

Fellow Chair Hon. Justice Arun Misra,

Co-chair Hon. Justice Abdulai Charm,

Hon. Justice Takdir Rahmadi,

Hon. Justice Abdur Rahman,

Prof. A.K. Gosain,

Dr. P. Anbalagan,

Distinguished Delegates, Dear Students, Ladies and Gentlemen

1. This is my privilege to chair this technical session, '**Municipal Solid Waste**'. I would like to congratulate Hon'ble Justice Swatanter Kumar and the National Green Tribunal family for organizing the *International Conference on Environment* successfully for last few years and would like to place on record my sincere appreciation for extending warm welcome and hospitality to me and my delegation in New Delhi, India.
2. Conferences like this give us opportunities to listen viewpoints of experts, share our experiences and learn from each other. In this session, speakers will be widely discussing various aspects of Municipal Solid Waste.
3. The time allocated for the session is one hour and 30 minutes, tentatively each of us will take 10 minutes; and 20 minutes will be allotted for questions and answers. I will introduce the subject with a brief note on Nepalese experiences and remaining part will be conducted by fellow Chair Hon'ble Misra.

4. I would like to briefly touch upon Nepalese experiences of policy, legislation and regulation provided for the municipal solid waste management including some challenges and opportunities seen during practices.
5. I pick up a quote from ADB's publication 'Solid Waste Management in Nepal' 2013, which says *"Rapid and uncontrolled urbanization, lack of public awareness, and poor management by municipalities have intensified environmental problems in towns in Nepal, including unsanitary waste management and disposal."* I can fairly say such situation is more or less remaining in the entire region. Municipal waste is carelessly dumped in many areas where human settlement is in existence. This has contributed in making our cities, our highways, and our rivers so ugly and dirty. It is becoming a challenge to ensure a healthy environment.
6. Urban areas are concentrated by the population because of health services, quality education and employment opportunities. As a result, cities are becoming more congested and producing massive solid waste. General challenge lies to the Government in tackling the every step of waste management, like waste reduction at the source; collection and transfer of waste for reuse and recycle; composting or incineration by managing the environmental impact of air emissions. Issues relating to landfill planning with sound technical options are bigger in size. Similarly, hazardous waste, hospital waste, toxic waste, construction debris (after the 'Gorkha Earth Quake, 2015', in case of Nepal), paper and plastics, industrial waste etc are becoming complex and biggest challenges from the perspective of environmental justice.
7. Presently, developed countries are generating more plastic and paper waste, whereas, developing countries like Nepal are producing more **organic waste**. Converting such waste into manure and energy would greatly help

organic farming, and also promote better health quality of people. Some of the Local Governments have started to look waste as a business opportunity through the means of reuse and processing the waste with a minimal impact on the environment. To handle such situations, sound technical options and expertise are required for each segment. Compliance to law, policy and action at the municipal level, and awareness in all sections of the population at large is crucial and multi-sector approach is desirable. To this end, judiciary can play a pivotal role to ensure fair justice.

8. Nepal has formulated Solid Waste Management National Policy two decade back with five broader objectives of :
- i) making work simple and effective;
  - ii) minimizing pollution and adverse effect on public health;
  - iii) mobilizing waste as a resource;
  - iv) promoting awareness; and
  - v) privatizing its management.

However, reality demanded appropriate legislation and regulation to ensure the compliance of this policy including effective controlling arrangement, taxation and awareness.

9. As a result, Environment Protection Act (1997) and Regulation (1998); Local self Governance Act, (1999); Solid Waste Management Act (2011) and Regulation (2013); and recently set of local governance legislations have been enacted with the broader objectives of ensuring clean and healthy environment. Municipalities have also been made responsible for the infrastructure, operation, and management of solid waste. The Act mandates local bodies to take necessary steps to promote reduce, reuse and recycle, including segregation of waste at source. It also authorizes local bodies to formulate rules, by-laws, and guidelines.

10. Despite these, legal and policy framework has been introduced as a visionary concept in order to implement '*polluters pay*' for making solid waste management work effective and self-reliant, which is now being implemented through private partnership to collect the household level waste by involving the private sector, community-based organizations (CBOs), and nongovernment organizations (NGOs).
11. Now, coming to the role of the Judiciary, like other judiciaries in South Asia, Nepali judiciary has taken waste management issues as a part of its drive to ensure environmental cleanliness. So far, in number of cases relating to waste management such as management of medical waste, location of landfill sites, policy reform in post earthquake reconstruction, ban on hazardous plastic and *Bagmati* cleanliness issues, the Court has called upon the government to develop revised policy on waste management, which helped to enrich the jurisprudence of environmental justice. Furthermore, Court has established right to clean environment as a part of fundamental rights of the people through Public Interest Litigations (PIL). However, the ground situation is yet to be improved.
12. The courts have encountered this, in varied manifestations while handling public interest petitions pertaining to management of waste, protection of open spaces or protection of heritage sites, etc. Even though many of the court decisions are still waiting of proper implementation. This is due to shortfall of governance, and it can be addressed through multi-pronged approach. Empowerment of stakeholders, creation of accountable institutions, funding and effective participation of public in sharing the costs and benefits are crucial in environmental governance. In recent times, the courts in our part of the world have begun to issue 'continuing mandamus'. This has been very instrumental in cleaning our cities, our rivers and lakes.

13. Besides, environmental justice should be informed by the notion of restorative justice that restores environmental health and also restores the life and livelihood of people as envisaged by the Constitution of Nepal.
14. **Finally**, Solid waste management is a complex issue, and need to engage various actors of the state and non-state activist and required integrated approach. In many cases, courts are also involved for the justice and making the fair play to reduce the negative environmental impact in protecting the human rights. Apart from the better legislation, policy and regulation, fair justice from the court; providing the leadership and encouraging decision-makers to implement the safer policy from the executive; promotion from the media; awareness at household, institutions, and industry level; and application of best technical options may resolve the problem of this field. Therefore, I would emphasize that if justice is to be secured to each and every individuals, we need to find out comprehensive solutions. I end by quoting Martin Luther King who long back said **injustice anywhere is threat to justice everywhere**.

I thank you all.