

A historical comparison of the Brazilian and Indian waste picker regime

Calvin Curry

Utrecht University

Spring 2018

Index

Introduction	2
Chapter 1: The Indian Waste Picker Regime	4
Introduction	4
1986: Environmental Protection Act	4
2000: Municipal Solid Wastes Rules and Amendment of the Hazardous Waste Management Rules	7
2016: Solid Waste Management Rules	10
Conclusion	13
Chapter 2: The Brazilian Waste Picker Regime	14
Introduction	14
1981: National Environmental Policy	14
1990s: Basel Convention and related CONAMA resolutions	15
2000s: CIISC and the Presidential Decree 5940/06	17
2010: National Policy of Solid Wastes	20
Conclusion	22
Chapter 3: Comparative historical analysis of the Indian and Brazilian waste picker regimes	23
Introduction	23
The policy	23
The effect on waste pickers	24
The political influence	25
The public influence	26
Conclusion	27
Conclusion	29
Work cited	31

Introduction

In pre-history nomadic civilizations waste was rarely a problem as most of their waste was organic they simply left it in their foraging areas. Once human beings started to establish settlements and create objects waste became problematic. There were different ways to deal with this waste and one of them was to get lower class groups to dispose of it outside of the settlement. One of the earliest waste scavengers known to the Western world were in Athens and in Rome where the poorest people scavenged recyclables.¹ Today there are no longer substantial waste scavenger communities in Europe, but in Asia, Africa and South America there are. Unfortunately not much is known about the history of waste pickers on these continents, but their services may be more relevant today than ever before. In light of the current issues with waste, particularly plastic and electronic waste that is non-biodegradable, sustainable ways of dealing with waste in order to protect people and their environment are becoming increasingly necessary. Studies have shown that waste pickers can provide a sustainable way of managing waste. As Baud et al. state waste pickers and itinerant buyers reduce “waste significantly through the sorting of waste fractions by the various actors and their use as raw materials for recycling. Recycling itself contributes to ecological sustainability through resource recovery, less energy used in production processes and fewer emissions, and a longer life span of disposal sites for solid waste”.² It is for this reason that it is relevant to understand how policies can support waste pickers in order to establish more sustainable waste management systems. In this thesis the development of the policies relating to waste pickers will be examined in two different countries, namely India and Brazil. Although it is not clear how many waste pickers there are exactly, India and Brazil both have large waste picker communities as is visible from the amount of registered waste picker organizations in the two countries. According to the Global Alliance of Waste Pickers, there are 9 national waste picker organizations in Brazil and 16 in India as compared to 1 in Mexico for example.³ The two countries will be analyzed according to their waste picker regime, which is a term that this thesis will introduce. The term is based on the concept of waste regime as introduced by Zsuzsa Gille in her book “From the Cult of Waste to the Trash Heap of History”. Essentially a waste regime is the policy on waste that a national government creates, but it can change over time depending on the context. Definitions of what waste means may change over time, but liberal and socialist governments may also have different ideas about how to deal with waste.⁴ A waste picker regime is a similar concept, but is focuses on how a national government creates policy relating to waste pickers and this thesis investigates how that changes over time depending on the political and public context. With this thesis I hope to expand the scholarship on the relationship between waste pickers, civil society and the state in order to provide a suggestion on how waste pickers can be supported better. In some articles the effect of policies on waste pickers working conditions and quality of life is discussed, but a comparative case study of the development of those policies in their contexts has never been done before. The case studies will be structured according to chronological time periods so first the policy

¹ Mary Downs and Martin Medina, "A Short History of Scavenging," *Comparative Civilizations Review* 42, no. 42 (2000): 23-27, <https://scholarsarchive.byu.edu/ccr/vol42/iss42/4>.

² Isa Baud et al., "Quality of Life and Alliances in Solid Waste Management," *Cities* 18, no. 1 (2001): 10, doi:10.1016/s0264-2751(00)00049-4.

³ "Waste Picker Organizations Map," Global Alliance of Waste Pickers, April 06, 2018, , accessed June 24, 2018, <http://globalrec.org/waw/waste-picker-organizations-map/#1/-51/-21>.

⁴ Zsuzsa Gille, *From the Cult of Waste to the Trash Heap of History: the Politics of Waste in Socialist and Postsocialist Hungary* (Bloomington and Indianapolis: Indiana University Press, 2007), 34.

related to waste picking in the 1980s is discussed. This will be followed by a description of how that policy may affect the working conditions of waste pickers. Then the political context will be described by answering questions such as “what was the leading political party at the time?” and “were any international political agreements signed or conferences held?”. Lastly the public influence will be discussed, by which the influence of public sphere is meant. More specifically Manuel Castells understanding of public sphere will be used throughout this thesis, he states “The public sphere is not just the media or the sociospatial sites of public interaction. It is the cultural/informational repository of the ideas and projects that feed public debate. It is through the public sphere that diverse forms of civil society enact this public debate, ultimately influencing the decisions of the state”.⁵ Particularly this section will focus on social movements and other initiatives for waste pickers. This paper will attempt to show why the Indian and Brazilian waste picker regimes differ. The main emphasis will lie on how they differ in terms of social inclusion. Social inclusion is important here, because it shows how well the waste pickers are integrated and therefore how well they are able to contribute to a more sustainable waste management system. By social inclusion in this case the ensuring of economic and social participation for all citizens, particularly those who tend to be excluded.⁶ The term can be filled in by policy makers though, for example neoliberal policy makers tend to perceive social inclusion merely as access to opportunities, it is then the citizen responsibility to utilize that access. Such a definition does not take into account the difficulties someone, who tends to be excluded, might face when attempting to do so. The social justice ideology has a broader interpretation of social inclusion, because its primary aim is not just to provide access, but to enable all citizens to fully participate in society.⁷ After the two cases have been analyzed separately they will be compared in the final chapter. Despite the physical distance between the two countries they have a lot in common when it comes to their waste picker communities. In both India and Brazil initially waste pickers were not included into national policies at all, which reflects their invisibility in society. In both countries waste pickers are the poorest group of people and the in the past were mostly illiterate. A comparison of these two cases is beneficial because it will reveal what differences in the political and public contexts of a country matter to make a difference in policy and consequently in the daily lives of waste pickers. I will conclude that the Brazilian waste picker regime integrates waste pickers more than the Indian waste picker regime as it has a broader definition of what social inclusion means. This broader definition has been the result of a collaboration between social movements for waste pickers and the state. In India, the public influence is mainly characterized by working against the government, which may explain why their definition of social inclusion is more narrow.

⁵ Manuel Castells, "The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance," *Annals* 616 (March 2008): 78, doi:10.1177/0002716207311877.

⁶ Alan Hayes, Matthew Gray, and Ben Edwards, *Social Inclusion: Origins, Concepts and Key Themes*, report, Australian Institute of Family Studies (Commonwealth of Australia, 2008).

⁷ J.M. Gidley et al., "Social Inclusion: Context, Theory and Practice," *The Australasian Journal of University-Community Engagement* 5, no. 1 (2010): 3-4.

Chapter 1: The Indian Waste Picker Regime

Introduction

Although it cannot be known for sure when waste picking started in India as it is part of the informal economy, we can assume that it was existent in the 1980s and probably also much before that as in 1990 the Kagad Kach Patra Kashtakari Panchayat (Trade Union of Waste-Pickers, which will henceforth be called KKP KP) was founded. The KKP KP was registered as an official trade union in 1993⁸, which reveals that the profession must have been around already for quite some time. In their “profile of scrap collectors”, KKP KP describes the average waste picker in Pune as “illiterate, landless, Dalit women migrants from the Marathwada region of Maharashtra state aged between 36 and 50 years who have been a resident in the slums of Pune for at least two decades”⁹. Such an example shows that waste scavengers in India are a very vulnerable group of people, which is why it is so important to analyse if and how the national government supports them. Throughout the coming chapter I will, therefore, show how the Indian national government went from not recognizing the waste scavengers at all in the 1980s to at least providing them with some national rules and regulations 2010s. By also looking at the context in which this came into being though, I will show that it was not simple a straight line of progress. India has really advanced in their waste policy in terms of sustainability as recycling became an integral part of waste management, but in regards to the social inclusion of waste pickers there is still a lot that can be improved. Indian prime ministers have made it known that the focus of the Indian waste regime lies on modernization and incorporation of the newest technology, rather than on social inclusion. Eventually waste pickers would be recognized by the national government, but more as a result of social movements that have pushed for their inclusion.

1986: Environmental Protection Act

The debate on the protection of the environment picked up speed in India during the 1970s, which is illustrated well by the rise of the Chipko movement. The Chipko movement fought for the protection of Indian forests. Chipko was concerned with the overexploitation of forests particularly as private enterprises were taking the resources of the forest in excess and as a consequence destabilizing agro-pastoral economies that were living off those forests. Throughout the 1970s and 1980s Chipko held non-violent protests against these private enterprises, which set an example for future environmental movements.¹⁰ Arguably the Chipko movement also had an influence on the Environmental Protection Act that was established in 1986. Although the Environmental Protection Act is not explicitly about waste it is an interesting starting point, as it is the first policy the Indian government had ever published on the topic of the environment. The main topic of the act are environmental pollutants in general, which they define as “any solid, liquid or gaseous substance

⁸ “Kagad Kach Patra Kashtakari Panchayat (KKP KP),” WIEGO (accessed March 9, 2018). <http://www.wiego.org/wiego/kagad-kach-patra-kashtakari-panchayat-kkp-kp>

⁹ “Profile of Scrap Collectors,” KKP KP, accessed March 9, 2018. <http://www.kkp-kp-pune.org/profile-of-scrap-collectors.html>

¹⁰ Vandana Shiva and J. Bandyopadhyay, “The Evolution, Structure, and Impact of the Chipko Movement,” *Mountain Research and Development* 6, no. 2 (1986), doi:10.2307/3673267.

present in such concentration as may be, or tend to be, injurious to environment”¹¹. It is quite clear, however, from the rules and guidelines in this act that the topic of focus is environmental pollution caused by the emission or discharge of industries. A few examples of such rules and guidelines are:

“(v) restriction of areas in which any industries, operations or processes or classes of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards”¹²

“(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution”¹³

Effect on waste pickers

With such an emphasis on industry and hazardous substances it also becomes clear why waste pickers are not in any way included in these policies, because the picking of waste is not associated with industry, as it is part of the informal economy, it is rather associated with the collection of solid waste. At the time there was little to no policy solid waste management, leaving waste pickers essentially invisible. Although it should be taken into account that waste pickers are more vulnerable to hazardous substances because they often work at landfills¹⁴.

Political influence

The Indian government aspired to work towards a more environmentally sustainable nation since the 1970s, which is a major reason as to why the environmental protection act was set up. India’s striving towards sustainability becomes especially clear in Indira Gandhi’s speech at the United Nations Conference on Human Environment in 1972. At the time Gandhi was prime minister of India, as a member of the Indian National Congress. She speaks about a “concern at the rapid deterioration of flora and fauna”¹⁵. What is most interesting about this speech, however, is that Gandhi combines the support of the less fortunate in society with protection of the environment. More specifically she states: “Are not poverty and need the greatest polluters? For instance, unless we are in a position to provide employment and purchasing power for the daily necessities of the tribal people and those who live in or around our jungles, we cannot prevent them from combing the forest for food and livelihood; from poaching and from despoiling the vegetation.”¹⁶

¹¹ *The Environment (Protection) Act, 1986*, no. G.S.R. 1198, Chapter I Preliminary, <http://envfor.nic.in/legis/env/env1.html> (accessed on February 27, 2018).

¹² Republic of India, *Environmental Protection Act*, May 23, 1986, accessed June 24, 2018, <http://envfor.nic.in/legis/env/env1.html>.

¹³ Ibid.

¹⁴ Poornima Chikarmane and Lakshmi Narayan, “Rising from the Waste - Organising Wastepickers in India, Thailand and the Philippines,” (Bangkok: Committee for Asian Women, 2009): 5-6.

¹⁵ Indira Gandhi, “Indira Gandhi’s Speech at the Stockholm Conference in 1972,” LASU-LAWS Environmental Blog, 2012, accessed June 24, 2018, <http://lasulawsenvironmental.blogspot.com/2012/07/indira-gandhis-speech-at-stockholm.html>.

¹⁶ Ibid.

At the time Rajiv Gandhi was the prime minister of India and, as described by Balakrishnan in an

TABLE 1: GROWTH OF MANUFACTURING OUTPUT

	1980-81 to 1984-85	1984-85 to 1988-89
Food products (5.33)	4.7	5.5
Cotton textiles (12.31)	0.6	1.3
Chemicals and chemical products (12.51)	9.3	13.1
Basic metal and alloy products (9.8)	1.8	9.7
Machinery and machine tools (6.24)	6.3	5.8
Electrical machinery, apparatus and appliances (5.78)	10.4	23.9
Transport equipment and parts (6.39)	7.1	6.8
Total manufacturing (7.11)	5.7	8.9

Note: Annual average compound rates of growth; figures in parentheses are the weights assigned to each item in the 'Index of Industrial Production', base 1980=100.

Source: Calculated from *Report on Currency and Finance*, RBI, various issues.

Figure 1

Indian economic newspaper from the 1990s, his policies spurred a growth in the manufacturing output as they were economically liberal. He also includes a diagram of the increase in economic output (See figure 1)¹⁷. It is, therefore, perhaps unsurprising that the Environmental Protection Act focused on industries. In focusing on industries the policies of the act also emphasise the restriction of hazardous substances. Such as in the following statements:

“(c) the procedures and safeguards for the handling of hazardous substances”¹⁸

“No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed”¹⁹

Although India was to become an attractive global waste trade hub, the policies mentioned in the Environmental Protection Act did not address the global trade in waste yet. This is mainly, because the rise in such trade on began in the 1990s after developing countries were dealing with stricter environmental regulations from the late 1980s that increased the costs of hazardous waste disposal. They then attempted to find cheaper alternatives to disposing of their waste, resulting in the global trade of waste.²⁰

Public influence

Aside from making logical sense in light of the focus on industry, the emphasis on the regulation of hazardous substances may be the result of an incident that happened in Bhopal two years prior to the release of the Environmental Protection Act. According to official records 3,787 people died because of a poisonous gas leak from the Union Carbide factory Bhopal. However, activists estimate the figure at 8,000 to 10,000, not to mention the amount of people injured by the tragedy.²¹ It became clear from this accident that human lives were in danger due to environmental pollution caused by industries and this led to public outcry. This public outcry is part of the reason why the Environmental Protection Act was set up.

¹⁷ Pulapre Balakrishnan, “Economic Consequences of Rajiv Gandhi,” *Economic and Political Weekly*, 25, no. 6 (1990): 301.

¹⁸ Republic of India, *Environmental Protection Act*, May 23, 1986, accessed June 24, 2018, <http://envfor.nic.in/legis/env/env1.html>.

¹⁹ Ibid.

²⁰ Jenny Willén, “International Trade with Waste: Do developed countries use the third world as a garbage-can or can it be a possible win-win situation?,” (Economics thesis, Uppsala University, 2008), 6.

²¹ Prabhaskar K. Dutta, “Bhopal gas tragedy: What had happened this day 33 years ago that killed thousands?,” *India Today* (2017), <https://www.indiatoday.in/india/story/bhopal-gas-tragedy-what-had-happened-this-day-33-years-ago-that-killed-thousands-1099247-2017-12-03>.

2000: Municipal Solid Wastes Rules and Amendment of the Hazardous Wastes Management Rules

In the Environment (Protection) Act all forms of a waste were bundled together, not really addressing municipal waste and clearly focusing on hazardous substances. 14 years later, in 2000, the Indian Ministry of Environment and Forests released the Municipal Solid Wastes (Management and Handling) Rules and separately the Hazardous Wastes Management Rules were amended. Municipal solid waste pollution from hazardous substances is mentioned in the rules on landfill sites, specifically in that they have created very detailed rules not only about where landfill sites are allowed to be but also on the monitoring of the air and water quality in the area around the landfill in order to prevent pollution. However, by creating separate rules for managing municipal solid waste shifts the focus to communities, recognizing that such waste needs to be handled more safely and more efficiently. Recycling is a crucial element to the Municipal Solid Wastes Rules as well. It states that segregation of household waste should be encouraged through awareness campaigns in order to make recycling easier. It, furthermore, describes that different types of waste, such as food waste and medical waste, should be repurposed if possible, otherwise recycled and as a last resort disposed off but in a proper manner that ensures the safety of people and the environment. The policy document prohibits the handling of waste at storage facilities unless absolutely necessary, which suggests that waste should be handled mechanically. The Amendment of the Hazardous Wastes Management Rules makes the import of hazardous wastes illegal unless it is for the purpose of recycling or repurposing in accordance with the Basel convention.²²

Effect on waste pickers

The Municipal Solid Waste Management Rules are very relevant to waste pickers in India as they are directly involved with such waste either by door-to-door collection or by scavenging at landfills²³. On the one hand the policy implements many rules that may affect waste pickers positively. The encouraging of citizens to separate their waste²⁴ affects waste pickers positively, because it makes their tasks not only easier, but also safer. The specifically detailed restrictions on landfills also creates safer conditions, such as that it should not contain biomedical or hazardous wastes²⁵. Also the privatised door-to-door collection of waste,²⁶ as described in the rules, provides an opportunity for waste pickers to enter the formal economy and become registered waste collectors. However, the policies also affect waste pickers negatively, first of all by not even acknowledging the work that they do, even though they collect waste in a sustainable, cost-efficient way therefore benefitting the government. The CAW, the Committee for Asian Women, also mentions several ways in which these policies negatively impact Indian waste pickers. They state that incineration is promoted as a way of using technology to efficiently dispose of waste, but this encourages the displacement of waste pickers as they have to compete with workers at such incinerators for waste of high calorific value. They also note that, although privatising door-to-door collection of waste may offer waste pickers

²² Republic of India, Ministry of Environment and Forests, *Hazardous Waste (Management & Handling) Rules*, 2000, , accessed June 24, 2018, <http://envfor.nic.in/division/hazardous-wastes-management-and-handling-rules-amended-200>.

²³ Poornima Chikarmane and Lakshmi Narayan, "Rising from the Waste - Organising Wastepickers in India, Thailand and the Philippines," (Bangkok: Committee for Asian Women, 2009): 5-6.

²⁴ Republic of India, Ministry of Environment and Forests, *Municipal Solid Wastes (Management & Handling) Rules*, 2000, accessed June 24, 2018, <http://www.moef.nic.in/legis/hsm/mswmhr.html>.

²⁵ Ibid.

²⁶ Ibid.

opportunities, it could also result in outsourcing to large corporate players again displacing waste pickers leaving them with no way to provide for themselves.²⁷ Lastly, the prohibiting of manual handling of waste does not allow for waste pickers to potentially work in that sector either.

The rules on the managing of hazardous substances are also relevant to waste scavengers although they are mainly involved in municipal solid waste. Due to lack of regulations or lack of execution of regulations hazardous waste can still end up in landfills which results in extremely unhealthy conditions for waste pickers working there. They are also often not wearing protective gear, making hazardous substances even more dangerous to them²⁸. In the amendment to the hazardous substances policy in 2000 landfill are at least mentioned as a location that could possibly contain hazardous substances. Guidelines were set up to attempt to ensure to proper operation and closure of landfill sites in order to “protect human health and the environment against the adverse effects which may result from such wastes”.²⁹ This, however, broadly would include waste pickers but does not address them as a group particularly at risk in this situation.

Political influence

The amendment of the hazardous waste management rules does include detailed rules on the import of hazardous waste, which as was noted before was not regarded as an issue back in 1986. India did sign the Basel Convention in 1990 though.³⁰ The Basel Convention worked towards uniting countries to create national policies to control transboundary movements of hazardous wastes and their disposal, therefore admitting that such trafficking of waste is problematic. Following up on that the amendment states:

“Import of hazardous wastes from any country to India and export of hazardous wastes from India to any country for dumping or disposal shall not be allowed”³¹

There is, however, an exception to this rule that are relevant to waste pickers namely that:

“Import and/or export of hazardous wastes rule 3(i)(c) shall only be permitted as raw materials for recycling or reuse”³²

Although many regulations have been set up to ensure the safety of the import of such hazardous waste for recycling and reuse, this exception would allow for hazardous waste to still be handled by

²⁷ Poornima Chikarmane and Lakshmi Narayan, “Rising from the Waste - Organising Wastepickers in India, Thailand and the Philippines,” (Bangkok: Committee for Asian Women, 2009): 63-64.

²⁸ Chukwunonye Ezeah, Jak A. Fazakerley, and Clive L. Roberts, "Emerging Trends in Informal Sector Recycling in Developing and Transition Countries," *Waste Management* 33, no. 11 (2013): 2512 , doi:10.1016/j.wasman.2013.06.020.

²⁹ Republic of India, Ministry of Environment and Forests, *Hazardous Waste (Management & Handling) Rules, 2000*, , accessed June 24, 2018, <http://envfor.nic.in/division/hazardous-wastes-management-and-handling-rules-amended-200>.

³⁰ “Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,” Basel Convention, <http://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/4499/Default.aspx> (Accessed on March 9, 2018).

³¹ Republic of India, Ministry of Environment and Forests, *Hazardous Waste (Management & Handling) Rules, 2000*, , accessed June 24, 2018, <http://envfor.nic.in/division/hazardous-wastes-management-and-handling-rules-amended-200>.

³² Ibid.

waste pickers despite that not being the intention. It became clear later that a lot of hazardous waste does still slip through the cracks, regardless of the rules, and ends up in the informal sector where waste pickers, who are not properly equipped, handle it. A study by Perkins et al investigating e-waste in 2014 revealed that “China and India are among the countries where the largest amounts of e-waste are informally processed”³³. E-waste is considered to be a form of hazardous waste according to the Basel Convention because it contains toxic materials such as mercury, lead and brominated flame retardants³⁴. E-waste is a particularly relevant topics in regards to waste pickers, because waste pickers may find discarded electronics for example in landfills. As these electronics contain hazardous substances they may be harmful to the waste pickers’ health.

In 2000 Atal Bihari Vajpayee was prime minister of India as part of a Bharatiya Janata Party, meaning Indian People’s Party (that will henceforth be called the BJP). The BJP is considered to be a right wing party which was visible in the economic reforms Vajpayee was introducing during his administration. These economic reforms were focused on increasing privatisation, particularly in the public sector. Prime Minister Vajpayee stated in 2000: “greater autonomy, faster technological upgradation for enabling them [enterprises in the public sector] to effectively meet the new challenges of globalization and increased competition.”³⁵. MSW management is part of the public sector and the policies in the Municipal Solid Waste Rules reflect such an attempt to increase privatisation. The policy allows for private waste processing/disposal facilities to issue authorisation through a form³⁶, for example. As was already discussed, this could have positive or negative effects for waste scavengers. The use of technology is also encouraged in regards to MSW management, as the rules state “municipal authorities shall adopt suitable technology or combination of such technologies to make use of wastes so as to minimize burden on landfill”³⁷. Implicitly, this also encourages privatisation as technology requires investments. Investments that the municipal government may not be able to afford. This also links back to the possibility of outsourcing MSW management, as mentioned by the CAW, that could have adverse effects for waste scavengers.

Aside from the impact on the policy on MSW management, the political situation is also telling in regards with the illegal trafficking in hazardous waste. As the world was becoming an increasingly global network India was taking part in that network increasingly as well. Vajpayee visited both U.S. president Bill Clinton and Russian president Vladimir Putin during his administration, which illustrates the growing importance of India as a nation in the global network. This global network is, however, also part of the reason that trading in waste became such a booming business³⁸, which majorly contributed to the emergence of trafficking of hazardous waste. It does not explain though

³³ Devin N. Perkins et al., "E-Waste: A Global Hazard," *Annals of Global Health* 80, no. 4 (July 2014): 290, doi:10.1016/j.aogh.2014.10.001.

³⁴ “E-Waste: Overview,” Basel Convention, <http://www.basel.int/Implementation/Ewaste/Overview/tabid/4063/Default.aspx> (Accessed on March 9, 2018).

³⁵ Laxmi Narain, *Public Enterprise Management and Privatisation* (New Delhi: Rajendra Ravindra Printers, 2005), 14.

³⁶ Republic of India, Ministry of Environment and Forests, *Municipal Solid Wastes (Management & Handling) Rules, 2000*, accessed June 24, 2018, <http://www.moef.nic.in/legis/hsm/mswmhr.html>.

³⁷ Ibid.

³⁸ David Naguib Pellow, “The global waste trade and environmental justice struggles,” in *Handbook on Trade and the Environment*, ed. Kevin P. Gallagher (Cheltenham: Edward Elgar Publishing Limited, 2008), 225.

how, despite the import of hazardous substances being illegal, so much hazardous waste is still informally processed in India.

Public influence

The increased focus on waste as a problem is also partially due to the rising awareness of the Indian people about the problem. A telling example of this is the court case of Almitra Patel vs. the Union of India which occurred in 1999 and 2000. Almitra Patel argued that the Indian authorities were sitting back with folded hands while “the citizens of Delhi increasingly suffer from respiratory and other diseases, the river Yamuna is highly polluted and garbage and untreated domestic and industrial waste is being either freely dumped into the said river or is left on open land, large volume of which remains unattended.”³⁹ Waste is one of the main topics here, alongside air pollution due to growing industry. Patel represents a growing group in India that is becoming more and more concerned about their environment. The court ruled in favour of Patel and the municipal authorities of Delhi were directed to improve the situation through specific measures, such as that sites for landfills will have to be identified and that public premises should be surface cleaned daily in order to prevent waste in the city of Delhi.⁴⁰

Another influence to the increased emphasis on waste in Indian policy was the rise of waste picker organizations, not only in India, but around the globe. Although there were not many waste picker associations in the 1990s, they were starting to form in that decade. The KKP KP is an example of a waste picker organisation that became an official trade union in 1993. The KKP KP is based in Pune and according to Women in Informal Employment: Globalizing and Organizing (henceforth referred to as WIEGO) they use “the twin strategies of peaceful non-violent protest and resistance and development of alternatives, to mobilise around some of the key issues facing wastepickers”.⁴¹ Their main striving is to get waste picking acknowledged as a formal profession, for example through incorporating waste pickers into already existent doorstep waste collection.⁴² In 2000 an international association against waste incinerations waste also established in India, named Global Anti-Incineration Alliance (henceforth referred to as GAIA). GAIA supports waste pickers in a different manner to the KKP KP. GAIA focuses on fighting the main alternative to recycling, namely incineration, because it pollutes the environment and is a health hazard to people. According to them a environmental sustainability goes hand in hand with strong participatory communities, which is why they support waste pickers by attempting to ban incineration wherever possible as incineration puts waste pickers out of work.⁴³

2016: Solid Waste Management Rules

In 2016 the Solid Waste Management Rules were reviewed by the Indian Ministry of Environment and Forests. The focus of this policy document does not seem to differ too much from the Municipal Solid Wastes Rules of 2000, privatisation of MSW management is still encouraged but the role of the

³⁹ Almitra H. Patel And Anr. vs Union Of India And Ors. (February 15, 2000).

⁴⁰ Ibid.

⁴¹ “Kagad Kach Patra Kashtakari Panchayat (KKP KP),” WIEGO (accessed March 9, 2018).

<http://www.wiego.org/wiego/kagad-kach-patra-kashtakari-panchayat-kkp kp>

⁴² Ibid.

⁴³ “About Gaia,” Global Alliance for Incinerator Alternatives, , accessed June 24, 2018, <http://www.no-burn.org/about-gaia/>.

government when it comes to monitoring is stated much more clearly and strictly. For example the duties when it comes to enforcing regulations on MSW management are clearly defined in separate paragraphs. Ranging from the duty to “provide market development assistance on city compost”⁴⁴, for which the Department of Fertilisers is responsible, to the duty to “monitor [...] the implementation of these rules by urban local bodies”⁴⁵, for which the Central Pollution Control Board is responsible.

In several of these sections waste pickers are mentioned. The Solid Waste Management Rules of 2016 are the first ones to mention waste pickers. They define waste pickers as: “a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood”⁴⁶.

Effect on Waste Pickers

The waste pickers are supported by certain regulations stated in the document. First of all, the waste pickers are provided with some legal backing. In the Duties of the Secretary-in-charge it states that they should: “prepare a state policy and solid waste management strategy for the state or the union territory in consultation with stakeholders including representative of waste pickers”⁴⁷. Furthermore it is the responsibility of the urban local bodies to: “provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper, plastic, metal, glass, textile from the source of generation or from material recovery facilities”.⁴⁸ In these ways the value of waste pickers in regards to sustainability is recognized to some extent. Indirectly waste pickers are also supported by the implementation of a separate category for domestic hazardous waste, which they define as waste contaminated with hazardous chemicals or infectious waste “generated at the household level”,⁴⁹ in the 2016 adaptation of the Solid Waste Management Rules. Although the stricter rules on hazardous waste management, as published in 2000, were relevant to the waste scavengers they did not appear to improve much for them. By acknowledging the overlap between hazardous waste and MSW the health risk that waste pickers face becomes more visible.

There are, nonetheless, issues that remain unaddressed in this policy document. As mentioned by the CAW waste pickers are not protected from competition that could lead to their displacement. Although giving the waste pickers a legal voice provides some protection, the 2016 MSW regulations still state for example “any person or agency authorised by any of them to facilitate segregation, sorting and recovery of recyclables from various components of waste by authorised informal sector of waste pickers, informal recyclers or any other work force engaged by the local body or entity”⁵⁰ as well as “handover recyclable material to either the authorised waste pickers or the authorized recyclers.”⁵¹ By not giving the local legislative bodies much incentive to support waste pickers rather

⁴⁴ Republic of India, Ministry of Environment, Forest and Climate Change, *Solid Waste Rules*, 56, accessed June 24, 2018, <http://egazette.nic.in/WriteReadData/2016/169079.pdf>.

⁴⁵ Ibid.: 58.

⁴⁶ Ibid.: 55

⁴⁷ Ibid. 57

⁴⁸ Ibid. 58

⁴⁹ Ibid. 52

⁵⁰ Ibid. 53

⁵¹ Ibid. 55

than large corporations, the waste pickers are still left insecure about their means of survival. The policy does not fully reveal the benefits of how cost-efficient and sustainable the waste pickers work.

Political influence

Why does the policy not acknowledge the valuable role that waste pickers can play in sustainable solid waste collection? The political context provides a possible explanation. Narendra Modi assumed office as the Prime Minister of India in 2014, which he still is. He is also a member of the BJP just like Vajpayee. It is therefore unsurprising that Modi aimed for similar goals to Vajpayee, while pushing it further. Privatisation and attracting foreign investment into Indian industries are some of the primary elements to Modi's policies. As Ian Hall stated in an analysis of Modi's foreign policy:

"Modi has put economics first, seeking better connections with India's skilled, innovative and capital-rich diaspora communities in places like Australia and the USA, touting for foreign direct investment, promoting his 'Make in India' concept of the country as a manufacturing centre for multinational corporations, and seeking investment in India's infrastructure."⁵²

Already from this summary of Modi's economic plans it is quite clear that waste pickers do not fit into the picture. The focus lies on India's higher educated population and multinational corporations. The government under Modi, moreover, wants to reform labour laws but in a way that would seriously harm the security of waste pickers. One of the examples is the privatisation of the social security for informal workers, which could diminish the little protection that waste pickers acquired. Another example is that it will become much more difficult to form an officially recognized union, which would make it even more of a struggle for waste pickers to make themselves visible.

Public influence

The question arises why the waste pickers are included in the policy at all if their potential is not fully recognized? From the late 1990s into the 2000s the waste pickers have become increasingly visible, whereas their job, in combination with their class and often also their gender, rendered them invisible. What made them more visible was mainly the growing number of alliances and organizations among waste pickers that were founded. The Global Alliance of Waste Pickers provides a list of waste picker organizations that currently have branches in India or were founded there such as, Waste Wise Trust in Bangalore established in 2003, Solid Waste Collection and Handling in Mumbai founded in 2006 and GAIA (Global Anti-Incinerator Alliance) in Chennai formed in 2000⁵³. Such organized unity for informal economic workers may have pushed the government to recognize the waste picking profession.

Additionally, waste pickers have protested in order to make themselves and their struggles visible. Particularly, waste pickers in India have protested the "climate subsidies to waste-to-energy incinerators under United Nations Framework Convention on Climate Changes' Clean Development

⁵² Ian Hall, "Is a 'Modi Doctrine' Emerging in Indian Foreign Policy?" *Australian Journal of International Affairs* 69, no. 3 (February 02, 2015): 248, doi:10.1080/10357718.2014.1000263.

⁵³ "Waste Picker Organizations Map," Global Alliance of Waste Pickers, April 06, 2018, accessed June 24, 2018, <http://globalrec.org/waw/waste-picker-organizations-map/#1/-51/-21>.

Mechanism"⁵⁴ and other mechanized ways of disposing of waste. Generally these protests are peaceful gatherings such as outside Delhi Chief Minister Arvind Kejriwal's residence, where waste pickers protested the Delhi government's plan to "mechanise waste collection and using it to generate energy by setting up waste-to-energy plants".⁵⁵ As a consequence of such mechanisation many waste pickers lose their source of income and most have no alternative ways of earning a living. It is protests like these and organizations such as the KKP and Waste Wise Trust that have brought the struggles of waste pickers to light, which has contributed to their inclusion into the Indian national policy today, although it is limited.

Conclusion

Overall the Indian waste picker regime has become more supportive of the waste scavenger communities as they have gone from essentially visible and unprotected to at least being recognized to some extent. Gradually regulations on waste management changed from 1986, when there were no rules on municipal solid waste at all let alone on the profession of waste picking, to 2000, when the work of waste scavengers was still unrecognized but some regulations were implemented that should make their job safer, to finally 2015, when the work of waste scavengers was acknowledged and their job was made somewhat easier. However, these policy changes were made in a political contexts that never recognized the full potential of waste pickers as cost-efficient and sustainable workers, nor have they admitted to their often terrible working conditions. Instead they have continuously focused on developing industries and privatisation. Most of the changes seem to have come from the public sphere.

⁵⁴ "Waste Pickers Protest against Subsidies for Waste-to-energy Incinerators," The Hindu, October 25, 2011, accessed June 24, 2018, <http://www.thehindu.com/news/cities/Delhi/waste-pickers-protest-against-subsidies-for-wastetoenergy-incinerators/article2570208.ece>.

⁵⁵ Milan Sharma, "Delhi's Eco-friendly Waste Disposers May Lose Their Jobs," DNA India, June 04, 2015, accessed June 24, 2018, <http://www.dnaindia.com/locality/chandni-chowk/delhi's-eco-friendly-waste-disposers-may-lose-their-jobs-61660>.

Chapter 2: The Brazilian Waste Picker Regime

Introduction

Little is known about the history of waste pickers in Brazil. Since the 1990s municipal governments have attempted to make agreements with waste pickers in order to incorporate their services into their solid waste management plan, which makes it clear that the *catadores* were already established communities at the time. *Catadores* is the Portuguese name for waste pickers that is generally used in Brazil. According to Fergutz the current situation of *catadores* is as follows:

“In Brazil, more than 500,000 people survive by collecting and marking solid waste in large Brazilian cities. All over Brazil, these waste pickers, also known as ‘cart-men’, perform an invisible task. Many of them work in dumps, where they are exposed to health risks and all kinds of exploitations. Waste pickers may carry up to 300 kilos a day in crowded streets, fighting for space with motorcycle riders, buses, trucks and cars. Most of them have no alternative source of livelihood.”⁵⁶

This description reveals that the waste picker community in Brazil is in need of support. In the following chapter the progression of the Brazilian government towards an arguably more socially inclusive waste picker regime will be described. From the 1980s to 2010 the Brazilian waste picker regime has improved as by 2010 the waste pickers were included into the formal business of solid waste management. Not only did it develop into quite a sustainable waste picker regime, as recycling is encouraged rather than incineration, but also into a socially inclusive waste picker regime, as it is taken into account that *catadores* are in need of extra support, because of the difficult situations they find themselves in. This is what the Brazilian government strives for on paper, whether they actually succeed in executing their ambitious policy properly is questionable.

1981: National Environmental Policy

Throughout the 1970s Brazil became the first Latin American country concerned with the degradation of the environment due to grassroots movement in Brazil, the rise of international NGOs pushing for protection of the environment and the new middle class that became increasingly aware of the damage pollution was causing them. Under the pressure of international environmental organizations president General Geisel established the Special Secretariat of the Environment in 1974. The movement began to expand quickly as ecological associations were established throughout the country and the debate on the protection of the environment, particularly the Amazon, became a popular topic nationally.⁵⁷ Waste was at the time not central to this debate, but it would become increasingly important in the coming decades. As waste was not considered to contribute to the pollution problem Brazil’s National Environmental Policy of 1981 did not mention waste in any significant way. On some occasions it is implied that waste could contribute to environmental degradation, but the focus lies particularly on industrial waste, such as in:

⁵⁶ Oscar Fergutz, Sonia Dias, and Diana Mitlin, "Developing Urban Waste Management in Brazil with Waste Picker Organizations," *Environment and Urbanization* 23, no. 2 (2011): 599, doi:10.1177/0956247811418742.

⁵⁷ Francisco Vidal Luna and Herbert S. Klein, "Consolidation of Democracy since 1985," in *The Economic and Social History of Brazil since 1889* (New York: Cambridge University Press, 2014).

“The environmental state body and the SEENV, the latter in a supplementary capacity may, if necessary and without prejudice to the applicable monetary penalties, determine the reduction of the polluting activities, in order to maintain the gas emissions, the liquid effluents and the solid residues within the limits and conditions stated in the licensing.”⁵⁸

This licensing applies to “establishments and activities that utilise natural resources, and are considered as effectively or potentially pollutant, as well as capable of causing environmental degradation”,⁵⁹ which would mean essentially any activity public or private. The “solid residues” imply the solid waste of these activities, but how that is defined exactly is not clear.

Some clarity is provided in the resolutions created by Conselho Nacional do Meio Ambiente (CONAMA), which is the national environmental council of Brazil. In 1986 they published resolution 1 in the Official Gazette in which it is discussed what environmental assessment entails in more detail. It mentions waste more specifically in that it refers to landfills, it states: “environmental impact is considered to be any change in the physical, chemical or biological characteristics of the environment, caused by any form of matter or energy resulting from human activities that directly or indirectly affect: [...] landfills, processing and the final destination of toxic or dangerous waste”.⁶⁰ Even this clarification is vague in terms of waste, no specifics are given on what exactly is classified as toxic or dangerous waste or on the details regarding when a landfill adheres to health and safety rules. This reflects that at the time waste was not seen as a pressing environmental issue in Brazil, rather the focus was on preservation of nature and biodiversity.

Effect on waste pickers

Although the newly established regulations may have had some effect on the landfills on which the waste scavengers often work, it left their working conditions hazardous and their occupations invisible.

1990s: Basel Convention and related CONAMA resolutions

In the 1990s more detailed rules on waste were to be established, particularly in response to the Rio Earth Summit of 1992. It had become clear that waste was a more pressing issue than they initially anticipated, which is why CONAMA was creating policy that focused more on waste management. Firstly, it was established in 1991 already that the import of waste materials for final disposal and incineration would be banned.⁶¹ In 1996 CONAMA resolution no. 23 stated that certain non-inert wastes could be imported into Brazil but only for purposes of recovery and recycling and when

⁵⁸ National Environmental Policy, No. 6.938 § Article 10 (1981).

⁵⁹ National Environmental Policy, No. 6.938 § Article 11 (1981).

⁶⁰ CONAMA, “CONAMA resolution 1, January 23, 1986,” in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, by Dilma Vana Roussef et al., special ed. (Brasilia, 2012): 768. Retrieved from <http://www.mma.gov.br/port/conama/processos/61AA3835/CONAMA-ingles.pdf>.

⁶¹ CONAMA, “CONAMA resolution 8, September 19, 1991,” in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, by Dilma Vana Roussef et al., special ed. (Brasilia, 2012): 617.

monitored by IBAMA,⁶² which is the Brazilian Institute of Environment and Renewable Natural Resources. The paragraph of this resolution that is of relevance to waste scavengers is the following:

“The companies wishing to import waste for recycling or reuse by third parties, may do so, provided they comply with subparagraphs (a), (f) and (g) of this article and inform to IBAMA the processing companies to be liable, formally, by recycling or reusing imported waste, providing copy of the contract executed”.⁶³

For the first time the managing of waste was an important issue to the national government, particularly recycling had never before been an issue that was discussed on a federal level. The main motivation for making recycling more central to the debate on environmental protection came from outside of Brazil though as international institutions such as the UN made the importance of sustainable waste management clear. It was also the first time that policy was created that was loosely relevant to waste pickers, because their profession is essentially about recycling. However, this slow progression toward a waste regime that is more sustainable was acted upon through a neoliberal approach that focuses on privatized companies, which left the situation waste pickers were in unchanged and undiscussed.

Effect on waste pickers

By this emphasis on companies, the new regulations on recycling imported waste arguably exclude waste pickers. As waste pickers are part of the informal economy they do not classify as companies and they would also not be able to provide the IBAMA with any copy of a contract. Mostly waste scavengers would sell the waste they collected to a middleman who would then sell it to a recycling company.⁶⁴ So even though waste was now becoming a more pressing issue to the Brazilian government, waste pickers still remained invisible.

The newly established rules on the import of hazardous waste for final disposal, however, had some positive effects on waste pickers as it meant that the dumps that they worked on should become safer as at least now there was some regulation that would hopefully reduce the amount of hazardous wastes they encounter. There was, however, still a long way to go in regards to the reduction and safe disposal of hazardous waste produced within the country. At the time there were, for example, no regulations yet on waste containing asbestos produced in Brazil.

Political influence

Fernando Collor de Mello was elected as president. He was a member of the Party of National Reconstruction. Under the Collor de Mello government the National Privatization Program was expanded, the most large scale privatization the country had ever seen, which was meant to make up for the government's deficit.⁶⁵ Furthermore, the Industrial and Foreign Trade Policy promoted

⁶² CONAMA, “CONAMA resolution 23, December 12, 1996,” in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, Dilma Vana Rousseff et al. Special ed. (Brasilia, 2012): 626.

⁶³ Ibid.

⁶⁴ Ibid. Fergutz et al.: 600.

⁶⁵ Luiz Henrique Marques Gomes, "Thirty Years of Privatizations in Brazil: A Critical Appraisal," 15-18, accessed May 31, 2018, <http://iippe.org/wp-content/uploads/2015/04/Thirty-years-of-privatizations-in-Brazil-a-critical-appraisal-LUIZ-HENRIQUE-MARQUES-GOMES.pdf>.

economic openness and trade liberalization⁶⁶. With such economic openness and less governmental control on companies, it was deemed necessary to prevent Brazil from becoming a dumping ground. Hence why the import of waste for final disposal was banned. These economic policies were continued by de Mello's successor, Itamar Franco, under whose leadership many public services were privatized⁶⁷. Such emphasis on privatization partially explains why the focus in regards to recycling imported non-inert wastes was on companies, rather than on waste pickers.

Furthermore in 1992 the United Nations Committee on the Environment and Development held a conference in Rio de Janeiro, which resulted in the Rio Declaration. Waste is mentioned as a major contributor to pollution of the environment and the declaration suggests several measures that can be taken by governments in order to reduce and manage a variety of wastes sustainably. Waste pickers are not mentioned in this document but it does state that incentives to recycling should be provided and that pilot programs "such as small-scale and cottage-based recycling industries" should be supported.⁶⁸ This was one of the reasons as to why slowly but surely the waste pickers would get more support.

In 1993 Brazil signed the Basel Convention,⁶⁹ which greatly influenced the CONAMA resolutions created during the 1990s. The Basel Convention attempts to unite countries in controlling transboundary movement of waste, hence why the import and export of waste is central to many of the CONAMA resolutions published during this decade.

Public influence

As will be clear in the following section waste picker cooperatives were starting to form in the mid-to late 1990s, but they did not seem to have any effect yet on the policies on a national level.

2000s: CIISC and the Presidential Decree 5940/06

Like a snowball effect the regulations on managing waste and recycling became more and more detailed and more sustainable. It was under these circumstances that not only being a waste picker would be acknowledged as a legitimate profession, but waste pickers would also be supported (at least on paper). Firstly, several CONAMA resolutions were issued during this decade that had effect on the lives of waste pickers. In 2001 CONAMA published a resolution that established different color codes for different types of wastes for the identification of collectors and transporters. Although it is not obligatory for the private sector to make use of this color coding system it is recommended "considering the need to reduce the environmental impact associated with the extraction, generation, processing, transportation, treatment and final disposal of raw materials, causing the increase of dumps and landfills"⁷⁰. The implication of this resolution would also allow for

⁶⁶ Lee J. Alston and Marcus André Melo and Bernardo Mueller and Carlos Pereira et al., *Brazil in Transition: Beliefs, Leadership, and Institutional Change* (Princeton: Princeton University Press, 2016).

⁶⁷ Bernardo Kucinski, *The Privatization of Public Services in Brazil: An Analytical Guide of Investors and Suppliers* (New York City, New York: Latin American Information Services, 1996): 35-36.

⁶⁸ UNESCO, "The Rio Declaration on Environment and Development," accessed on May 31, 2018, http://www.unesco.org/education/pdf/RIO_E.PDF.

⁶⁹ Luciana Ziglio, "Industrial Solid Waste Management In Brazil And The Basel Convention," *Novos Estudos Jurídicos* 19, no. 2 (2014): 592, doi:10.14210/nej.v19n2.p585-606.

⁷⁰ CONAMA, "CONAMA resolution 275, April 25, 2001," in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, by Dilma Vana Rouseff et al., special ed. (Brasilia, 2012): 670.

better data collection on waste and consequently the management of this waste, which is a focal point of the several resolutions that were published following this one. In 2002 CONAMA issued a resolution that obligated industries to submit information on “generation, features, storage, transportation and disposal of solid waste”⁷¹. This information, collectively called the National Inventory of Solid Industrial Waste, would then be used to draw up the State Programs for Management of Industrial Wastes⁷². A similar CONAMA resolution was published in 2005 but this time in regards to medical wastes. Although it does not require the generators of health care wastes to provide such detailed information it does state that they “must submit to the competent bodies [...] a statement related to the previous calendar year, signed by the main administrator of the company and a qualified technical person responsible, together with the respective ART, reporting the accomplishment of the requirements provided in this Resolution”⁷³. Such requirements include, amongst other things, the segregation of waste at the source according to health and safety standards and disposing of it at a licensed location⁷⁴.

Besides the CONAMA resolutions, some other notable legal and political changes occurred throughout the 2000s that had a more direct impact on waste scavengers. In 2001 waste pickers got national recognition as the collection of recyclables was included as a profession in the Brazilian Occupation Classification.⁷⁵ Two years later the Interministerial Committee for the Social Inclusion of Catadores (henceforth referred to as CIISC) was established. With the creation of this committee progress could start being made towards better working conditions, more productive organization and increased selective collection of solid waste in order to achieve sustainable and inclusive waste management.⁷⁶

Furthermore, the Presidential Decree 5940/06 presented in 2006 which determined that a ‘Solidarity Selective Collection’ should be implemented in all federal buildings in the country and that material generated should go to *catadores*. The primary purpose of this was the generation of labour and income for the *catadores*.⁷⁷ It functions as follows, as stated by Dias, “An agreement is established between the *catadores*’ organization and the public institution whereby access to recyclables are guaranteed. Besides that the solidarity decree makes room for the promotion of

⁷¹ CONAMA, “CONAMA resolution 313, October 29, 2002” in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, by Dilma Vana Rousseff et al., special ed. (Brasília, 2012): 675.

⁷² Ibid.

⁷³ CONAMA, “CONAMA resolution 358, April 29, 2005,” in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, by Dilma Vana Rousseff et al., special ed. (Brasília, 2012): 710-715.

⁷⁴ Ibid.

⁷⁵ Sonia Dias, *Overview of the Legal Framework for Social Inclusion in Solid Waste Management in Brazil*, 3 accessed May 31, 2018, <http://globalrec.org/wp-content/uploads/2014/03/OVERVIEW-OF-THE-LEGAL-FRAMEWORK-FOR-SOCIAL-INCLUSION-.pdf>

⁷⁶ “Comitê Interministerial Para Inclusão Dos Catadores,” Meio Ambiente, accessed May 31, 2018, <http://www.mma.gov.br/cidades-sustentaveis/residuos-solidos/catadores-de-materiais-reciclaveis/comite-interministerial-para-inclusao-dos-catadores>.

⁷⁷ Sonia Dias, *Overview of the Legal Framework for Social Inclusion in Solid Waste Management in Brazil*, 4, accessed May 31, 2018, <http://globalrec.org/wp-content/uploads/2014/03/OVERVIEW-OF-THE-LEGAL-FRAMEWORK-FOR-SOCIAL-INCLUSION-.pdf>

social-environmental actions that can contribute to the improvement of the cooperative's productive structure."⁷⁸

Effect on Waste Pickers

Overall the increase in data collection on the generation of waste combined with the government either encouraging or enforcing separation of waste has a positive influence on the lives of waste pickers. It makes their jobs easier, particularly for door step waste pickers and truck waste pickers, and it will, most importantly, make their working conditions safer as they are now able to tell which waste is safe and which is hazardous, if the separation is executed properly. Moreover, CIISC and the Presidential Decree 5940/06 helped to legitimate waste scavenging as a profession, which not only shows the national government's commitment to social inclusion but also to sustainable waste management.

Political Influence

The reason why the waste picker profession gained so much recognition during this decade appears to lie in the changing politics, but that is merely an illusion. Collor de Mello's government was a liberal one, which is reflected in his policies towards privatization and free trade. Halfway the 1990s a shift started towards the left. In 1995 Fernando Henrique Cardoso of the Brazilian Social Democracy Party (PSDB) was elected president of Brazil. The PSDB is a centrist party by ideology, but scholars such as de Lourdes Rollemberg Mollo and Saad-Filho argue that their economic policies were actually mainly neoliberal. Many Brazilian companies were privatized in order to open up the market, particularly after the financial crisis of 1999. These measures led to the increasing unemployment. In the last two years of the Cardoso administration the average unemployment rate was at 11.5%. The people of Brazil were unhappy with this course of development and therefore put their hopes on Brazil's Worker's Party (PT), a more leftist party that they hoped would support labourers.⁷⁹ In 2002 Luiz Inácio Lula da Silva, member of PT, was elected president for the first time. The party had associations with left-wing organizations and Lula da Silva had also been a trade union leader. However, as again stated by de Lourdes Rollemberg Mollo and Saad-Filho, PT continued the neoliberal policies that had been established by Cardoso. Pressured by the media, the minister of finance and the president of the central bank Lula issued a "Letter to the Brazilian People" in which he explained that, if elected, he would enforce the IMF programme that the Cardoso administration agreed on.⁸⁰ All in all there was continuity in the political course of Brazil, but continuity into a direction that was not particularly mindful of the valuable role waste pickers could play in sustainable waste management as privatization was much more likely to benefit big corporation, rather than small scale recycling initiatives set up by waste picker organizations. Then if the politics in Brazil were not changing than what changes occurred to result in this development towards more sustainable and more inclusive regulations on waste?

⁷⁸ Ibid.

⁷⁹ Maria De Lourdes Rollemberg Mollo and Alfredo Saad-Filho, "Neoliberal Economic Policies in Brazil (1994–2005): Cardoso, Lula and the Need for a Democratic Alternative," *New Political Economy* 11, no. 1 (2006): 110, doi:10.1080/13563460500494933.

⁸⁰ Ibid. De Lourdes Rollemberg Mollo and Saad-Filho: 113.

Public Influence

Those changes were mainly in the public sphere. Whereas throughout the early 1990s there was little to no support for the *catadores*, aside from any assistance they received from the Catholic church. In 1999 the National Movement of Recyclable Waste Pickers (henceforth referred to as MNCR) was established during the first National Congress of Recyclable Waste Pickers, which was attended by over 1700 workers⁸¹. The MNCR is essentially an overarching organization for local waste picker initiative, Fergutz states in 2011 that the MNCR represents 300 out of 500 *catadores* organizations. The aims of the MNCR are to regulate the recycling trade, secure social inclusion of waste pickers and support their active participation in all aspects of the recycling process.⁸² In his article Fergutz also describes the importance of the MNCR, he states:

*“The MNCR is important in representing waste pickers with the government and private companies, and has already achieved official recognition for the profession. There are now city level operations of the movement in São Paulo and some other Brazilian cities. The MNCR influenced the creation of the Inter-ministerial Committee for the Social and Economic Inclusion of Waste Pickers, which was established in September 2003.”*⁸³

So according to Fergutz many of the aforementioned achievements in terms of the inclusion of *catadores* are thanks so the MNCR. The MNCR is, however, not the only initiative. Another important initiative is the Waste & Citizenship festival in Belo Horizonte. Whereas the MNCR is an organization that attempts to represent waste pickers, the Waste & Citizenship festival is more a platform to exchange information and bring issues of social inclusion in solid waste management to the attention of the public⁸⁴. It was also at this festival that the Presidential Decree 5940/06 was presented. The Global Alliance of Waste Pickers states that “it has been at this annual event that many ideas and projects for the social inclusion of waste pickers have taken root and reached public attention not only at the local but also at the national level.”⁸⁵ Kathleen Millar summarizes the overall development of the waste scavenger regime in Brazil really well by stating “while neoliberal capitalism has led to increased unemployment and underemployment among vulnerable populations in cities worldwide, the practices of those struggling to earn a living in urban informal economies are creating new spaces for alternative economic practices, social relations, and class politics today.”⁸⁶

2010: National Policy of Solid Wastes

As has become clear Brazil had barely any national regulations on the managing of municipal solid wastes (MSW) for decades, the policy on waste primarily focused on industrial, medical and hazardous waste. Throughout the 2000s scientists were starting to recognize the impact of the waste of the ordinary citizen, particularly the amount of plastic waste became concerning. In 2010

⁸¹ Ibid. Fergutz et al.: 599.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ "Waste and Citizenship Festival," Global Alliance of Waste Pickers, May 05, 2013, accessed May 31, 2018, <http://globalrec.org/global-meeting/waste-and-citizenship-festival/>.

⁸⁵ Ibid.

⁸⁶ Kathleen Millar, "Making Trash into Treasure: Struggles for Autonomy on a Brazilian Garbage Dump," *Anthropology of Work Review* 29, no. 2 (2008): 25, doi:10.1111/j.1548-1417.2008.00011.x.

the National Policy of Solid Wastes was finally issued. The overall objective of this policy document is to establish a structural manner of dealing with solid waste, especially MSW, a manner that is also environmentally friendly, socially inclusive as well as economically efficient. Most importantly for this case, this policy document acknowledges that waste pickers can play a valuable role in the managing of solid waste, as one of the objectives is:

“Integration of the *catadores* of reusable and recyclable materials in actions involving the shared responsibility in the product life cycle”⁸⁷

Many regulations in this document take the *catadores* into consideration as a follow-up to this objective, such as in the section on municipal plans. This section states two important measures that municipalities should take in order to manage waste sustainably with the assistance of *catadores*. Some examples are:

“Deploy segregated collection with the participation of cooperatives or other forms of associations *catadores* of reusable and recyclable materials formed by low-income individuals”

“Programmes and action concerning the participation of interested groups, particularly of cooperatives or other forms of associations of *catadores* of reusable and recyclable material formed by from low-income individuals, if any;”⁸⁸

Effect on waste pickers

This solid waste management policy clearly attempts to support *catadores* by including them into the formal economy as much as possible, but whether such inclusion is implemented properly and whether such inclusion actually improves the working conditions of *catadores* is questionable. According to Heliana Kátia Tavares Campos “the Brazilian waste pickers have [...] played a distinguished role in the waste management, economic and political worlds, and obtained a social visibility”⁸⁹ in the recent years. The working conditions have, however, not improved for most of waste pickers in Brazil, despite the intentions of the national solid waste policy and the efforts of the MNCR. Tavares Campos states that of the 600 thousand waste pickers in Brazil the great majority has no formal instruction and many do not even have civil registration.⁹⁰ Tavares Campos published her article in 2014, so there may have been positive change in the working conditions of waste pickers since then, but her research shows that it is questionable whether these policies actually have any effect.

Political influence

Lula da Silva was serving his second term during the time that this National Solid Waste Policy was issued as he was re-elected president of Brazil in 2006. One explanation for the inclusion of *catadores* in this policy document was the rise of Lulism. Lulism was a project under the Lula administration that intended to strengthen the democratic processes in the country. One way of

⁸⁷ Federal Republic of Brazil, *National Solid Waste Policy*, trans. Alexandre Pereira, August 2, 2010, 3, http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/lei/l12305.htm.

⁸⁸ *Ibid.*: 11.

⁸⁹ Heliana Kátia Tavares Campos, "Recycling in Brazil: Challenges and Prospects," *Resources, Conservation and Recycling* 85 (2014): 133, doi:10.1016/j.resconrec.2013.10.017.

⁹⁰ *Ibid.*

doing so was by allowing social movements to institutionalize⁹¹, the MNCR is a prime example. The institutionalization of social movements allowed those movements to have a unified voice, one that could negotiate with the government. The neoliberal policies that Lula da Silva upholds, despite his commitment to his party's ideology, may be the reason as to why the *catadores* are not being included as much as the policy prescribes.

Public influence

The MNCR played a large role in the creation of the National Solid Waste Policy as Sonia Diàs mentions in her overview of the legal framework of Brazilian solid waste management. She states "the proposition was recognized as a big advancement for the MNCR (the National Movement of Waste Pickers) as it made inclusion of waste pickers in the reverse logistics system mandatory".⁹² The reverse logistics system is a system in which the generator of waste is responsible for the retrieval of recyclable material for the productive chain. MNCR also asked president Lula da Silva to veto a last minute alteration to the proposal. The alteration omitted the clause which restricted the use of incineration as a last resort option.⁹³ Incineration is not only pollutes the environment, it also has a negative affect on waste pickers as it puts them out of work and as mentioned in the introduction for many *catadores* there are no alternative ways of earning a living.

Conclusion

By analysing the development of the Brazilian waste picker regime through these different policy documents it becomes clear that the policy has increasingly acknowledged *catadores* as playing a valuable role in society. At the end of the 2000s, many different platforms were in place that intended to give waste pickers in Brazil a voice in the political realm, such as the waste & citizenship festival and the MNCR. Most of the initiatives that have pushed for this acknowledgment of *catadores* came from the public sphere through social movement rather than the government. The increasing social inclusion of *catadores* in Brazilian national policy runs almost parallel to the uprising of social movements standing up for waste pickers both within Brazil and around the globe. The regulations on separating waste and landfills have made working conditions somewhat safer since the 1980s and rules have been created that support *catadores* in their professions by including them into the formal economy. Scholars, on the other hand, have noted that the policy is generally not executed in the way it was intended to and many waste pickers are still being exploited. In the following chapter this progression of the Brazilian waste picker regime will be compared to the Indian waste picker regime in order to see what the differences and similarities are.

⁹¹ Aico Sipriano Nogueira, "Lulism and the Institutionalization of Social Movements in Brazil: Strengthening Democratic Inclusion and Perpetuating Hegemony," *Tempo Social* 29, no. 3 (2017), doi:10.11606/0103-2070.ts.2017.118722.

⁹² Ibid. Diàs: 5.

⁹³ Ibid.

Chapter 3: Comparative historical analysis of the Indian and Brazilian waste picker regimes

Introduction

In this last chapter the waste picker regime of India will be compared to the Brazilian waste picker regime in order to come to a conclusion about which waste picker regime has developed into the most socially inclusive. In what ways are the two regimes similar and in what ways are they different? By making a comparison it will become clear that the Indian national government has a more narrow definition of what social inclusion means than the Brazilian national government. Social inclusion in this case is defined as ensuring equal social and economic participation through the creation of equal opportunities, but policy makers may decide how narrowly or broadly they define equal opportunities. The reason for this difference has to do with the interaction between the public realm and the political realm. In Brazil the MNCR negotiates with the government in order to come to agreements about policies on waste picking, whereas in India waste picker organizations, such as the KKKPKP, protest against the government. This is the crucial difference that makes the Brazilian waste picker regime more socially inclusive than the Indian waste picker regime. Perhaps this comparative historical analysis can serve as a recommendation for policy makers in the department of solid waste management.

The policy

Both India and Brazil developed waste policies during the 1980s and at the time those policies both focused on industrial waste that could directly be linked to the pollution of the environment. Social inclusion and sustainable waste management were not particularly high on the agenda in either of these countries during the 1980s as the focus lay on conserving the environment. Neither of these policy documents were very specific though as they did not yet described the exact rules and regulations that applied to the management of industrial waste. It is from this point forward that the Indian and Brazilian waste picker regimes started to differ. The Brazilian policy started developing much faster under CONAMA than the Indian policy. The import of waste for final disposal and incineration was banned in Brazil already in 1991.⁹⁴ In India such a measure only came about in 2000 and has been limited to hazardous wastes.⁹⁵ Once it became clear that waste can be a primary pollutant of the environment recycling became a major part of the policy on waste. In the 1990s Brazil allowed for the import of non-inert for recycling purposes and the policy on recycling became more detailed.⁹⁶ Recycling also became a major objective in Indian environmental policy, but later than it did in Brazil, with the Solid Waste Management Rules that was established in 2000.⁹⁷ Segregation of waste would be encouraged through awareness campaigns and it is even described that waste from slaughterhouses and food markets that is biodegradable should be repurposed.

⁹⁴ CONAMA, "CONAMA resolution 8, September 19, 1991," in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, by Dilma Vana Roussef et al., special ed. (Brasilia, 2012): 617.

⁹⁵ Republic of India, Ministry of Environment and Forests, *The Hazardous Waste (Management & Handling) Rules*, January 6, 2000, , <http://envfor.nic.in/division/hazardous-wastes-management-and-handling-rules-amended-2000>.

⁹⁶ CONAMA, "CONAMA resolution 23, December 12, 1996," in *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*, Dilma Vana Roussef et al. Special ed. (Brasilia, 2012): 626.

⁹⁷ Republic of India, Ministry of Environment and Forests, *Municipal Solid Wastes (Management & Handling) Rules*, 2000, accessed June 24, 2018, <http://www.moef.nic.in/legis/hsm/mswmhr.html>.

India's policy on recycling clearly differs from the Brazilian policy though in that the Indian policy acknowledges that there is a relevant distinction between municipal solid waste and hazardous waste, as they have a separate policy for municipal solid waste and hazardous wastes. The Brazilian national government at the time had not yet acknowledged the environmental impact that MSW can have on the environment in their policy. In 2001 the waste scavenger profession was acknowledged by the Brazilian government.⁹⁸ Not only were the waste pickers in Brazil no longer invisible, they were also being supported (on paper). In fact, a whole committee was set up that strived to create legislation that supported the *catadores*, the CIISC.⁹⁹ In India, however, this would still take another 15 years despite recycling being such a crucial part of their waste management system. In 2010 the Brazilian waste picker regime was therefore also much more advanced in terms of social inclusion than the Indian waste picker regime was. The Brazilian National Policy of Solid Wastes of 2010 states that the government will strive for the "integration of the *catadores* of reusable and recyclable materials in actions involving the shared responsibility in the product life cycle".¹⁰⁰ Brazil prioritizes the integration of *catadores* for example by encouraging municipal governments to "deploy segregated collection with the participation of cooperatives or other forms of associations of *catadores* of reusable and recyclable materials formed by low-income individuals".¹⁰¹ The Indian Solid Waste Management Rules of 2016 mention waste pickers many times, but municipalities are encouraged less to integrate waste pickers into their waste collections systems. This is particularly visible in the following phrase, which is repeated with every mention of waste pickers, "... either the authorised waste pickers or the authorised recyclers".¹⁰² It is undoubtedly very important that waste pickers are mentioned as a viable option for the managing of MSW, but they are only one option in a list of options. On paper the social inclusion of waste pickers in Brazil is better than in India, but is this also the case in everyday life?

The effect on waste pickers

In both countries the waste picker community has gone from completely invisible until 2000 to being acknowledged by the national government from 2010 onwards. It seems like such a change would have a large impact on the working conditions of waste pickers in both countries, however, there is no evidence that these policies are actually supporting waste pickers. According to Tavares Campos most waste pickers in Brazil are not benefitting from the policy changes,¹⁰³ but other articles include testimonials that are more positive about the policy changes in Brazil. One such testimonial is from Sonia Maria da Silva, she states "Our work conditions and quality of life have improved because we

⁹⁸ Sonia Dias, *Overview of the Legal Framework for Social Inclusion in Solid Waste Management in Brazil*, 3 accessed May 31, 2018, <http://globalrec.org/wp-content/uploads/2014/03/OVERVIEW-OF-THE-LEGAL-FRAMEWORK-FOR-SOCIAL-INCLUSION-.pdf>

⁹⁹ Ibid.

¹⁰⁰ Federal Republic of Brazil, *National Solid Waste Policy*, trans. Alexandre Pereira, August 2, 2010, 3, http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/lei/l12305.htm.

¹⁰¹ Ibid.

¹⁰² Republic of India, Ministry of Environment, Forest and Climate Change, *Solid Waste Rules*, 56, accessed June 24, 2018, <http://egazette.nic.in/WriteReadData/2016/169079.pdf>.

¹⁰³ Heliana Kátia Tavares Campos, "Recycling in Brazil: Challenges and Prospects," *Resources, Conservation and Recycling* 85 (2014): 133, doi:10.1016/j.resconrec.2013.10.017.

organized ourselves and got machinery".¹⁰⁴ In India it is perhaps too early to draw any conclusions about the working conditions of waste pickers, but recent articles are providing mixed findings. A study by the NGO Action India of waste pickers in Delhi found that the working conditions for waste pickers there are still far below standards. An article about the study stated that: "Awareness of various occupational and environmental health hazards among them is low and over 50 percent of them suffer from one or the other disease due to poverty on one hand and the hazards of the occupation on the other, the study reveals".¹⁰⁵ Other articles provide more hopeful testimonials from waste pickers, such as as Supriya, a waste picker in Pune, who "describes that despite being hard-earned, this recognition is a lot better than the denouncing attitude the 'intermittent' waste pickers on streets and dumps often receive".¹⁰⁶ Even though this thesis focuses on the policy rather than its execution it is important to take into account that legislative policy is essentially just words and eventually it is the actions that count.

The political influence

Both countries witnessed a trend towards increasing privatization and other neoliberal policies. Even though the Worker's Party was in power in Brazil for over a decade their policies are overall still neoliberal. Many public sector enterprises have been privatized in Brazil over the past 30 years and the Brazilian government has been working towards a free market economy.¹⁰⁷ This was reflected in their policies on waste, especially in the CONAMA resolutions of the 2000s that focused on companies in regards to recycling rather than on the waste picker community. In India there has been a similar trend towards privatization and modernization through technology. India's environmental policies throughout the past 40 years illustrate this well as outsourcing of waste management and processing waste using the state-of-the-art technology are encouraged.

Generally neoliberalism is not very inclusive, because it has a narrow view of what social inclusion means. Within the neoliberal framework social inclusion is defined by access. As stated by Gidley et al. "access may be regarded as a sufficient expression of social inclusion due to the neoclassical conceptualisation of human beings as rational decision makers free from social power imbalances".¹⁰⁸ It is the last phrase of that sentence that is key in this case, "free from social power imbalances". The neoliberal concept of social inclusion as access assumes that if there are jobs available than there is no reason to be unemployed, which does not take into account the many difficulties that waste pickers might face in their attempt to join the formal economy. In this way the trend towards neoliberalism in both countries has resulted in the invisibility of waste pickers for so many decades. Lulism in Brazil, however, helped to change the definition of social inclusion despite

¹⁰⁴ "'Now We Have a Real Chance to Make a Living Wage': Brazil Workers Upbeat on Trash Picking," *The Journal*, June 28, 2014, accessed June 24, 2018, <http://www.thejournal.ie/world-cup-trash-pickers-1536624-Jun2014/>.

¹⁰⁵ Amita Bhaduri, "Down in the Dumps: Delhi's Waste Pickers' Saga," *What's in Your Drinking Water?* April 10, 2018, accessed June 24, 2018, <http://www.indiawaterportal.org/articles/down-dumps-delhis-waste-pickers-saga>.

¹⁰⁶ Mats Linder, "Meeting India's Waste Pickers," *Medium*, January 17, 2018, accessed June 24, 2018, <https://medium.com/circulatenews/meeting-indias-waste-pickers-3079cb092054>.

¹⁰⁷ Maria De Lourdes Rollemberg Mollo and Alfredo Saad-Filho, "Neoliberal Economic Policies in Brazil (1994–2005): Cardoso, Lula and the Need for a Democratic Alternative," *New Political Economy* 11, no. 1 (2006): 110, doi:10.1080/13563460500494933.

¹⁰⁸ J.M. Gidley et al., "Social Inclusion: Context, Theory and Practice," *The Australasian Journal of University-Community Engagement* 5, no. 1 (2010): 8.

the neoliberal policies. Lulism encouraged the institutionalization of social movements,¹⁰⁹ like the MNCR, which allowed them to give *catadores* a voice in the political realm. The following paragraph will elaborate on this collaboration between social movements and the government.

In India such a change in the definition of social inclusion did not occur. Modi and Vajpayee were both rather open about the neoliberal vision they had for India as they encouraged technological modernization and attempted to attract foreign investment, as is clear from some of the quotes from their speeches. It is clear also that this vision is not emphasizing social inclusion, but is rather focusing of modernization through education and technology. This is reflected in their waste policies of 2000 and 2016. Manual handling of waste at waste storage facilities was prohibited in 2000 implying that mechanical handling was the preferred way. In the Solid Waste Policy of 2016 the first regulation mentioned in the section on processing solid waste is: “urban local bodies shall adopt suitable technology or combination of appropriate technologies, with emphasis on decentralised processing to make use of all components of wastes that can be processed so as to minimise burden on landfill”.¹¹⁰ Furthermore, the Indian government holds on to the neoliberal definition of social inclusion as access. Waste pickers are merely an option in the list of agents that may process waste, which does not take into account that big corporations may easily take those positions, leaving waste pickers without a way to support themselves. But if the Indian government has not changed their definition of social inclusion how did waste pickers get acknowledged at all and how did the MNCR help to create a shift in the definition of social inclusion in Brazil?

The public influence

The public sphere appears to have an important influence in both countries, but both in different ways. The definition of public sphere in this article is taken from an article by Manuel Castells, who defines it as “the space of communication of ideas and projects that emerge from society and are addressed to the decision makers in the institutions of society”.¹¹¹ The main public influence on the Brazilian waste picker regime has been the MNCR. Lulism in Brazil had led to a collaboration between a social movement and the state. As Aico Sipriano Nogueira states it Lulism was “a real but silent investment in civil society organizations that have been strengthened through their associations with power”.¹¹² Sipriano Nogueira elaborates on this by explaining that many theorists describe social movements as agencies of counter hegemony, but Lulism in Brazil has provided a balance between giving radical social movements part of the power, while maintaining the social hegemony.¹¹³ Although Sipriano Nogueira does not look at the MNCR specifically, it is a good example of a social movement that negotiates with the government as the MNCR represents waste

¹⁰⁹ Aico Sipriano Nogueira, "Lulism and the Institutionalization of Social Movements in Brazil: Strengthening Democratic Inclusion and Perpetuating Hegemony," *Tempo Social* 29, no. 3 (2017), doi:10.11606/0103-2070.ts.2017.118722.

¹¹⁰ Republic of India, Ministry of Environment, Forest and Climate Change, *Solid Waste Rules*, 56, accessed June 24, 2018, <http://egazette.nic.in/WriteReadData/2016/169079.pdf>.

¹¹¹ Manuel Castells, "The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance," *Annals* 616 (March 2008): 78, doi:10.1177/0002716207311877.

¹¹² Aico Sipriano Nogueira, "Lulism and the Institutionalization of Social Movements in Brazil: Strengthening Democratic Inclusion and Perpetuating Hegemony," *Tempo Social* 29, no. 3 (2017): 230, doi:10.11606/0103-2070.ts.2017.118722.

¹¹³ *Ibid.*: 235

pickers with the government and helped to establish the CIISC.¹¹⁴ In India, on the other hand, the trend has been to fight against the government. From the 1980s to the 2010s, from the public outcry about the Bhopal gas leak to the protests by waste pickers against waste incineration in recent years, the public influence in India had been characterized by non-violent protests and going to court against the state. The KKP KP in India exemplifies this trend well as it is a trade union that is separate from the government. The main objective of the KKP KP is to bring waste pickers together. Rather than representing waste pickers in the government, the KKP KP's foremost way of being heard in the political realm is through public rallies and demonstrations.¹¹⁵ The difference between these two waste picker organisations reveals why the definition of social inclusion has not changed in India in comparison to Brazil. In a comparison of these two cases working together with the state is a more effective way to integrate a broader definition of social inclusion into policy on waste.

Conclusion

Through analysing the Brazilian and the Indian waste picker regime and comparing them in regards to how the political realm and the public realm have influenced them several conclusions can be drawn about which strategies work to change those regimes in favour of waste pickers. First of all, in order to support waste pickers the definition of social inclusion needs to shift from a neoliberal one to a broader definition that takes into account the social imbalances present in a society. Secondly, a change in the definition of social inclusion in waste management requires a collaboration between state and civil society. In the Brazil the MNCR negotiated with the government in order to establish a waste management policy that encouraged the inclusion of waste pickers over the outsourcing of waste management to large corporations. In India the organizations like the KKP KP have been working against the government and, as a result, have managed to get waste pickers included into the policy but not truly supported. Lastly it does need to be taken into account that neither of the policy documents that have included waste pickers have been proven to actually be effective in real life.

India	Policy	Political Influence	Public Influence
1980s	Environmental Protection Act of 1986: Focused on pollution from industries	1. UN Conference of the Environment in 1972 2. Rajiv Gandhi's economically liberal policies	Public outcry after Bhopal factory tragedy
2000s	Municipal Solid Waste (Management and Handling) Rules and Hazardous Waste (Management & Handling) Rules	1. Basel Convention signed in 1990 2. Atal Bihari Vajpayee has a neoliberal vision for India, he wants to privatize and modernize	1. Almitra Patel vs. the Union of India 2. Rise of waste picker organizations such as KKP KP and GAIA

¹¹⁴ Oscar Fergutz, Sonia Dias, and Diana Mitlin, "Developing Urban Waste Management in Brazil with Waste Picker Organizations," *Environment and Urbanization* 23, no. 2 (2011): 599, doi:10.1177/0956247811418742.

¹¹⁵ Poornima Chikarmane and Laxmi Narayan, *Organising the Unorganised: A Case Study of the Kagad Kach Patra Kashtakari Panchayat (Trade Union of Waste-Pickers)*, January 2005.

<http://www.wiego.org/resources/organising-unorganised-case-study-kagad-kach-patra-kashtakari-panchayat-trade-union-waste->

2010s	Solid Waste Management Rules of 2016	1. Narendra Modi maintains neoliberal view, focusing of the higher educated and multination corporations	1. Even more waste picker organizations are founded 2. Waste pickers protest against government plans
-------	--------------------------------------	--	--

Brazil	Policy	Political Influence	Public Influence
1980s	National Environmental Policy of 1981	-	-
1990s	CONAMA Resolutions: 1. Waste import for final disposal or incineration is banned 2. Import of non-inert waste for purposes other than recycling or reusing is banned	1. UN Earth Summit in 1992 2. Basel convention signed in 1993 3. Fernando Collor de Mello and Itamar Franco focus on privatization and trade liberalization	1. Waste picker organizations were being established
2000s	1. CIISC established in 2003 2. the Presidential Decree 5940/06 3. CONAMA Resolutions that emphasize recycling	1. Fernando Henrique Cardoso continues privatization 2. Luiz Inácio Lula da Silva continues neoliberal policies, despite socialist ideology. Still shows support for waste pickers through Presidential Decree	1. MNCR established in 1999 2. Waste & Citizenship festival
2010	1. National Policy of Solid Wastes of 2010	1. Lula da Silva is still president and institutionalizes social movements like MNCR in order to negotiate with them	1. MNCR plays an important role in policy making on waste pickers after Lula da Silva institutionalized them

Conclusion

In this thesis I have attempted to find the differences and similarities in the development of the waste picker regimes of India and Brazil in order to come to conclusions about why one regime is more socially inclusive. Integrating waste pickers into the formal waste management system is not only economically efficient, but it is also a sustainable way of handling waste. Therefore, a more socially inclusive waste picker regime is most likely a more sustainable waste management system. The two cases can be compared as they both have a substantial waste picker community, but both initially did not even acknowledge the existence of this community, let alone acknowledge the valuable role they may play for their societies. I have argued that Brazil has a more socially inclusive waste picker regime, because they have a broader definition of what social inclusion means. Social inclusion has been defined in this way because of a collaboration between the public sphere and the government. In India such a collaboration does not exist, which has led to a more neoliberal and therefore narrower definition of social inclusion. This difference in waste picker regimes is the result of political developments as well as developments in civil society, particularly in social movements for waste pickers. In India, the environmental policy of the 1980s did not include waste pickers at all as waste was not seen as a primary environmental polluter. Instead the policy focused on reducing pollution from industries. This was not only the result of the public outcry after the Bhopal factory tragedy, but also of the liberal economic policies established on the Rajiv Gandhi's government. In 2000 the Indian national government issued two important policy documents, namely the Municipal Solid Waste (Management & Handling) Rules and the Hazardous Waste (Management & Handling) Rules. These policies acknowledged the importance of recycling to a sustainable waste regime, but still did not integrate waste pickers. International political agreements, like the Basel Convention, and influences from the public sphere, like the rise of waste picker organizations, lead to the recognition of recycling as crucial to sustainable waste management. However, the neoliberal ideology of the Indian government under Vajpayee resulted in these policies emphasizing privatization of waste management as well as encouraging the use of new technology. Both of these developments counter the ability of waste pickers to do their job. In 2016, the Indian government finally incorporated waste pickers into the national waste management policy in the Solid Waste Management Rules. They were only recognized as a option for handling waste though, rather than supported as sustainable waste processors. Their inclusion was the result of protests by waste pickers and the rise of waste picker organizations. Modi's neoliberal vision for Indian, however, only allowed for a definition of social inclusion that gave them the opportunity to enter the formal economy, not taking into account the difficulties waste pickers might face in doing so. Instead of collaborating with the government to broaden the definition of social inclusion, waste pickers and their organizations have worked against the government. I have argued that this has been less effective than the collaboration between social movements for waste pickers and the Brazilian government. In Brazil, the first environmental policy was issued in 1981 and waste was not a significant part of it either. Instead the Brazilian government also focused on pollution caused by industries. Only after they signed the Basel convention in 1993 and the UN Earth Summit, notably hosted in Rio de Janeiro, in 1992, did recycling waste become an important topic in Brazilian waste management. The government under Collor de Mello and Franco focused on privatization though and such a neoliberal approach to waste management left waste pickers invisible. This changed in 2001, when waste pickers were included in the Brazilian Occupation Classification. Two years later the CIISC was set up and CONAMA resolutions lead to more detailed policy on the processing and

handling of waste which made *catadores*' work safer. The MNCR was the main reason for the inclusion of waste pickers into the policy, but the election of Lula da Silva also played an important role. Although his policies were still mainly neoliberal, the presidential decree 5940/06 illustrated that da Silva was willing to incorporate waste pickers into the Brazilian waste management system. In 2010 the National Policy of Solid Wastes was published, which did not merely include *catadores* but encouraged municipalities to make use of the services they provide. Despite the neoliberal policies of the government under the Worker's Party, the definition of social inclusion had changed to one that took into account that waste pickers cannot compete against multinational corporations. The National Policy of Solid Wastes reveals the Brazilian government has acknowledged that waste pickers can play a valuable role in sustainable waste management. The collaboration between social movements, like MNCR, and the Brazilian government under Lula da Silva, a concept called Lulism, has resulted in this shift in the definition of social inclusion. The definition of social inclusion in a certain country is not only relevant to waste pickers, it is also of great importance to other groups that may otherwise be excluded, such as the disabled. I recommend policy makers in various countries discuss what their definition of social inclusion is and whether it is contributing not only to sustainable waste management, but also to a economically productive society. For further research I would suggest that studies are conducted on the effect that policies that involve social inclusion have on the group that is intended to be included. In these cases it is not exactly clear whether the policies are actually making a difference in waste pickers' lives, so it would be particularly be beneficial for waste pickers to examine how these policy changes have an impact on the working conditions of waste pickers with the purpose of adapting the policy or adapting the execution of it to support waste pickers.

Work Cited

- "About Gaia." Global Alliance for Incinerator Alternatives. Accessed June 24, 2018. <http://www.no-burn.org/about-gaia/>.
- Almitra H. Patel And Anr. vs Union Of India And Ors. (February 15, 2000).
- Alston, L.J. and Melo, M.A., Mueller, B. and Pereira, C. et al. *Brazil in Transition: Beliefs, Leadership, and Institutional Change*. Princeton: Princeton University Press, 2016.
- Balakrishnan, Pulapre. "Economic Consequences of Rajiv Ghandi." *Economic and Political Weekly* 25, no. 6 (1990).
- Baud, Isa, Stelios Grafakos, Michaela Hordijk, and Johan Post. "Quality of Life and Alliances in Solid Waste Management." *Cities* 18, no. 1 (2001): 3-12. doi:10.1016/s0264-2751(00)00049-4.
- Bhaduri, Amita. "Down in the Dumps: Delhi's Waste Pickers' Saga." What's in Your Drinking Water? April 10, 2018. Accessed June 24, 2018. <http://www.indiawaterportal.org/articles/down-dumps-delhis-waste-pickers-saga>.
- Campos, Heliana Kátia Tavares. "Recycling in Brazil: Challenges and Prospects." *Resources, Conservation and Recycling* 85 (2014): 130-38. doi:10.1016/j.resconrec.2013.10.017.
- Castells, Manuel. "The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance." *Annals* 616 (March 2008): 78-93. doi:10.1177/0002716207311877.
- Chikarmane, Poornima, and Laxmi Narayan. *Organising the Unorganised: A Case Study of the Kagad Kach Patra Kashtakari Panchyat (Trade Union of Waste-Pickers)*. January 2005. <http://www.wiego.org/resources/organising-unorganised-case-study-kagad-kach-patra-kashtakari-panchayat-trade-union-waste->
- Chikarmane, Poonirma, and Lakshmi Narayan. *Rising from the Waste - Organizing Wastepickers in India, Thailand and the Philippines*. Bangkok: Committee of Asian Women, 2009.
- "Comitê Interministerial Para Inclusão Dos Catadores." Meio Ambiente. Accessed May 31, 2018. <http://www.mma.gov.br/cidades-sustentaveis/residuos-solidos/catadores-de-materiais-reciclaveis/comite-interministerial-para-inclusao-dos-catadores>.
- CONAMA. *CONAMA Resolutions: Current Resolutions Published between September 1984 and January 2012*. By Dilma Vana Rousseff, Michel Miguel Elias Temer Lulia, Izabella Mônica Vieira Teixeira, Samyra Brollo De Serpa Crespo, Roberto Brandão Cavalcanti, Paulo Guilherme Francisco Cabral, Carlos Augusto Klink, Pedro Wilson Guimarães, Vincente Andreu Guillo, Curt Trennepohl, Roberto Ricardo Vizentin, Antonio Carlos Hummel, and Liszt Benjamin Vieira. Special Edition ed. Brasilia, 2012. 1-916.
- De Lourdes Rollemberg Mollo, Maria, and Alfredo Saad-Filho. "Neoliberal Economic Policies in Brazil (1994–2005): Cardoso, Lula and the Need for a Democratic Alternative." *New Political Economy* 11, no. 1 (2006): 99-123. doi:10.1080/13563460500494933.

- Dias, S. *Overview of the Legal Framework for Social Inclusion in Solid Waste Management in Brazil*. Accessed May 31, 2018. <http://globalrec.org/wp-content/uploads/2014/03/OVERVIEW-OF-THE-LEGAL-FRAMEWORK-FOR-SOCIAL-INCLUSION-.pdf>
- Downs, Mary, and Martin Medina. "A Short History of Scavenging." *Comparative Civilizations Review* 42, no. 42 (2000): 23-45. <https://scholarsarchive.byu.edu/ccr/vol42/iss42/4>.
- Dutta, Prabhaskar K. "Bhopal Gas Tragedy: What Had Happened This Day 33 Years Ago That Killed Thousands?" *India Today*. December 03, 2017. Accessed June 24, 2018. <https://www.indiatoday.in/india/story/bhopal-gas-tragedy-what-had-happened-this-day-33-years-ago-that-killed-thousands-1099247-2017-12-03>.
- "E-Waste: Overview." Basel Convention. Accessed June 24, 2018. <http://www.basel.int/Implementation/Ewaste/Overview/tabid/4063/Default.aspx>.
- Ezeah, Chukwunonye, Jak A. Fazakerley, and Clive L. Roberts. "Emerging Trends in Informal Sector Recycling in Developing and Transition Countries." *Waste Management* 33, no. 11 (2013): 2509-519. doi:10.1016/j.wasman.2013.06.020.
- Federal Republic of Brazil. *National Solid Waste Policy*. Translated by Alexandre Pereira. August 2, 2010. http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2010/lei/l12305.htm.
- Fergutz, O., Dias, S. and Mitlin, D. "Developing Urban Waste Management in Brazil with Waste Picker Organizations." *Environment and Urbanization* 23, no. 2 (2011): 597-608, doi:10.1177/0956247811418742.
- Ghandi, Indira. "Indira Gandhi's Speech at the Stockholm Conference in 1972." LASU-LAWS Environmental Blog. 2012. Accessed June 24, 2018. <http://lasulawsenvironmental.blogspot.com/2012/07/indira-gandhis-speech-at-stockholm.html>.
- Gidley, J.M., G.P. Hampson, L. Wheeler, and E. Bered-Samuel. "Social Inclusion: Context, Theory and Practice." *The Australasian Journal of University-Community Engagement* 5, no. 1 (2010): 6-36.
- Gille, Zsuzsa. *From the Cult of Waste to the Trash Heap of History: the Politics of Waste in Socialist and Postsocialist Hungary*. Bloomington and Indianapolis: Indiana University Press, 2007.
- Hall, Ian. "Is a 'Modi Doctrine' Emerging in Indian Foreign Policy?" *Australian Journal of International Affairs* 69, no. 3 (February 02, 2015): 247-52. doi:10.1080/10357718.2014.1000263.
- Hayes, Alan, Matthew Gray, and Ben Edwards. *Social Inclusion: Origins, Concepts and Key Themes*. Report. Australian Institute of Family Studies. Commonwealth of Australia, 2008. 1-47.
- "Kagad Kach Patra Kashtakari Panchayat (KKPKP)." WIEGO. Accessed June 24, 2018. <http://www.wiego.org/wiego/kagad-kach-patra-kashtakari-panchayat-kkpkp>.

- Kucinski, Bernardo. *The Privatization of Public Services in Brazil: An Analytical Guide of Investors and Suppliers*. New York City, New York: Latin American Information Services, 1996.
- Linder, Mats. "Meeting India's Waste Pickers." Medium. January 17, 2018. Accessed June 24, 2018. <https://medium.com/circulatenews/meeting-indias-waste-pickers-3079cb092054>.
- Luna, Francisco Vidal, and Herbert S. Klein. "Consolidation of Democracy since 1985." In *The Economic and Social History of Brazil since 1889*, 246-354. New York: Cambridge University Press, 2014.
- Marques Gomes, Luiz Henrique. "Thirty Years of Privatizations in Brazil: A Critical Appraisal." Accessed May 31, 2018. <http://iippe.org/wp-content/uploads/2015/04/Thirty-years-of-privatizations-in-Brazil-a-critical-appraisal-LUIZ-HENRIQUE-MARQUES-GOMES.pdf>.
- Millar, Kathleen. "Making Trash into Treasure: Struggles for Autonomy on a Brazilian Garbage Dump." *Anthropology of Work Review* 29, no. 2 (2008): 25-34. doi:10.1111/j.1548-1417.2008.00011.x.
- Naguib Pellow, David. *Handbook on Trade and the Environment*. Edited by Kevin P. Gallagher. Cheltenham: Edward Elgar, 2008.
- Narain, Laxmi. *Public Enterprise Management and Privatisation*. New Delhi: Rajendra Ravindra Printers, 2005.
- National Environmental Policy, No. 6.938 § Article 10 (1981).
- National Environmental Policy, No. 6.938 § Article 11 (1981).
- Nogueira, Aico Sipriano. "Lulism and the Institutionalization of Social Movements in Brazil: Strengthening Democratic Inclusion and Perpetuating Hegemony." *Tempo Social* 29, no. 3 (2017): 229. doi:10.11606/0103-2070.ts.2017.118722.
- "'Now We Have a Real Chance to Make a Living Wage': Brazil Workers Upbeat on Trash Picking." The Journal. June 28, 2014. Accessed June 24, 2018. <http://www.thejournal.ie/world-cup-trash-pickers-1536624-Jun2014/>.
- "Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal." Basel Convention. Accessed June 24, 2018. <http://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/4499/Default.aspx>.
- Perkins, Devin N., Marie-Noel Brune Drisse, Tapiwa Nxele, and Peter D. Sly. "E-Waste: A Global Hazard." *Annals of Global Health* 80, no. 4 (July 2014): 286-95. doi:10.1016/j.aogh.2014.10.001.
- "Profile of Scrap Collectors." Kagad Kach Patra Kashtakari Panchayat (KKPKP). Accessed June 24, 2018. <http://www.kkpkp-pune.org/profile-of-scrap-collectors.html>.

- Republic of India. *Environmental Protection Act*. May 23, 1986. Accessed June 24, 2018. <http://envfor.nic.in/legis/env/env1.html>.
- Republic of India. Ministry of Environment and Forests. *Hazardous Waste (Management & Handling) Rules*. 2000. Accessed June 24, 2018. <http://envfor.nic.in/division/hazardous-wastes-management-and-handling-rules-amended-200>.
- Republic of India. Ministry of Environment and Forests. *Municipal Solid Wastes (Management & Handling) Rules*. 2000. Accessed June 24, 2018. <http://www.moef.nic.in/legis/hsm/mswmhr.html>.
- Republic of India. Ministry of Environment, Forest and Climate Change. *Solid Waste Rules*. Accessed June 24, 2018. <http://egazette.nic.in/WriteReadData/2016/169079.pdf>.
- Sharma, Milan. "Delhi's Eco-friendly Waste Disposers May Lose Their Jobs." DNA India. June 04, 2015. Accessed June 24, 2018. <http://www.dnaindia.com/locality/chandni-chowk/delhi-s-eco-friendly-waste-disposers-may-lose-their-jobs-61660>.
- Shiva, Vandana, and J. Bandyopadhyay. "The Evolution, Structure, and Impact of the Chipko Movement." *Mountain Research and Development* 6, no. 2 (1986): 133-42. doi:10.2307/3673267.
- UNESCO. "The Rio Declaration on Environment and Development." Accessed on May 31, 2018. http://www.unesco.org/education/pdf/RIO_E.PDF.
- "Waste and Citizenship Festival." Global Alliance of Waste Pickers. May 05, 2013. Accessed May 31, 2018. <http://globalrec.org/global-meeting/waste-and-citizenship-festival/>.
- "Waste Picker Organizations Map." Global Alliance of Waste Pickers. April 06, 2018. Accessed June 24, 2018. <http://globalrec.org/waw/waste-picker-organizations-map/#1/-51/-21>.
- "Waste Pickers Protest against Subsidies for Waste-to-energy Incinerators." The Hindu. October 25, 2011. Accessed June 24, 2018. <http://www.thehindu.com/news/cities/Delhi/waste-pickers-protest-against-subsidies-for-wastetoenergy-incinerators/article2570208.ece>.
- Willén, Jenny. *International Trade with Waste: Do Developed Countries Use the Third World as a Garbage-can or Can It Be a Possible Win-win Situation?* Master's thesis, Uppsala University, 2008.
- Ziglio, Luciana. "Industrial Solid Waste Management In Brazil And The Basel Convention." *Novos Estudos Jurídicos* 19, no. 2 (2014): 585-606. doi:10.14210/nej.v19n2.p585-606.