

A Report of Interaction Program
On
‘Solid Waste Management: Problems and Solutions’
Organized by Environmental Committee, Nepal Bar Association
Venue: Nepal Bar Association Hall
Kathmandu, Nepal
13 April 2011

1. Introduction

The one-day interaction program on ‘**Solid Waste Management: Problems and Solutions**’ was held at Nepal Bar Association Hall, Kathmandu, Nepal on 13 April 2011 (2067 Chaitra 30) organized by Environmental Committee, Nepal Bar Association (NBA) with the financial support of Solid Waste Management and Resource Mobilization Center to address the issue of solid waste management. 125 participants (including members of Environmental Committee, NBA) attended the program. **(See Annex-I for the Participants' List)** A member of the Environmental Committee was appointed as a rapporteur to make report of the program.

2. Objective

The main objective of the program was to get feedbacks from the participants to draft laws in future in the management of solid waste.

3. Methodology

- Paper presentation
- Question answer
- Opinion Sharing

4. Proceedings

The program started at 2.00 pm. Master of Ceremony (MC), Mr. Padam Bahadur Shrestha opened the session welcoming all the guests. He invited Prof. Dr. Amber Prasad Pant, Dean, Faculty of Law, Coordinator of Environmental Committee, NBA to chair the session and Mr. Prem Bahadur Khadka, President, NBA to grace the session as a chief guest. Then he invited Mr. Krishna Prasad Sapkota, President, the Supreme Court Bar, Mr. Bhoj Raj Acharya, President, the Appellate Court Bar, Mr. Rajeshwor Adhikari, President, the District Court Bar, Mr. Bijay Prasad Mishra, General Secretary, NBA, Senior Advocate Sindhunath Pyakurel, Member of the Supreme Court, Senior Advocate Krishna Prasad Bhandari, Member of the Supreme Court, Mr. Dipendra Bahadur Oli, Legal Officer, Ministry of Local Development, Solid Waste Management and Resource Mobilization Center, Dr. Sumitra Amatya, Executive Director, Solid Waste Management and Research Center on dais.

Then MC requested Advocate Mr. Raju Phuyal, Member of Environmental Committee, NBA to present slides on solid waste management.

Mr. Raju Phuyal said being the students of law; it is their duty to know about how the landfill site is functioning and what kind of system is needed to manage solid wastes. He presented few slides of landfill sites in Okharpauwa and Sisdole, which he has prepared with

the help of **Mr. Ram Mani Ghimire**, former president of Solid Waste Management in the landfill site where he pointed out the heap of stones and sands where the wastes have to be thrown but the wastes are dumped somewhere not there. He emphasized on if they have to throw wastes, it would be better to separate wastes according to their nature.

Mr. Phuyal showed his concern over scavengers who come to collect garbage in the landfill site. One side they are picking up garbage and other side dozer is running and dumping wastes. He is very much worried about their health. However, law does not allow them to collect garbage even in safety wise, it is not safe but who will control it? There are small shops are running near the landfill site, people come and eat food there. Is it good for human health? Nevertheless, the concerned authority is not taking any attention and people of that area are also not seemed to be concerned. It is everyone's duty to think about it.

Mr. Phuyal showed a picture of a created pond where liquid of solid wastes has to be collected. Before it sends in the stream water it has to be treated and filtered through machine but due to damage of machine the thick sludge of wastes without filtering mixing in the water and polluting it. Due to contaminated water, people are suffering from various diseases and ailments. And dumping area is also expanding multiply by 4. All the time birds and animals hover over the wastes. They eat these wastes and take disease with them infecting and transferring human beings and others.

The draft bill has been proposed about it but it takes time to bring into practice. Though they have equipments but they are not using them. They have to bring awareness if they really want to manage solid wastes. Everywhere wastes are randomly mixing in the water if water becomes less in the stream then the wastes thrown in the water come up in the surface. They do not have a system though they are spending lot of money in the management of it. Therefore, it is a high time to raise their voices to lobby strong law in the management of solid wastes.

MC thanked Mr. Phuyal and requested Prof. Dr. Amber Prasad Pant, Dean, Faculty of Law, Coordinator of Environmental Committee, NBA to give his welcome speech and remark on the topic.

Prof. Dr. Amber Prasad Pant welcomed all the participants and thanked them for their presence due to their tight schedules. He said that today was the last day of 2067, they organized this program and they did similar kind of program last year also.

Prof. Pant said when they talk about different types of environmental pollution; pesticide is one kind, which is hazardous to health and damage air, soil and others in the nature. 75 tons of hazardous pesticides are in different parts of Nepal. Recently, German Company has taken responsibility to take back the pesticides within a year that are remaining including in Amlekhgunj. He said, today they are not going to interact about other pollution but will focus only on solid wastes management.

Prof. Pant said households and shops are the sources of solid wastes. If they throw garbage everywhere, life will be uncomfortable and unhealthy. They have to throw it properly in the

right place. There are Local Self Governance Act and Solid Waste Management Act and Rules to govern it. However, are they effective? Do they need to bring a new law? Or is this only the implementation problem? To discuss about it and to get feedbacks they have invited them in this program.

Prof. Pant pointed out four areas to be considered in the solid waste management:

1. Collection of waste
2. Transfer of Waste
3. Disposal of Waste
4. After Care of Waste

If they have to control pollution, they have to think about these four areas. They should not only have to be careful about collection, transfer and disposal of the wastes. They have to give serious thought to 'after care', which is very important. Once again, he welcomed and wished them 'Happy New Year 2068' and promised to take their suggestions sincerely to the concerned authority.

MC thanked Prof. Pant and invited Mr. Ganesh Dahal, Advocate, Member of Environmental Committee, NBA to present his paper on "**Laws of Nepal relating to Solid Waste Management: Problems and Solutions**" Mr. Dahal presented his paper through power point. **(Handouts of his detail presentation were provided to all the participants. See Annex-II for the Power Point Presentation)**

MC thanked Mr. Ganesh Dahal and invited Chief Guest, Prem Bahadur Khadka, President, NBA to give his welcome speech.

Mr. Prem Bahadur Khadka talked about how to create fresh environment, what kinds of activities needed to improve it. He said, however, looking at the present situation of environment, they have to think seriously about environment from now on. People in average have less interest in this matter. Law is not only the factors to manage solid wastes but along with law, they have to bring public awareness for the effective implementation of law. All of them have knowledge about hazardous but it is the question about knowledge but how long they would like to stay in this kind of environment? They have to take decision. For example when the vehicle stops at red light signal in the bridge of Bishnumati, Bagmati and other rivers, they could not stop without inhaling a foul smell of the area or river. They have to think how to clean that. If they are able to manage household wastes then they will be able to solve half of the problems in the solid wastes management. They do not have problem of budget but it is the matter of action.

Mr. Khadka gave an example of Europe where there are three different big drums (green, black and white) to put wastes from households according to their nature whether they are degradable or non-degradable. In Kathmandu, municipality can do that. They can urge municipality to do that or put pressure on them. If the people stop throwing wastes in the river, it will help them to manage solid waste. He said that this type of program is very important to bring awareness, though he is not from the environmental background but has learned more from today's program about the environment.

Participants' Queries and Suggestions:

1. If they excavate mine from the ground, does that soil return to its previous condition? The wastes release from the hospitals, nursing homes and the pesticides are dangerous. The Supreme Court has given decision that before running any project, it has to do Environmental Impact Assessment (EIA). Therefore, when they talk about burning things or building incinerator, they have to think about the temperature in the air and what will be the effect of its in the environment, how do they bring balance in the environment using it?
2. They see plastics, bottles, cans in the riverside of Kathmandu, they are harmful and littering the area. The Supreme Court has issued an order not to dump garbage in the water or near but it is not implemented. How do they address this issue?
3. Along with the solid wastes management they have to bring *Kavadi Sangh* policy. There is not any policy on *Kavadi Sangh*, therefore separate law should be created to manage *Kavadi Sangh*. There is Local Self-Governance Act 2056, in its regulation, District Committee will collect service charge but the Municipality will collect the garbage, therefore the management of solid wastes and collection of money has to be given to one authority that will help to manage wastes in a systematic way. From the local VDC level, they can recycle wastes. If they produced or released less wastes at home, it would be a great help in the management of solid wastes.
4. There are various organizations working in the management of solid wastes, it would be better to establish umbrella organization for all those organizations to work systematically not overlapping each other. However, they have law but important thing is implementation. There is provision of fine Rs. 100 to 1500, but implementation part is lacking and weak. To mix sewage in river or stream has to be stopped and checked. They have to make a law to build safety tank compulsory at home when someone is going to build new house. Permission should not be granted to them or drawing of the house should not be passed to build house who do not build safety tank. Safety tank will last for 25 years. If they provide money for the collection of wastes, people will happily like to work on that. They have to stop using plastic bags, for that they have to run campaign in the 300 shops in Kathmandu, they can conduct it as a mission. They can teach awareness through schools. There are 12 to 1500 schools in Kathmandu, they can mobilize them even to women to bring in use clothe bags in place of plastic bags.
5. In Maitidevi there is a temple and near the temple there is a open space where people from the Guthi cremate dead bodies of their kin. It is their right to cremate dead body there but it is also other people's right to live in the healthy environment, how do they balance this kind of situation? School students, people residing there and the communities are affected by it; does this committee can help in this matter?
6. 69 percent of wastes are released from households, to dispose these degradable wastes, they can keep earthworms to decompose it. They can dig hole in the garden and put the wastes there with earthworms. If they do not have land or space, they can use the flowerpot and keep earthworms there to decompose wastes and earthworms will change wastes into fertilizer. In this way, they can manage household wastes.
7. This is not the problem about awareness, they have been making people aware from many years and people are aware about the situation and consequences. If they are a real lawmakers then try to convince people about their commitment and responsibility that will

be a great help in the management of solid wastes. People have to stop doing politics over wastes. They are lawmakers they have to raise their voices against this type of dirty politics. Everybody agrees to manage solid wastes properly but how many of them are managing wastes in their house? In Kathmandu, everyday they have 400 tons wastes release, if they manage wastes such as using earthworms changing wastes into fertilizer then half of the problem will be solved. This is not about the incentive or about awareness; this is a matter of responsibility.

8. The talk like this should not be confined here only in the small room they can take their message to all over the country, making it as a big program. If they started disposing wastes from their home in a small scale, tomorrow it would start at large scale. From now on, they can show their commitment to work on it.

After question answer session, MC invited Mr. Krishna Prasad Sapkota, President, the Supreme Court Bar to deliver his speech.

Dr. Krishna Prasad Sapkota told a story relating to the topic and said if they have to manage solid wastes, they have to develop self-awareness. This is not the question about the individual's management it is about the authority and power who governs or controls it. Therefore, nobody is going to clean the polluted Bagmati, Bishnumati river it is the authority to take initiation and make people to clean it.

MC thanked Mr. Sapkota and invited Mr. Dipendra Bahadur Oli, Legal Officer, Ministry of Local Development, Solid Waste Management and Resource Mobilization Center to deliver his speech.

Mr. Dipendra Bahadur Oli said he would like to focus on laws relating to the topic. He said that paper presenter has raised two issues; management system and another effective implementation. Both depend on person's behavior and thought. The draft bill about it is going to pass but Five- Year Plan of Bagmati Improvement Action Plan has been passed but he is not sure it will be implemented effectively or not. Environmental Committee has to take initiation to make it happen. This is really an important question whether the government is able to take it into action or not. Then, Mr Oli said they have to make resolution and can do symbolic work on 5th June targeting dense populated area with the leadership of the Environmental Committee, NBA. He said he was involved in the draft making process from the beginning. The Interim Constitution, 2063 already stated about the environmental provision to live in clean environment. They have to think about the provision seriously and have to decentralize power to improve environment. They also have to think about the health of scavengers and try to seek provision to govern them. Mr. Oli said they are working in the partnership with different stakeholders. Therefore, only law will not be sufficient to control or manage wastes, they have to think practically. He hoped to get support from NBA for the good cause.

MC thanked Mr. Oli and invited Mr. Bijay Prasad Mishra, General Secretary, NBA to deliver his remark.

Mr. Bijay Prasad Mishra said that today's topic is contextual and very important. He welcomed the idea to create healthy environment and going to organize program on Environmental Day. He said he has learned a lot from today's discussion about living in clean environment but they are used to walk on the road of Kathmandu inhaling foul smell of garbage dumped everywhere. He wished them good luck for their work in future and thanked them for inviting him.

MC thanked Mr. Mishra and invited Dr. Sumitra Amatya, Executive Director, Solid Waste Management and Research Center to deliver her remark.

Dr. Sumitra Amatya said that they have Act and Law about the management of solid wastes but implementation and monitoring system is weak. It is high time to think about clean and healthy environment. They have to organize this type of program frequently to bring awareness in public. If they have any suggestion for the upcoming law, they would like to include that. If proposed draft is passed, how do they implement that? It is difficult to say.

Dr. Sumitra gave an example, waste is like a refugee in a sense that it goes from one place to another searching for shelter. If they send it to its origin such as earth-to-earth and water to water, it will bring balance in the environment. They have to start from their house in a small scale. They have to dispose degradable wastes in the garden and they can send remaining non-degradable wastes to Okharpauwa landfill site. If they follow the system then it will help in controlling over dumping in the landfill site. Are they familiar about the fact that they are eating poison bringing meat in the black plastic bag? Who will control it? Can they stop it?

In the last, Dr. Sumitra requested them to organize bigger program than this. She said, the people in Nepal used to live in polluted environment, they are not interested to create healthy environment. Until and unless they do not take initiation about it, they cannot afford living healthy life. They have to believe 'Health is Wealth' then they will be motivated.

MC thanked Dr. Sumitra and invited Mr. Senior Advocate Sindhunath Pyakurel, Member of the Supreme Court to give his remark.

Mr. Sindhunath Pyakurel welcomed all and said it was really an important topic to discuss. He appreciated the effort of Environmental Committee, NAB organizing this program to bring awareness about solid wastes management. He very much agreed that to control pollution and manage solid wastes in Nepal, they have to bring public awareness.

MC thanked Mr. Pyakurel and invited Mr. Senior Advocate Krishna Prasad Bhandari, Member of the Supreme Court to give his remark.

Mr. Krishna Prasad Bhandari said life is beautiful if they enjoy. It is up to them how they take it. Solid wastes means gold for him, they can earn money from it. Sometimes they burn dead body, sometimes they bury in both ways it mixes with soil, goes to nature. If dead body throws in the jungle, tiger eats it that satisfies its hunger. Bones can be calcium, which they can give to their children. They can use eyes, liver and kidney of the dead body to give others who need them. It means nothing is waste if they know how to use it.

MC thanked Mr. Bhandari and invited Dr. Tara Prasad Sapkota to give his remark.

Dr. Tara Prasad Sapkota said Nepalese are following the principle of NYMBY, it means not in my yard beyond my yard. They feel safe and proud throwing household wastes outside home or in neighbors' place. They think cleaning means taking out garbage beyond their yard or boundary. However, healthy environment does not mean only cleaning their houses. They have to be aware about the fact that throwing garbage haphazardly means they are polluting environment and inviting diseases for all. Therefore, they have to be cautious about cleaning and have to throw wastes in the proper place.

MC thanked Dr. Sapkota and invited Dr. Bijay Singh Sijapati, Assistant Coordinator of Environmental Committee, NBA to give vote of thanks.

Dr. Bijay Singh Sijapati thanked all the participants for their active participation and sparing their valuable time. He hoped to get same kind of support and commitment from them in future.

MC thanked Dr. Sijapati and invited Mr. Chairperson Prof. Amber Pant to close the session.

Mr. Chairperson Prof. Amber Prasad Pant thanked all of them once again for their support and presence. He promised to take all the feedbacks and move forward. He welcomed the idea provided by Mr. Dipendra Oli to do the joint program on 5 June, Environmental Day. He was optimistic about the program and positive about the public awareness. Mr. Chairman said if they cannot implement law properly then it is useless to bring strong laws. It is not only about the law it is the matter of commitment and effort of the people that makes it possible to happen. Then, he gave an example of Singapore where people do not spit on the road and he said why they should not expect this from Nepali people? If they are in Singapore they also follow the rule if they do not, they get fine but when they come to Nepal, virtually they forget all those decency or they do not follow. In Nepal, they have laws in this area but there is lacking of effective implementation. He thanked Solid Waste Management and Resource Mobilization Center for supporting them financially to conduct this program. Then finally, he announced the closing of the program.

Padam Bahadur Shrestha
Member-Secretary

Prof. Dr. Mr. Amber Prasad Pant
Co-ordinator

Date: 3 May 2011