



Report on

Stakeholder Validation Forum on
Guidelines for Social Enterprise in Solid Waste Management in
Nairobi County

Held on 23rd February 2018

at Ufungamano House

(Christian Student Leadership Centre)

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Introduction and Context

This report covers the stakeholder validation forum on the *Draft Guidelines for Social Enterprise in Solid Waste Management in Nairobi County* convened by *The Institute for Social Accountability (TISA)*. The forum brought together representatives from Nairobi County Government Executive and Assembly, civil society, academia, community based organizations dealing with solid waste management, solid waste pickers, solid waste dealers, women and youth from different wards within Nairobi County.

The objective of the meeting was to present an overview of the draft solid waste management social enterprise guidelines for Nairobi City County with a purpose to seek feedback and inputs towards enriching the guidelines

Opening and Welcome Remarks: Ms. Wanjiru Gikonyo: The Institute for Social Accountability (TISA)

Ms. Wanjiru Gikonyo, the National Coordinator for *TISA* gave a brief introduction of *TISA*, which is a civil society initiative committed towards the achievement of sound policy and good governance in local development in Kenya, to uplift livelihoods of, especially, the poor and marginalized.

She explained that *TISA* focuses on governance to ensure transparency, accountability and public participation in county governance affairs. This is in accordance with the Constitution, which states that all sovereign power belongs to the people of Kenya. Further, the Constitution establishes a devolved government system whose objective is to bring governance closer to the people and enhance their participation in making decisions affecting them, to recognise the right of communities to manage their own affairs and further their development and to promote social and economic development and provision of proximate and easily accessible services. She urged the participants to actively engage in policy and decision making process by giving their views during public forums on county planning and budgeting processes. She explained that *TISA* engages in monitoring the National and County Budgets, which are key policy documents. *TISA* sensitizes the community on budget to enable them participate effectively in the budget development process.

She gave an overview of *TISA*'s social audit project in 2016 conducted in three sub counties in Nairobi to determine the status on budget implementation in solid waste management in Nairobi County. Among the key findings of the social audit was the lack of clarity in youth engagement in garbage collection and employment initiatives for youth, women and vulnerable groups in solid waste management, lack of transparency in solid waste procurement process and lack of waste collection points. These findings informed a memorandum that was submitted to the County Assembly Budget Hearing in 2016. As a result, the County Assembly allocated Kshs. 90,000,000/- for youth empowerment. However, this could not be implemented due to lack of solid waste management regulations to govern youth engagement in waste management and precisely garbage collection, despite the fact that the County Integrated Development Plan and the County Fiscal Strategy Paper provided for youth employment in solid waste management.

She explained that as a buildup on the social audit on solid waste management, TISA undertook to develop guidelines for social enterprise development in solid waste management. The development of the guidelines was enabled through a study to understand the social economic and environment context under which the core components of solid waste management, in particular, waste collection; disposal, recovery and recycling are undertaken in informal settlements and low-income areas in Nairobi.

She informed the participants of TISA's study on solid waste management done in Embakasi South, Kibra and Westlands sub counties in Nairobi County in February 2018. The study entailed interviews and discussions with community based solid waste management groups, waste pickers, waste dealers, material recyclers, ward administrators and sub-county environment officers from the respective sub counties. The study sought to understand the solid waste management process especially in informal areas, the beneficiaries in the solid management value chain to inform proposals for the guidelines and how to open the solid waste value chain for all to benefit with the aim of promoting inclusive development for a healthy environment.

In addition to the above, she stated that TISA also engaged experts in physical planning, value chain and procurement to provide advice on the technical aspects in their respective areas of physical planning, value chain and procurement in solid waste management to inform the formulation of the guidelines.

She explained to the participants that the main agenda of the meeting is to obtain their feedback and input into the draft guidelines. Further, the views of the youth, women and vulnerable groups will be presented to the county assembly for inclusion in the County Integrated Development Plan and County Fiscal Strategy Paper.

Policy and Legal Framework Governing Solid Waste Management: *Ms. Annet Nerima*

Ms. Annet Nerima of TISA made a presentation on the policy and legal framework governing solid waste management. She informed the participants of the numerous international, national and county government policies all of which emphasize sustainable solid waste management that promotes inclusivity and social enterprise development. These include Sustainable Development Goals, Constitution of Kenya 2010, Kenya Vision 2030, National Environment Policy 2013, National Solid Waste Management Strategy, Nairobi Integrated Urban PLAN, and Integrated Solid Waste Management Plan for Nairobi 2010, Nairobi City County Solid Waste Management Act 2015, and Physical Planning Act 1996. She concluded by stating that if these policy and laws are properly implemented they can result to an economically viable, socially and environmentally sustainable solid waste management system in informal settlements and low incomes areas in Nairobi and countrywide.

(See Annex 1 below for the full presentation)

Situational Analysis of Solid Waste Management in Nairobi County: *Mr. George Njoroge*

Mr. George Njoroge, the research consultant for TISA on solid waste management explained the solid waste management process in low-income areas. The main waste generators are households and business. Most of

these wastes is disposed on roadside spaces, underdeveloped plots, designated holding points, rivers and some transported to Dandora dumpsite. Waste recovery occurs at all these disposal points mostly done by waste pickers who sell to middlemen. The collected waste undergoes pre – processing in the form of shredding and pelleting. Final processing of waste is done by factories that make products from organic, plastic and metal waste.

He explained the emerging issues from the study on solid waste management at the different levels of the chain. These include delayed or defaulted payments, low profits, lack cooperation from community members, ban on polythene bags, lack of equipment and protective gear, disruption by one off waste collection and community clean up initiatives by the government, lack of waste holding facilities or transfer stations, erratic or unavailable waste transportation services. Burning of waste at disposal sites destroying the recoverable waste, middlemen cited extortion and harassment by police, unreliable electricity, electricity tariff also not favorable for recycling operations, recycling activities are labour intensive raising production costs. labor is also not easily available some activities are dirty and hazardous, price fluctuations across the chain and use of archaic technology in recycling.

He further explained the support different actors in solid waste want from the county government and other stakeholders. These include:

- Training and capacity development on making solid waste management social enterprises profitable
- Support in creating awareness to the community through activities like clean-up campaigns
- Zoning and establishing well-designed waste holding facilities
- Effective and incorruptible transportation, transportation in good time
- Recovery at source points and unrecyclable waste transported for disposal at land fill
- Recognition/licensing of middlemen and recyclers by county government
- Control of importation of virgin plastics and industrial metal
- Subsidies or rewards mechanisms or grants from the county government/other stakeholders
- Improvement of recycling premises and support to procure modern recycling technology
- Regulate importation of products that can be manufactured from recycled materials

Social Enterprise Business Model for Solid Waste Management

Mr. George Njoroge explained that the model has been developed from the situation analysis of solid waste management, with contributions from a legal/governance expert, value chain, procurement and spatial planning experts. It seeks to advance the following key issues:

- a) incorporate all activities including reduction in waste generation, collection, material recovery, recycling and transportation of unrecyclable waste into the social enterprise model
- b) Procurement process in solid waste management emphasizing on promotion of social enterprises
- c) Spatial planning for sustainable solid waste management for promotion of social enterprises
- d) Foster a devolved institutional framework to make solid waste management effective and efficient

(See Annex 2 below for full presentation)

Plenary Discussion

Ms. Joyce Bosire: Director Sub County Administration Nairobi County Government

Ms. Joyce Bosire, the Director for Nairobi sub county administration stated that Kenyans voted to have the Constitution that establishes a devolved government system that brings governance close to them. She informed the participants that the county government offices are open to all including the youth and they can get services.

She informed the participants that the county government is facing a challenge of zoning for the purpose of solid waste management. However, the county government intends to conduct zoning and designate waste separation and recycling points.

She requested the participants to collaborate with the county government in preventing illegal dumping of waste.

She explained to the participants that the county government has policies that need to be followed, for example, when establishing public private partnerships.

She encouraged the youth to register their community based organizations to enable them engage effectively with the county government. Once they have registered themselves they can approach the county government for training.

She encouraged the youth to actively participate in CIDP process to give their views on what projects they want the government to implement on youth empowerment.

Mr. Ibrahim Otieno: Representative of Nairobi County Environment Sector

Mr. Ibrahim Otienogave a clarification that there is a service charge for transportation of waste to the final waste disposal site in Dandora by the county government. The amount to be paid is provided for in the *Nairobi County Government Finance Act*. There is a recognition fee of Kshs. 7000/- to be paid annually for transporting waste to disposal point. It is illegal for a person to transporting waste without a recognition letter from the county government.He informed the participants that the county government wants to start a process of identifying public spaces to be made waste transfer stations.

Questions/ Comments	Answers/ Clarification
The county government imposes a requirement for waste collectors and transporters to pay a recognition fee but it is not ready to assist community-based organizations (CBOs) to make resident pay for waste collection. What measures has the county government put in place to assist CBOsmake waste generators pay for waste collection?	With a recognition letter from the county government, it is easy for the CBOs to get assistance from the county government. The sub county director has powers to demand that resident pay for waste collection services
It is commendable that the county government intends to conduct zonig for solid waste management purposes. However, slum dwellers are concerned whether the county government will give them recognition. What plans does the county government have for low-income areas	The public should make an effort to follow up on these issues from the office of the sub county environment officer in Kibra.

<p>in terms of solid waste management? Currently, there is adverse impact on public health in slums (Kibra) due to poor waste management.</p> <p>We request the county government to come and designate waste disposal site together with slum dwellers. What are the timelines for the zoning process?</p>	
<p>The county government does not properly disseminate information to the public and that is why the public does not participate in county affairs. Further, they do not give the public feedback on issues they have raised.</p>	<p>The public should liaise with the office of the sub county administrator to get timely information and feedback on their issues.</p>
<p>How much should CBOs charge residents for waste collection? All the money they collect goes to the county government.</p>	<p>CBOs set the amount they charge their customers and in doing so, they should factor in transportation cost. The county government no longer charges cess. The county government only charges for transportation of waste to the final disposal point in Dandora. Previously the charge was determined by tonnage but the <i>Nairobi County Finance Act</i> now states that high-income areas shall be charged more than low-income areas to subsidize the price.</p>
<p>What measures is the county government putting in place to reclaim playing grounds in Kibra that have been turned into dumpsite illegally, that is Laini Saba and Woodley grounds.</p>	<p>The sub county environment officer for Kibra stated that he is aware of the illegal dumping in Laini Saba and Woodely grounds, which illegal dumping is done by traders in Woodley and residents in Laini Saba. He stated that the waste will be cleared within six hours.</p> <p>He encouraged the resident of Kibrato report any incidents of illegal waste dumping. He informed Kibra residents that the designated holding grounds in Kibra are ACK, 42 grounds and Gatokera.</p>
<p>Youth appreciate the county government for decentralizing tenders to sub county level. However, this does not include tenders for transportation of waste, mostly done by established contractors. However, the main challenge faced by CBOs is transportation of garbage. Youth should also be contracted to transport waste. The tendering process is not favorable for CBOs as the requirements are too stringent requiring applicants to have fleet capacity of 4 to 6 waste transportation vehicles, financial capacity with bank guarantee of Kshs. 2,000,000/-</p> <p>The Access to Government Procurement</p>	<p>The draft guidelines by TISA propose devolution of procurement to sub county level but currently the procurement process is done at county level. Youth should present these views to the county government during formulation of CIDP as priority project.</p>

<p>Opportunities (AGPO) requires 30% of tenders to be given to vulnerable groups. What criteria does the county government apply to ensure it fulfils AGPO</p> <p>The youth requested financial support, capacity building and to be given tenders to transport garbage.</p>	
<p>One of the participants stated that the county government has come up with solid waste management action plan which if implemented will reduce the challenges facing the sector.</p> <p>However, the county government is more focused on increasing the number of waste collection trucks but this will not fully solve the challenge of waste management.</p> <p>The solid waste management action plan also identifies land in Ruai as final waste disposal point but there have been challenges in securing ownership of the land.</p> <p>NIUPLAN proposes the enhancement of the capacity of the county government and CBOs in waste collection.</p> <p>A pilot project was conducted in Kibra and Kangemi, and recommendations given and action plan adopted by the county government and executive. It covers issue of cross subsidy and recycling. He urged the youth to push their MCAs to push for the implementation of the solid waste management action plan, which will benefit them. He also urged them to push their MCAs to push for the establishment of ward development fund to facilitate developments at the ward level.</p>	<p>It was agreed that youth should work together with their MCAs to push for youth empowerment projects in the county assembly.</p> <p>However, it was clarified that Ward Development Fund is not the solution to getting finances for development projects. The role of MCAs is representation, legislation and oversight but not to carry out development projects. The county government makes budget allocations for each sector including solid waste. MCAs should push for increase in budget allocations for youth empowerment through solid waste management and ensure thirty per cent of solid waste management tenders are given to the youth in compliance with AGPO</p> <p>Youth should push the Governor to implement his manifesto in which he promises to initiate youth programmes.</p>

Way Forward

The following institutions and individuals proposed the following as way forward

TISA

- i. **Compliance:** CBOs face the challenge of residents refusing to pay for waste collection. CBOs to sensitize residents to pay for waste collection.

- ii. **Zoning:** The process of zoning and designation of waste collection points by the county government should be publicized and participatory. TISA to request a meeting with the county government to discuss this issue
- iii. **Procurement:** There are opportunities in procurement but youth, women and vulnerable groups are not able to access them yet there is a legal requirement that procurement should consider Access to Government Procurement Opportunities for youth, women and vulnerable groups. TISA will request a meeting with the county government and request them to stop the tender process to ensure that it consider youth and women. Three youths to volunteer to meet with the county executive on this issue

Nairobi County Government

- i. **Capacity Building:** Youth and CBOs to obtain certificate of registration and youth certificate to access capacity building opportunities such as applying for tenders
- ii. **Sustainability:** CBOs, youth and community should not depend on non-governmental organizations to initiate projects but take up projects and see them through
- iii. **Procurement:** Youth to push their Members of County Assembly (MCA) for devolution of procurement to ward level
- iv. **Public Health Alert:** Residents should report to public health officer within their ward to contain disease-causing vectors such as mosquitoes, stray dogs and rats
- v. **Civic Duty:** Citizens make it their responsibility to ensure their environment is clean and sensitize the community on proper waste disposal.

Community Based Organizations providing Solid Waste Services

Recognition fee is too high especially for CBOs who do not earn much for waste collection because most residents refuse to pay for waste collection services. Therefore, CBOs should not be criminalized for providing waste management services without recognition letter from the county government.

Youth engaged in waste management should change their attitude that waste management is a dirty job, and make themselves presentable for the community to take them seriously and respect their job.

Sub county environment officers should do filed visits within their respective sub counties to understand the challenges of waste management facing their sub counties, and ensure quick response to community complaints.

On the issue of lack of coordination between residents and the ward administration, citizens should reach out to their ward administrators and environment officers and ward administrators and environment officer should ensure they give feedback on issues raised. Additionally, ward administrators were urged to embrace technology, use of “WhatsApp” and “twitter” as alternative communication channels for effective communication with residents in their areas.

Community should take care of their environment and not wait on the county government.

Academia – University of Nairobi

CBOs should sensitize the community on the importance of proper waste management to curb adverse effects on public health caused by poor waste management.

CBOs should initiate small projects on proper waste management in their communities. For example, identify “NyumbaKumi” to agree to separate their waste in three boxes, one for plastic waste to be sold to recyclers, organic waste to be sold to farmers to feed their pigs and prepare manure, and paper waste to be sold to paper recyclers (Kawangware Women Group). This initiative encourages separation of waste at source, reduce amount of waste for disposal by fifty per cent, creates opportunities to generate income and reduce negative impact on public health caused by improper waste management.

Conclusion

It is envisaged that the Nairobi County Government will adopt the guidelines as its framework for implementing the SWM Social Enterprise Model. The stakeholder forum therefore recognized the need to continue engaging with relevant departments in Nairobi County Government and more specifically the environment, planning and procurement departments as well as the County Assembly. Workshop participants elected sector-working group to spearhead engagement with the county government executive and assembly in county planning and budgeting in respect to solid waste management.

Annexes



Annex 1 SWM
guidelines validation



Annex 2 -
Presentation on SW

NB: Click on icon to view presentation