Abstract

This article discusses various issues concerning solid waste management in relation to the environmental protection in Tanzania and in particular with Mwanza city council. This area used a case study to represent the situation in the all area in Tanzania where local government authorities are mandated to deal with solid waste management. This article also discusses various laws governing solid waste management to include international laws as well as domestic laws. The said laws seem to be inadequate especially Constitution which do not provide direct protection to the environment. Also, there are several challenges which discussed in this article include legal challenges, administrative challenges, infrastructure challenges as well as technological challenges which need to be address effectively as it recommended in this article.

Keywords: Environment, solid waste management, environmental protection

Introduction

This article examines laws governing solid waste management in relation to the environmental protection in Tanzania and specifically solid waste management within Mwanza city council. It explores much on practicability aspect of the laws concerning solid waste management and how the said laws are there to ensure environment withing Mwanza city are properly protected. Different laws are examined but for the purpose of this article constitution of United Republic of Tanzania, 1977, Environmental Management Actⁱ as well as its regulations and Bylaws are discussed. On top of that the article analyses the real situation concerning solid waste management as well as challenges facing implementation of the laws governing solid waste management in Mwanza city council which affect the effort of environmental stakeholders on protection of environment.

Concept

Environment

The word environment came from the French word called environed which mean surround. There is no uniform definition of the term environment. There different definition of environment which are depends on the field in which it applies. However, the general meaning of environment can be all thing that surrounding human being and support its survival. ⁱⁱ According to the provision of section 3ⁱⁱⁱ define environment to mean each and every thing surrounding within the earth to include both tangible and intangible things like air, land, water, climate sound, light, taste, microorganism, animals, plant cultural resources and so many things which exist in the world. The term environment also means all things both physical and non-physical thing surrounding human being. Among of the things that form environment are amalgamation of both ecology, ecosystem, and biosphere.^{iv} On top of that environment combine different thing which are in solid, liquid, and gaseous form which can be good or injurious to the



human being. Environment also containing living organism and non-living organism, natural and man-made things.

Environmental Protection

Environment is an important thing which support human life. It needs much attention especially against harmful substance. To ensure environment are safe it need to be protected from ant destruction either by natural cause or artificial motive. Natural environmental destruction occurs when nature produce destructive substance which sometimes is a poison to the environment. For instances there some flora which affect survival of the other flora and fauna. This kind of plant need to be removed from environment in order to ensure its protection. On the other hands artificial destruction depends much on the human activities which generate unwanted material to the environment. Among of those materials are solid waste which if is not properly taken care it will destruct environment to large extent.^v So, the way to ensure environment are protected is by way of create solid waste management or system which will establish a proper mechanism to remove it from the environment and if possible, to use an environmental way to destroy it.^{vi}

It the duty of every citizen in the community to ensure and participate on the environmental protection, however the main stakeholders which need to ensure environment are well protected is government. It is the primary duty of the government as far as environment is concerned to ensure that it makes laws which is practicable and implementable to ensure environment are legally protected as well as to support especially financially different project and effort to protect environment in Tanzania.^{vii} for instances it the duty of the government to work and support private sector on the process of solid waste management in order to ensure environment are remain safe and all solid waste are removed from the environment.

Solid Waste Management

This is important concept as far as environmental protection is concerned. Is the process of collecting, transportation, and dispose solid waste. In other words, is the process of removing solid waste from the environment so as to make it safe place to live. Solid waste management involve many processes and stakeholders include legal framework, institutions framework, practicability aspect, community as well as other stakeholder like international community. In Tanzania government through local government authority is the main stakeholders which mandated under provision of section 114^{viii} to deal with solid waste management. Solid waste management involve different stages in which all stages should conducted properly in order to make the whole process effective.

- i. Production
- ii. Sorting or solid waste separation
- iii. Transfer to the collection stations
- iv. Collection and transportation to the dumping area
- v. Treatment
- vi. Disposal

In each stage government has power and mandate to coordinate and supervise in order to ensure that remove of the said solid waste is not became harmful to the environment. For instance, local government authority has responsibility to establish collection station in every area in order to enable producers to collect the said wate that area. Also, government has the duty to establish transportation route which are favourable to the environment and less cost so as make the process effective.

Legal Framework Governing Solid Waste management in Tanzania

The following are some legal frameworks which are used to govern solid waste management in Tanzania.

The Constitution of United Republic of Tanzania, 1977

According to the provision of article 64(5)^{ix} Constitution of United republic of Tanzania is superior norms which shall be respected ad adhered by all laws, authority, and people within Tanzania jurisdiction. It is not allowed for any laws or action of the government to contravene the provision of the constitution and upon occurrence of such contravention constitution will take a precedence over that matter or law. It is from the constitution which provide rights and duties to the citizens of Tanzania by guarantee its protection. Also, constitution require government as the first stakeholder to ensure constitution are properly protected.

The provision of article 14^x protect for the right to life, and provide that right to life shall be protected and guaranteed as provided by both domestic laws, regional laws, and international laws. As discussed before environment is something which support survival of human being. In other words, if environment is not well protected it affect life of the human being. So, among of proper way to ensure right to life are well protected as provided in the constitution is to ensure proper and effective environmental protection include removal of all solid waste from the environment, create proper way of solid wate management and effective implementation of laws governing solid waste management.

There is no express provision which govern right for clean and safe environment from the constitution of Tanzania, however under implied perspective, environment cab be treated as public property which everyone in the state has right to enjoy it and duty to ensure its protection. According to the provision of article 27^{xi} require state and citizen to ensure protection of the public properties which are mentioned in the constitution or not. The provision of article 8^{xii} require government to prioritize welfare of the people by ensuring that it set and establish proper mechanism which used to deal with solid waste management in Tanzania. since the authority and power of the government are reside from the people of Tanzania, it is mandatory obligation to ensure all stages and procedures established and conducted by the government ensure participation of the citizen. This will honour the power of the people as well as ensure the effectiveness of the system include effective removal of the solid waste from the community.

Furthermore, Constitution established Judiciary of Tanzania to ensure environmental protection is through judicial protection. According to article 107A^{xiii} establish court as an organ of the state with last authority to dispense justice. This provision is supplemented by the provision of article 4^{xiv} which the judiciary of Tanzania are vested power to interpret the laws in Tanzania. Furthermore, depending on the powers vested to the judiciary of Tanzania, under article 30 (3)^{xv} any citizen to file a case before High Court in case there any violation of human right or violation is likely to happen. For instance, poor solid waste management is the threat to the right to life therefore a person is allowed to file case against any violator to seek remedies from the judiciary as a way to protect human right as well as environment.

The Environmental Management Act CAP 191 R.E 2023

This is the main as far as environmental matters are concerned. It enacted to govern several matters concerning environment including environmental management, establishing different institution governing environment in Tanzania, prevention of pollution, control of pollution, waste management including solid waste management, and implementation of the environmental policy to ensure environmental protection. Clean safe and healthier environment is important and fundamental right to the human being. Is the right which support several right including right to life, right to work, right to own property and so many other rights. The provision of section 4^{xvi} guarantee this right in Tanzania in which every person has to enjoy it. The implementation of enjoyment of this right relies depend on the extent of the environmental protection. This is where duty to protect environment to the different stakeholder emanated.

One of the efforts which should be taken in to great care to ensure safe and clean environment for human survival is solid waste management. This is governed by the Environmental management Act which establish different standard on how to deal with it. The main institution or stakeholder to ensure solid waste management are properly undertaken is local government authority. Is the overall in charge of the solid waste management within their area of jurisdiction. to is the supreme law as far as environmental matter are concerned after the constitution. The provision of section 114 (1),^{xvii} require local government authorities to ensure proper management of solid waste and implementation of environmental principles like precautionary and polluter pay principle.

Section 114 (2) (a)^{xviii} emphasize on environment impact assessment to be conducted to the major activities like contraction of different project which generation of large extent of solid waste. This helps to plan and establish proper mechanism to deal with produced waste before cause any damage to the environment. on to of that Local government required to ensure that sorting of solid waste on the production source is done effectively. This helps to improve process of solid waste management. According to the section 115^{xix} local government authority should ensure solid waste produced in the Market paces and other institutions which have density population are taken care promptly and effectively in order

to avoid adverse impact to the human being as well as environment.

Furthermore, local government authority shall within their area of jurisdiction establish collection and transfer station in which solid waste will be collected from the generation source for the purpose of transportations. Also, it shall design route for transportation of solid waste to the main dumping area in which the said route shall be short and in good condition in order to avoid cost for transportation. It is proposed that the said raise should be designed in the way that it does not affect other human activities and cause damage to the environment. main dumping site is important area where all solid waste is collected for destruction. It is the duty of local government authority to ensure the said landfill is established by following environmental guideline and standards like area where is not near the human residents and not near water sources. Mwanza city council establish this dumping area in Buhongwa area.

The Environmental (Solid Waste Management) Regulation G. N No 263 of 2009

This is another important law which govern solid waste management in Tanzania. It was made from the Environmental Management Act,^{xx} so as to enhance provision concerning solid waste management in Tanzania. it exactly governs and establishes different duties and right to the different institutions, and community concerning solid waste management, like minimization of solid waste production. For instance, local government authority is primary institution which mandated to deal with solid waste management.^{xxi} Within local government authority there are appointed environmental officer designated to carry out environmental matters including waste management system and implant several strategies for solid waste management transactions.^{xxii}

Principle Act require Minister responsible for environmental matters to make regulation concerning solid waste management in which under this regulation minister are able to issue different guideline, orders and directives to the environmental officers from local government authority, especially on the implementation of different laws.^{xxiii} In general this regulation was made to ensure environment are properly protected in Tanzania.

The Mwanza City Council (Cleanliness and Environmental Conservation) Bylaws of 2017 G.N No 354 of 2017

local government authority in Tanzania has power to make bylaws under the provision of section 89 (1) of the Local Government (Urban Authorities) Act.^{xxiv} Mwanza City Council to exercise this power vested to them enact this by laws which intends to govern environmental matters include solid waste management. This Bylaw uphold powers of local government authority which are vested under section 114 the Environmental Management Act^{xxv} which require Mwanza City Council to handle all activities concerning solid waste management including establishment of

collection stations, transportation route, dumping sited, main dump area, disposal methods, provision of education concerning environmental protection, to set out collection waste fee in order to ensure waste management is undertaken properly to mention but few.^{xxvi}

This Bylaws provide mandate to the local government authority to ensure all waste generated are sorted from the source area so as to ensure process of collection and transportation are done easier. This will help to ensure recyclable waste are collected separate from other waste in order to enable its further use.^{xxvii} By laws also importantly require solid waste from hospital to be treated under great courtesy depending on the laws governing treatment of waste from the hospital which are different from this by laws. This is because of sensitivity of the source of the waste which is more dangerous to the people and public health in general.^{xxviii}

Also, it establishes fine which amounted to fifty Thousand Tanzania shilling (Tsh. 50,000) for any person who violate the said by laws which should be paid promptly.^{xxix} As discussed on the challenges section this fine does not reflect the real situation, it need revision. To City is clean it requires all street vendors and small entrepreneurs who doing their business besides road to have special and prescribes container to keep the waste.

Adequacy of the Legal Framework Governing Solid Waste Management in relation to the Environmental Protection in Tanzania

Legal framework governing solid waste management in Tanzania is not adequate enough to ensure solid waste management is effectively and properly undertaken so as to ensure solid protection of environment in Tanzania. It experiences incompleteness and unclear which create legal gap. For instance, Constitution of United Republic of Tanzania experiencing inadequacy on the issue of solid waste management and environmental protection in general. It lacks a clear, express, and direct provision which govern environmental matters in Tanzania. The protection of environment as well as solid waste management depend of Acts of parliament and subsidiary legislation and not Constitution. In other words, constitution of Tanzania fails to create strong basis for environmental protection.

Furthermore, the provision of constitution as far as environmental protection are not complete because it depends much on article 64 (5)^{xxx} which define supremacy of the constitution and article 14^{xxxi} which protect the right to life. There is no other provision which define the right to clean environment and safe environment to people of Tanzania.^{xxxii} This makes constitutional as a basis of legal framework to lack strong governance and protection as well as affect the enforcement mechanism.^{xxxiii}

Efficiency of the Laws Governing Solid Waste Management in Relation to the Environmental Protection in Tanzania

The implementation and enforcement of solid waste management in Tanzania face some challenges which affect its efficiency.

Among of those challenges include, legal challenges, institutional challenges, social challenges, economic challenges as well as technological challenges.

Institutional Challenges

The institutional capacity, is attain its basis on section 114^{xxxiv} and Section 73^{xxxv} where local Government Authorities as the key institution which mandated to deal with solid waste management. For this institution to be effective on solid waste management shall have strong legal capacity to do so, infrastructure and technological capacity, human resources capacity, economic capacity as well as administrative capacity.

Mwanza also affected by economic capacity as far as this article is concerned because of the small budget addressed to the process of solid waste management or budget shortage. Legal framework requires local government authority to collect fees from producers of solid waste as stipulated in the Mwanza Bylaws, but still the collected fund does not suffice the implementation mechanism of solid waste management. This makes laws governing solid waste management not effective enough to deal with environmental protection.

There is inadequacy of the collection stations within Mwanza city council and ineffectiveness of the process used to deal with existed collection station especially removal of waste from collection stations to the final disposal area as well as technology used on solid waste management does not reflect the need and reality of solid waste management in which the production capacity does not match the ability of the authority to collect all waste within a prescribed time. Human resources are also important as afar as institutional capacity is concerned. There should be enough and trained personnels who deal with solid waste management in the field as well administrative personnels which may make decision on behalf of the authority.^{xxxvi}

Infrastructure Challenges

Infrastructure is the combination of different thing help for deal with solid waste management. It includes both physical and technological infrastructure. It includes roads, tools for collection and transportation, recycling set-up, and modern dumping sites. In Mwanza City Council the main dumping site is located at Buhongwa area where at the time of designation was outside the city and far from resident. On top of that Mwanza City suffer from poor road infrastructure with few routes for solid waste transportation from collection centre to the dumping site. This situation affects to the large extent the effort of the city to deal with solid waste management, because it increases cost for transportation, in which the road used to transport waste collected in town area and other areas are main road which are used all the time by different activities. Furthermore, vehicles and trucks used to carry and transport waste from different area are too ordinary and week. Many of those vehicles are open and sometimes local motorcycle which cannot meet environmental standard for solid waste management. Bad enough on the process of solid waste transportation it emits bad smell and sometime drop some waste

particles on the road. Also regardless of its bad condition, the number of trucks used to collect the said waste are very few to the extent that it fails to collect all waste within a time as well as in all area. This really affect the efforts of different stakeholder who work to ensure environmental protection within Mwanza city council.^{xxxvii}

Economic Challenges

Economic capacity is important as far as solid waste management in relation to environmental protection is concerned. Cost for ensuring solid waste management is properly undertaken is high due to the different reason. The most prominent reason is construction of both physical and technological infrastructure, hire personnel to deal with solid waste management, trained personnels, implanting technological tools used for solid waste management and administrative cost. Mwanza city council being a second city for economic growth in Tanzania, experience high production of solid waste which need economic muscles to handle it. It needs much support from central government authority, strong budget allocation from the revenue of local government authority revenue as well proper collection fee from producers as way to implement polluter coy principle and contributory principle. However, Mwanza city experience budget deficit as well as poor collection of solid wate fee something which affect to the much extent the effort of manage solid waste as well as environmental protection.

Technological Challenges

Both environmental policy as well as legal framework governing solid waste management as well as environment emphasize on the use of technology to handle the matter. Technology is important aspect which need to be used in every aspect of monitoring the process of solid waste management because it reduces cost, time as well as improve the process of solid waste management. For instances it is important for the Morden technology to be used on the transportation of solid waste by using Morden and technological vehicles and trucks. Also, on the treatment and disposal of solid waste it important to use Morden and technological methods in order to reduce negative effect to the environment. The applicability of technology also may help to tun the solid waste into useful especially on agriculture or by way of recycle.^{xxxviii} Unrelatedly, the said policy as well as legal framework is not yet implementable effectively within Mwanza city council especially on the solid waste management something which make the said city to be polluted and experience poor solid waste management.^{xxxix}

Recommendations

- The laws governing solid waste management should be amended

The basis of proper solid waste management emanated from the legal framework especially constitution of the state. Tanzania lacks constitution muscle to handle environmental issue because of the lack of provision which govern it. Therefore, it important for the constitution to amended so as to include provisions which govern environmental matters include solid waste management.

Parliament also should amend all laws govern solid waste management to include mandatory requirement to use technology to handle solid waste matters so as to reduce risk to the environment. on top of that it important for the regulation and Bylaws to be remade in order to meet the existing environment especially after growth of population as well as economic activities. Emphasize must be added to the provision which provide for principle of environment like polluter pay principle and precautionary principle to include more details on how local government authority are supposed to implement it so as to meet its demand and enhance the environmental protection.

Specifically, Mwanza city council should revise its own Bylaws which was made on 2017 to as to meet environmental standard for solid waste management. For instance, collection fee should be revised to meet the current economic situation. This will help agent and contractors to be able to meet running cost of the companies used to remove solid waste. Also Bylaws should clearly state how cases involve environmental destruction and specifically solid waste management should be handled and to which forum or institution has jurisdiction. This will avoid corruption and misuse of the public office and well as public fund. By laws also should create different fine depending on the quantity and quality of the waste, nature of violation and weight of the violation of laws governing solid waste management in order to avoid more environmental destruction especially from those with deep pocket.

- Fund allocation

To enable and ensure solid waste management there shall be enough fund and budget which should be allocated by both central government, local government, private sector as well as international and regional community as a way to join effort to ensure environmental protection. Budget which allocated by the Government of Tanzania to handle environmental matter should be increased to the extent that it will handle all environmental staff including adaptation and use of technology. By doing so will enable local government authority as a primary authority to deal with solid waste management to adhere all standard required under the different laws governing solid waste management.

- Education Concerning Environmental should be Provided.

The process of environmental protection and solid waste management is not work of local government authority only, it should be work an effort of every person, institution as well as international community. Every stakeholder should perform their duty to ensure environment are protected depending on the nature, role, and capacity. However, education and awareness concerning solid waste management is important because it helps to create unity and unified efforts with common understanding concerning solid waste management and environment in general.

- Engagement of private sector.

As stated before environmental protection should be done by everyone even though is the primary duty of the government especially local government authority. In order to improve management of solid waste private sector is the important stakeholder since it joins the effort by applying their capital skills

and experiences on the process itself. Also, private sector has the special character of doing a business and make profits, therefore it opportunity for private sector to use solid waste as an economic aspect which can generate wealth instead of bring useless or dangerous component. In order for this to succeed government should provide full support especially financial support to the Private sector.

Conclusion

This article discuss discusses in details on the issue of solid waste management in relation to the environmental protection within Mwanza city council. Mwanza city council experience poor solid waste management which extremely affect the effort of environmental protection include pollution to the Lake Victoria as well as revers which feed water to the lake. Also, the discussed challenges need to be addressed by the authority responsible for environmental matters in corporation with other environmental stakeholders including private sector and international community.

ⁱ CAP 191 R.E 2023

ⁱⁱ MAPUNDA Benedict T, (2019), *Environmental Law and Policy in Tanzania: Reflection on Enforcement of Environment of the Environmental Management Act*, *EALR* Vol 46 No 2 P. 158

ⁱⁱⁱ Environmental Management act CAP 191 R.E 2023

^{iv} KUMAR Anil, (2018), Brief Introduction of Environment, Ecology, and Environmental Pollution, *Journal of Modern Management and Entrepreneurship*, Vol 8 No. P. 316.

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^{vi} Section 6 of Environmental Management Act CAP 191 R.E 2023

^{vii} Section 114 *ibid*

^{viii} *ibid*

^{ix} The Constitution of United Republic of Tanzania of 1977 as Amended from Time to Time.

^x *ibid*

^{xi} *ibid*

^{xii} *ibid*

^{xiii} *ibid*

^{xiv} *ibid*

^{xv} *ibid*

^{xvi} The Environmental Management Act CAP 191 R.E 2023.

^{xvii} *ibid*

^{xviii} *ibid*

^{xix} *ibid*

^{xx} CAP 191 R.E 2023

^{xxi} Regulation 7 (1) of The Environmental (Solid Waste Management) Regulation G. N no 263 of 2009

^{xxii} Regulation 7(2) *ibid*

^{xxiii} Regulation 8 *ibid*

^{xxiv} CAP 288 R.E 2023.

^{xxv} Cap 191 R.E 2013

^{xxvi} The Mwanza City Council (Cleanliness and Environmental Conservation) Bylaws of 2017 G.N No 354 of 2017

^{xxvii} Regulation 17*ibid*.

^{xxviii} Regulation 18 *ibid*.

^{xxix} Regulation 29 read together with regulation 57 *ibid*

^{xxx} *Ibid*.

^{xxxi} *Ibid*.

^{xxxii} See case of *Festo Balegele and 749 others v Dar es Salaam City Council*, Misc. Civil Case No. 90 of 1991, High Court of Tanzania, Dar es Salaam.

^{xxxiii} MASSAWE E.S, (2012) Environmental Right, Protection and Management in Tanzania, Justification for their Inclusion in the Would-be New Constitution, Dar es salaam, Lawyer Environmental Action Team. Pp 4-6.

^{xxxiv} The Environmental Management Act CAP 191 R.E 2023

^{xxxv} The Public Health Act CAP 99 R.E 2023

^{xxxvi} HUSSEIN Mohamed Omar & SAPHY Lal Bullu (2022), *Assessment of solid waste management practices in Tanzania's cities*, *Global Journal of Engineering and Technology Advances*, 13(01), Pp. 108–119.

^{xxxvii} <https://www.undp.org/acceleratorlabs/smarter-together/crowdmapping-informal-urban-infrastructure-improve-waste-management-tanzania>. accessed on October 2025.

^{xxxviii} *Mismanaged solid waste in Tanzania's Mwanza city is polluting Lake Victoria* accessed on October 2025.

^{xxxix} *ibid*