

Discussion Paper on Waste Management

Introduction

Waste management processes in Lagos have undergone significant restructuring and innovation, especially since 1991 when the Lagos Waste Management Authority was created. One of the more visible innovations in the sector was the establishment, in the late 1990s, of the SME-focused Private Sector Participant (PSP) model in response to the shortfall in the state's waste collection capacity – a model that recently came under threat following a change in administration. This episode is emblematic of the technical, financial and institutional challenges that have hobbled performance in the sector over the years. This position paper expands on those challenges and elaborates on how they should be tackled by specific government units.



Challenges in the sector

1. Ad hoc approach to policy adoption: Policies and programmes introduced by past administrations are often immaturely truncated and unilaterally replaced with new ones by incoming administrations. The most recent instance of this was the impromptu imposition of the Environmental Management and Protection Law (EMPL) on disaffected stakeholders in 2017.
2. Lack of enforcement of extant policies/laws: Historically, the mechanisms put in place to ensure that public and private actors deliver on their mandates have not been enforced. Unless this is addressed, even the best-laid plans will fail at the level of implementation.
3. Failure to decentralise governance: The state has not allowed local governments (LGs) to fulfil their waste management responsibilities as spelt out in the national constitution. The state ensures this, in part, by depriving LGs of the financial independence granted them by the constitution.
4. Failure to integrate informal-sector workers: The state has outlawed the operations of cart pushers and sought to displace waste pickers with formal private actors. This ignores the indispensability of informal workers in the areas of recycling and collection, especially in communities that are under-served by formal operators.
5. A narrow focus on collection: The state government has largely limited itself to interventions at the waste collection stage, leaving out the upstream functions of waste generation/sorting/storage and the downstream responsibilities of waste treatment. Even within the remit of collection, best practices are not followed with regard to separating waste collected from different sources.
6. Inadequate investment in waste collection and treatment facilities: The budget allocated to waste management by the state is not commensurate to the scale of the challenge. In addition, the state has not done enough to ease restrictions for private investors in the sector.

Proposals for action

Issue #1 – Ad hoc approach to policy adoption

- The Ministry of the Environment (MoE) needs to conduct an urgent review of the EMPL which was hastily passed in 2017, without adherence to due process. The review must be guided by the principles of inclusiveness and transparency: formal and informal actors along the waste management value chain as well as the public must be properly consulted to ensure that the interests of all stakeholders, rather than those of a narrow group, are represented in the ensuing document. A law formulated with the broad agreement of multiple stakeholders would be less susceptible to misappropriation by any one group.

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Issue #2 – Lack of enforcement of extant policies/laws

- Historically, the Governor's Office and the Lagos State House of Assembly (LHA), with support from the MoE, have been responsible for ensuring compliance by the Lagos Waste Management Authority (LAWMA), which in turn has been expected to oversee PSP activities. These oversight/enforcement functions need to be enshrined in the revised EMPL. The enforcement structure must ensure that LAWMA provides accurate data on waste generation, disposal and treatment by private-sector operators. Failure by LAWMA, PSPs or other operators to meet their obligations should result in sanctions, which would need to be applied consistently for enforcement to be effective. To tighten the accountability loop, portals should be set up for customers (i.e., 'generators') to register feedback about the services they receive.

Issue #3 – Failure to decentralise governance

- The state needs to recognise and uphold the constitutional roles of Environmental Health Officers (EHOs) employed at the local government level. The Local Government Service Commission needs to hire more EHOs across LGs, provide proper training for old hands and new hires, and then let them do their jobs. EHOs should help waste generators to imbibe best practices, including waste avoidance and sorting, and have powers to impose legal sanctions on defaulters. EHOs should also follow established legal procedure for prosecuting customers in their respective LGs who neglect to pay PSPs for services rendered, to help the latter with cost recovery.

Issue #4 – Failure to integrate informal-sector workers

- MoE must ensure that the review of the EMPL proposed above clearly articulates roles, as well as legal protections, for informal-sector actors – particularly the cart pushers and waste pickers that have been marginalised by preceding laws. Their inclusion would signal a recognition of the reality that these actors are central to, and indispensable in, a context like Lagos where formal arrangements are inadequate and unemployment rates are high.

Issue #5 – A narrow focus on collection

- The EMPL review must address all aspects of the waste management value chain: reduction, collection, separation, recycling, composting, incineration and landfill disposal. The law should introduce taxes to reduce reliance on single-use plastics and promote alternatives. MoE and LAWMA should focus on building Material Recovery Facilities rather than Transfer Loading Stations, as the former combine recycling and temporary storage functions.
- In furtherance of recycling objectives, selected LGs should fund 'test' community-based aggregation initiatives, in partnership with community-based organisations and NGOs that have experience running such initiatives. Successful models should then be replicated across all LGs in the state.

Issue #6 - Inadequate investment in waste collection and treatment facilities

- The state government and House of Assembly must increase the allocation of funds to waste management, to a degree commensurate to the generation capacity of the state. To attract private funding for capital-intensive treatment/disposal plants like Material Recovery Facilities, waste-to-energy plants and sanitary engineered landfills, the state government should extend long-term licenses and irrevocable guarantees to prospective investors.

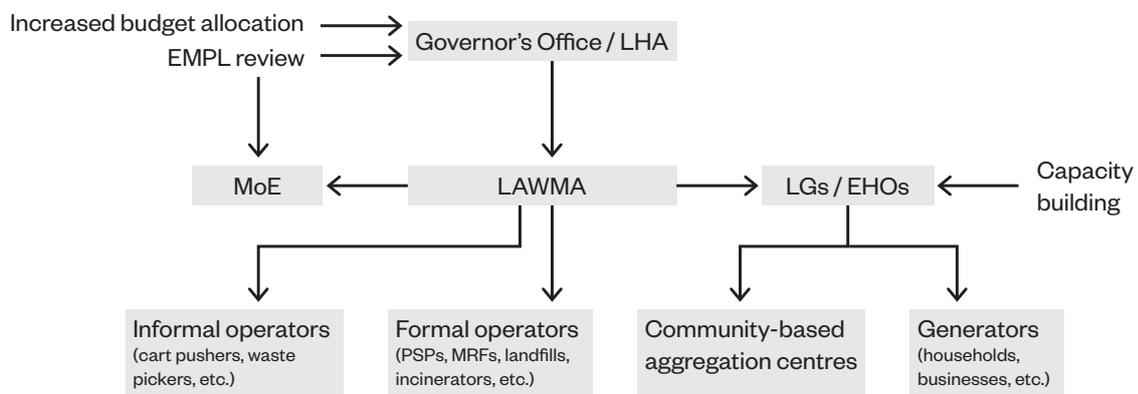


Figure 1: Proposed governance structure for waste collection in Lagos State

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Members of the working group:

Dr. Temilade Sesan, Mr. Taiwo Irebami, Ms. Agharese Ojelede,
Mr. Hakeem Ogunbambi, Mr. Amarachi Kalu, Mr. Olubenga Adebola