

Critical Discourse Analysis in Waste Management Policies: A Shifting Paradigm for Waste Pickers in Colombia



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Abstract

This thesis reviews Colombia's waste management policies, decrees, and laws to scrutinize the country's discourses on waste management and their potential impact on waste pickers. Employing critical discourse analysis and Bacchi's 'What's the Problem Represented to be?' (WPR) approach, the study critically examines these discourses. It identifies the prevailing discourse of Free Competition in Colombia's waste management policies to bring light to the presuppositions underpinning them and examines the effects of subsequent policies derived from it, particularly concerning waste pickers' access to waste as a means of livelihood. Furthermore, the research investigates paradigm shifts in Colombia's waste management by identifying instances where these dominant discourses have been contested, notably by waste pickers' organizations through the Constitutional Court's rulings. Lastly, the study also looks at more recent formalization policies to challenge their problem representations and gain a deeper understanding of their implications for waste pickers.

Key words: Colombia, discourse, formalization, waste management, waste pickers.

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Acronyms

ANR: National Association of Waste Pickers (Asociación Nacional de Recicladores)

ARB: Association of Waste Pickers of Bogotá (Asociación de Recicladores de Bogotá)

CE: Circular economy

CEMPRE: Business Commitment to Recycling (Compromiso Empresarial para Reciclaje)

CRA: Commission for the Regulation of Drinking Water and Basic Sanitation (Comisión de Regulación de Agua Potable y Saneamiento Básico)

DNP: National Planning Department (Departamento Nacional de Planeación)

MinAmbiente: Ministry of Environment and Sustainable Development (Ministerio de Ambiente y Desarrollo Sostenible)

MinVivienda: Ministry of Housing, City and Territory (Ministerio de Vivienda Ciudad y Territorio)

MSW: Municipal solid waste

MSWM: Municipal solid waste management

PGIRS: Plans for Integral Solid Waste Management (Plan de Gestión Integral de Residuos Sólidos)

SSPS: Superintendency of Public Utility Services (Superintendencia de Servicios Públicos Domiciliarios)

WIEGO: Women in Informal Employment: Globalizing and Organizing

WM: Waste management

1. Introduction

Many cities in low- and middle-income countries face increasing challenges when managing municipal solid waste. The situation becomes even more complex because of their increasing populations and the increase in per-capita income and urbanization rates, which are linked to higher generations of waste per capita. (World Bank, 2018 p.1, UNEP, 2017, p. 7). In the case of Latin America and the Caribbean the sound management of waste remains as one of the main sustainability challenges to be addressed (UNEP, 2018, P.15). Improper waste management practices (WM) result not only in serious health risks and negative environmental impact (UNEP, 2018, p.9) but also in negative economic repercussions as “costs to society and the economy as a whole derived from the improper management of waste are 5 to 10 times the cost of implementing proper waste management in a middle- or low-income city.” (UNEP, 2018, p.27).

Colombia falls in a similar case as many of these countries, as its waste management systems have been based on an economic model of linear production and consumption (CONPES Document 3874, 2016, p.9). Another characteristic of the Colombian case is the complex situation in regards to recycling and the informal sector. Waste pickers have recovered waste in Colombia for over eight decades (Parra & Abizaid, 2021, p.8). Contributing to environmental and societal benefits through the recovery of materials and preventing them from ending up in landfills (Parra & Abizaid, 2021, p.9, Palacio & Escalante, 2016, p.165). Despite this they have historically faced displacement, discrimination and exclusion (CEMPRE, 2017, p.28). However, until very recently Colombia began shifting towards a circular model of waste management bringing new implications to waste pickers (CONPES Document 3874, 2016, p.11). Although in many countries in the Global North this model and the implementation of recycling began as an alternative to landfilling, in Colombia the process was heavily influenced by the fight for waste pickers' rights and recognition. (CEMPRE, 2017, p.26). There have been decrees for the recognition and formalization of waste pickers recently, like Decree 596 of 2016, yet certain authors bring attention to various limitations within the Decree (Parra & Abizaid, 2021, p.39). Taking all of this into consideration, this analysis looks at discourses in waste management over time and their implications for waste pickers.

1.1. Research Aim and Question

This thesis aims to explore the changing dynamics of waste management policy discourse in Colombia overtime by focusing particularly on the potential effects towards waste pickers. By employing critical discourse analysis and Bacchi's WPR approach, the study seeks to shed light on the narratives in waste management that surround waste pickers and their livelihoods. Examining the historical trajectory of waste management policies to further understand the presuppositions that underlie the discourses and where these discourses have been challenged. This way the research intends to unpack the complexities of policy discourses and their implications for waste pickers ultimately contributing to a more nuanced understanding of both how discourses matter for the everyday life and of Colombia's evolving waste management landscape.

The guiding question of this research is:

What are the potential effects or implications that discourses in waste management policies in Colombia have on waste pickers over time?

2. Setting the Scene

2.1. Background

2.1.1. Waste Management in Colombia

Colombia is a highly urbanized country, in 2018 around 75.5% of its population lived in urban areas and it is expected that by 2035 that number will increase to around 83% (CONPES Document 3819, 2014, p.8). In 2014 around 13.8 million tons of solid waste were produced annually yet it is anticipated to increase to around 18.74 million tons by 2030, this is around a 13.4% increase in the per capita production of waste (CONPES Document 3874, 2016, p.9). The solid waste as defined in the national policy of waste management is that of non-hazardous waste, which includes urban or municipal solid waste (CONPES Document 3874, 2016, p.20). The majority of this waste, 83%, goes to landfills while 17% is recovered (CONPES Document 3874, 2016, p.31).

When speaking of linear model it is referred to one where raw materials are extracted, energy is applied to it to manufacture a product, and then it is sold to the end consumer, who later disposes of it when it no longer serves its purpose (CONPES Document 3874, 2016, p.21). This linear model of waste management has great environmental, societal and economic repercussions. Municipalities face issues with limited disposal capacities, as approximately 22.2% of disposal sites in Colombia have a remaining useful life of more than 10 years (Ossa Urrea et al., 2020, p.36), while about 18.04% of the country's landfills operate with an expired license or one that will expire in 3 years (Superservicios, 2021, p.32). Additionally, the majority of the waste that ends up in landfills (61.5% organic materials and 30% recyclable materials) are elements that had the opportunity to be recovered or repurposed for energy recovery or soil nutrition (CONPES Document 3874, 2016, p.33). This is problematic because it strains landfill capacity and because of the loss in energy and raw material that comes from a linear model of waste management. When linear modes are brought up, they are those where companies extract raw materials, apply energy to manufacture a product, and then sell the product to the end consumer, who later disposes of it when it no longer serves the user's purpose (CONPES 3874, 2016, p.21). There is also the problem of the pollution it causes in the landfills. For example, when organic material decomposes it produces biogas—which includes greenhouse gases such as methane and carbon dioxide, that contribute to climate change (UNEP, 2018, p.26; CONPES 3874, 2016, p.33). All of the above are

just some of the reasons as to why the latest policy in waste management (CONPES Document 3874, 2016) stated that by 2030, Colombia is on track to experience landfill crisis and significant greenhouse gas emissions if it maintains its current patterns of waste generation and unsustainable production and consumption (p.31).

2.1.2. Waste pickers and their role in waste management

As is the case for many Global South countries, the role of the informal sector in waste management has been key. Ma & Hipel (2016) explain how it has been widely recognized by the literature how the informal sector can reduce operational costs, complement public services, and provide employment and livelihoods for marginalized groups (p.6-7).

The term waste pickers will be used in this paper as it was adopted at the First World Conference of Waste Pickers in Bogotá, Colombia, in 2008, to replace derogatory terms and better represent those in this field (WIEGO, n.d). It refers to individuals who collect household or commercial waste to recover recyclable materials. Beyond collection, they often transport, separate, and sell recyclable materials, frequently working informally (Economist Intelligence Unit, 2017, p. 6).

On WIEGO's (Women in Informal Employment: Globalizing and Organizing) report on formalization of waste pickers in Colombia by Parra & Abizaid (2021), it is mentioned how in Colombia waste pickers have historically engaged in the recuperation of materials earning their living in this way for over eight decades (p.8,9; Palacio & Escalante, 2016, p.165). They also explain how the work of waste pickers can be understood in three main ways, as providers of public environmental services with societal benefits, as providers of goods and raw materials to the recycling value chain and as providers of public service of waste collection (p.9). The reason for this is because when waste pickers collect the recyclable material it means these materials are not collected and disposed of by waste management companies saving them operational efforts and costs and as well as preventing the material from ending up in landfills (p.9). By reintroducing these materials into the recycling value chain, waste pickers mitigate the need for the extraction of

virgin resources, along with the energy consumption and greenhouse gas emissions typically associated with such processes (Parra & Abizaid, 2021, p.9).

Additionally, their livelihood is often seen as precarious, because of hazardous working environments and lack of occupational safety and health as well as low earning and having to negotiate prices via middlemen (ILO, 2019, p.1). Parra & Abizaid (2021) also note how until recently they also faced systematic restriction and prohibitions in waste management policies, laws and decrees (Parra & Abizaid, 2021, p.9-10).

2.2. State of the Arts

Waste management is a topic that has been researched from many perspectives, yet when it comes to the social dimensions of municipal solid waste management (MSWM), there is a lack of sufficient research in the field. So much so that Ma and Hipel (2016) find that only 0.69% of research on MSWM addresses social dimensions (p.8). Before 1991, they found that little attention was given to these aspects of MSWM. However, they note that recent developments in waste management such as shifting from landfills to sustainable practices like the 3Rs (reduce, reuse, recycle), have expanded the focus beyond just technological solutions to one that requires the involvement of all stakeholders (p.3). They also emphasize how the success of MSWM systems is contingent not only on technical advancements but also on social, economic, and psychological factors (p.10).

This has also been noticed by Chaturvedi et al (2015) where they note that most of the existing literature and policy discourses on PPPs in WM largely emphasize large-scale infrastructure and centralized contracts (p.10)¹. Additionally, through this gap in social dimension research on waste management emerges another gap, the consideration of informal institutions. Valenzuela-Levi (2020) explains how Global North literature focuses on empirical analysis of existing municipal solid waste, often ignoring institutional factors, especially in the case of informal institutions (p.1098). On the other hand, Global South literature does consider informal institutions but mostly on the struggles of waste pickers (p.1098). Yet it is important to consider factors such as power and institutions when analyzing the adoption of recycling policies (Valenzuela-Levi, 2020, p.1100).

Other authors that have focused on informal institutions have identified barriers and drivers in the informal sector, especially regarding the formalization of waste pickers. For example, Gómez-Maldonado et al. (2023) researched small and middle-sized cities in Colombia to assess whether formalization policies have led to improvements for the waste picker populations. They find slow progress in the policy implementation and that while certain benefits such as increased income and

¹ In their analysis of PPPs in new Delhi, Chaturvedi et al (2015), consider informal and formal private actors in PPPs, hence informal waste pickers are considered informal private actors (p.8)

training have been observed, other quality of life improvements, such as access to protective gear and reduced manual labor, have not been witnessed (p.9). When the authors identify barriers in formalization they point towards waste pickers' organization capabilities and on institutional disarticulation which complicates the implementation of norms (p.9). Another example is Aparcana (2016) where she finds from her literature review and case studies (two of which were cities in Colombia) from different approach to formalization that the most common and persistent barriers found were policy/legal issues (70%), institutional/ organizational, (50%) and financial/economic (40%) (p. 594, 604). This goes in line with the challenges highlighted by both the International Labour Organization (ILO) (2019) and those by Parra & Abizaid (2021). Other studies highlight the limitations of inclusive neoliberal development efforts such as Hartmann (2017) when researching a landfill development project in Managua, Nicaragua. He brings light to how despite environmental, social and economic benefits the inclusion of waste pickers was limited and hundreds of them were displaced as their livelihoods used to depend on the collection of waste from what was previously the open dump (p.574). In regard to policy Rateau and Tovar (2019) examine through their comparative analysis of Bogotá, Colombia, and Lima, Peru, the distinct frameworks of public policies regarding formalization and their varied impacts on the waste picker population. They find contrasting impacts such as risking condoning waste pickers to basic recovery task without prospect of advancement in Lima, while in Bogotá waste pickers advance in formalization yet face risks of falling back into informality in later stages (p.8-9) They also stress how policies aimed at integrating waste pickers in both cities are deeply rooted in local sociopolitical-economic contexts (p.8).

Although Chaturvedi et al (2015) focus on political economy and PPP arrangement in MSWM in India, they do well at demonstrating how different policy proposals and the discourses behind them have real life effects for waste pickers. For example, in the case of Delhi they explain how the narrative by large waste management companies that promotes waste-to-energetic solutions for India's energy crisis implies such resources should be derived away from the informal sector actors (p.13). They explain how this dominant discourse overlooks the contributions of the informal sector and leaves them largely unaddressed in waste management discussions, contributing to their marginalization (p.13). This assessment of the literature leads to two key conclusions: the necessity for further research on the social dimensions of waste management, and the recognition that

policies and institutions have tangible impacts on waste pickers, whether perceived as beneficial or obstructive.

3. Theoretical and Analytical Framework

This analysis employs Critical Discourse Analysis (CDA) as the theoretical framework alongside Bacchi's 'What's the Problem Represented to Be?' (WPR) approach as the analytical framework. Jørgensen and Phillips (2002) argue that in discourse analysis, theory and method are intertwined, requiring one to embrace the underlying philosophical principles to effectively use it as a method of empirical investigation (p.4). This interplay is why CDA mostly as theorized by Fairclough and Bacchi's WPR influenced by Foucault's poststructuralism are suitable for this analysis.

3.1. Theoretical framework: Critical Discourse Analysis

Critical Discourse Analysis is a robust approach that allows to empirically study the connections between discourse and social developments across various social domains (Jørgensen & Phillips, 2002, p.60). This is particularly relevant for understanding waste management policies and their impact on waste pickers.

One key reason behind using CDA in this analysis is related to its belief that discursive practices contribute to creating and reproducing unequal power structures between social groups (Jørgensen & Phillips, 2002, p.63). It is 'critical' in the sense that it seeks to reveal the role of discursive practices in maintaining the social order, including relationships of unequal power (Jørgensen & Phillips, 2002, p.63). Making it ideal for highlighting how waste management policies may reinforce or challenge the marginalized positions of waste pickers. Jørgensen and Phillips (2002) mention three functions of discourse, first, its identity function (i.e. the construction of social identities, how individuals/groups see themselves and are seen by other), then, its relational function (i.e. the construction of social relations, as how people interact and relate to one another) and lastly, its ideational function (i.e. construction of systems of knowledge and meaning, as in shared understanding) (p.67).

Jørgensen and Phillips (2002) explain how one of the most advanced theories in Critical Discourse Analysis (CDA) is developed by Fairclough (p.60). To him CDA can systematically explore the

often complex relationships between discursive practices, events, texts, and the broader social and cultural structures, dynamics, and processes (Fairclough 1993, p.135 cited from Jørgensen & Phillips, 2002, p.63). Fairclough highlights discourse as a key social practice that not only reproduces but also transforms knowledge, identities, and social relations, including power relations, while also being influenced by other social practices and structures (Jørgensen & Phillips, 2002, p.65). Two key aspects of Fairclough's theory are the active role of discourse in constructing social reality and using how CDA can be used to investigate change in discourses (Jørgensen & Phillips, 2002, p.7). Fairclough's theory underscores two key aspects: firstly, the active role of discourse in shaping social reality, and secondly, the application of Critical Discourse Analysis (CDA) in examining shifts within discourses (Jørgensen & Phillips, 2002, p. 7). Additionally, Fairclough's concept of intertextuality highlights how individual texts contribute to pre-existing discursive structures and established meanings, but Fairclough also noted that discursive practices could not only reinforce existing discursive structures but also contest them (Jørgensen & Phillips, 2002, p.7,65)

3.2. Analytical framework: What's the problem represented to be?

Approach

To explore the framing of waste pickers in waste management policies in Colombia, this study employs Bacchi's 'What's the Problem Represented to Be?' (WPR) approach (Bacchi, 2009).

The rationale for choosing the critical analytical model WPR is that it aims to address the underlying issues presented within societal problems. Bacchi (2009) explains how it offers a systematic methodology to examine perspectives embedded within policies and proposals. (p.xv) It enables the interrogation (problematization) of deeply ingrained assumptions inherent in government policies and proposals by scrutinizing the problem representations they contain (Bacchi, 2009, p.xiv, xv). Additionally, as explained above, it matches well in terms of theoretical underpinning with CDA because of Foucault's poststructuralism influence on it.

Before delving deeper into the approach, it is important to define what is meant by problematization as it is a key topic to the approach and this analysis. Bacchi (2015) explains how

this highly contested concept tends to be used either as a verb (i.e. to problematize) or as a noun (i.e. problematizations) (p.3). The verb form can describe either a form of critical analysis (i.e. of questioning) or constitute something as a “problem” (i.e. giving shape to it as a problem), while the noun refers to the “outcome” of the process of problematizing (i.e. ways in which ‘Problems are framed’) (Bacchi, 2015, p.3). An example of how this is used is when Fairclough (2013) explains how CDA not only problematizes various issues but also 'problematizes problematizations' in their formulation (p.185).

With this in mind, we can now discuss the idea underpinning the WPR approach. According to Bacchi (2009) the WPR approach “rests on the simple idea that what we propose to do about something indicates what we think needs to change and, hence, what we think is problematic” (p.xi and Bacchi, 2015, p.7). This approach allows us to explore the implicit representations of the ‘problem’ in policy (Bacchi, 2015, p.7). It shifts away from the notion of reactionary policy, meaning thinking of policy as where the government attempts to fix a clearly identifiable problem, toward understanding problem representations (or problematizations) themselves as political interventions (Bacchi, 2009, p.1). Policies, therefore, constitute (i.e. make into existence with deliberate intent) ‘problems,’ making the government active in the creation and production of policy problems (Bacchi, 2015, pp.5-6; Bacchi, 2009, p.xii). This perspective frames government actions as problematizing activities.

The WPR approach in this sense aligns with critical discourse analysis by questioning into those problematizations that render these answers intelligible (intelligible here meaning what makes these policies make sense, what conceptual logics or presuppositions were in place) (Bacchi, 2015, p.7). Here it is important to note that this approach was also chosen because the analysis does not seek to evaluate policy towards waste pickers in regards to performance, as authors such as Gómez-Maldonado et al. (2023) have done in the past, rather it is interested in looking at the contextual factors that shaped the discourses in waste management policies that in turn have effects for waste pickers because of their close connection to their livelihoods.

These are the six questions from the WPR approach from Bacchi (2009), note that only the highlighted ones will be used to guide the analysis (p.xii):

The WPR approach questions
1. What's the 'problem' represented to be in a specific policy or policy proposal?
2. What presuppositions or assumptions underpin this representation of the 'problem'?
3. How has this representation of the 'problem' come about?
4. What is left unproblematic in this problem representation? Where are the silences?
5. What effects are produced by this representation of the 'problem'? .
6. How/where has this representation of the 'problem' been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

3.3. Methodology

This study is composed of a case study of policy, decrees, laws and reports. The case of Colombia was chosen because first, like many low- and middle-income countries it faces many challenges around waste management. Second, although previous waste management was based on a linear model, Colombia is endeavoring towards a circular economy being for example, the first country in Latin America to implement a nationwide CE strategy (European Commission, 2021). Third, Colombia is one of the few countries in the world where waste pickers are recognized and paid as recycling public service providers (Parra & Abizaid, 2021). Making it an interesting case to conduct a deeper analysis. One that takes into account context to situate changing discourses in policy and subsequently their implications for waste pickers.

A sample of waste management documents from Colombia's policies, decrees, and laws were selected, covering the period from 1991 to 2016. This timeframe aligns with the analysis by Márquez & Rutkowski (2020), who identified different eras of waste management in Colombia. We focus on, what they name, the 'free competition' period (1991-2014) and the 'inclusive model' period (2015-present) (p. 56-58). This period was corroborated by literature review and reports

(CEMPRE, 2017; Parra & Abizaid, 2021; Ruiz-Restrepo & Barnes, 2010; Valenzuela-Levi, 2020; Márquez & Rutkowski, 2020). It is important to note that the “Second National Study of Inclusive Recycling” from the National Alliance for Inclusive Recycling in Colombia made by CEMPRE (2017) and the report by Parra & Abizaid (2021) “Formalization as Public Service Providers: Achievements and Obstacles for Colombia's Waste Pickers Women in Informal Employment: Globalizing and Organizing” which highlights the perspectives of informal workers through a co-creation of knowledges is heavily used in the analysis to identify the effects public policy has had for waste pickers. The literature review as well as these reports also guided the following sample of document that was chosen from the pool of all the identified waste management regulatory documents (listed in Annex 1). The selected documents are those that had the most impact on the shift in policies discourse and those that illustrated the effects of discourses and problem representation on waste pickers (the documents are in Spanish and have been translated by me):

Year	Policy	Ministry	Brief Description
1994	Law 142	Congress of the Republic	SPDA Framework; Established the legal framework for the regulation of public utilities, including water and sanitation services.
1998	SWMP	MinAmbiente	SWMP (Solid Waste Management Policy); Introduced comprehensive waste management strategies, emphasizing waste reduction, recycling, and safe disposal.
2000	Decree 421	MinAmbiente	Rules for the provision of water and cleanliness services; Defined operational standards and service quality for water and sanitation services.
2002	Decree 1713	MinAmbiente	Regulatory decree on public services related to waste management; Established guidelines for waste collection, transportation, treatment, and final disposal.
2008	Law 1259	MinAmbiente	Environmental sanction; Introduced penalties for non-compliance with environmental regulations and promoted sustainable practices.

2016	Decree 596	MinVivienda, MinAmbiente	Formalization of Waste Pickers; Legalized and supported the inclusion of waste pickers in the formal waste management sector, providing them with social and economic benefits.
2016	CONPE S 3874	DNP, CRA	Current SWMP; Outlined national strategies for integrated waste management, focusing on reducing environmental impact and improving efficiency.

4. Limitations

This study has several limitations. First, it has both geographical and temporal limitations as its focus is on discourse in waste management policies and its implication for waste pickers in Colombia, restricted to the specific historical period of 1991 - 2016. This in turn has limitations for its generalizability, as the findings are contextual to Colombia's specific socio-economic and political contexts. Second, it has theoretical and methodological limitations as it employs Bacchi's WPR approach and CDA as the theoretical framework. While these are robust for deconstructing and problematizing discourse, it inherently involves interpreting the analysis which introduces subjectivity in what is discussed and what is not, these implications also apply to how much of the knowledge I, as the researcher, share with the documents being studied (Alejandro et al, 2013, p.168) There are also limitations on the sample of documents, as they were only focused on waste management policy, it did not focus on other policies that can have impacts for waste pickers, such as labor laws. Additionally, not all of the policies in waste management could be analyzed due to time constraints, so a selection had to be made based on the literature review and report. Lastly ethical considerations are that this paper analyzes the effects on waste pickers, an often marginalized group in society, for this a conscious choice was given to wording and material used to ensure it accurately represents them.

5. Analysis

5.1. Identifying the dominant discourse in MSWM.

This section employs Bacchi's (2009) questions 1, 2 and 3 to help identify the problem representation, the presuppositions that underpin them and how they came to be about. The analysis of Márquez & Rutkowski (2020) is useful to contextualize this analysis and hence understand the questions posed above. Márquez and Rutkowski (2020) trace the evolution of waste management policy in Colombia through five distinct periods shaped by different drivers. It goes as early as the Municipalization (1886–1935) era which was driven by public health concerns and focused on local municipal waste management efforts (p.55). The subsequent Nationalization (1936–1985) one came from municipal financial and administrative challenges that prompted the nationalization of waste services (p.56-57). During the Decentralization (1986-1990) era the responsibilities shifted back to municipalities due to national companies' failures in terms of coverage and quality (p.57). However, this decentralization process prompted chaos at the institutional level and financial stagnation for companies, in part because municipal companies were not getting insufficient rates to meet their costs and investments in infrastructure (p.57). Leaving the waste management sector in a financial, administrative and organizational crisis with nationwide protests (p.57.) Parra & Abizaid (2021) explain how these negative results in efficiency and costs of state monopoly led to the restructuring of public services in Colombia (p. 10-11). Allowing the government to adopt a liberal approach to waste management (Márquez & Rutkowski, 2020, p.57). This can be witnessed in the 1991 Constitution, which with the aim of providing more efficient services to users it embedded the principle of free competition in public services in Colombia (Márquez & Rutkowski, 2020, p.57, CEMPRE, 2017, p.28, Parra and Abizaid, 2021, p.10-11). The presupposition behind it, as noted by Parra and Abizaid (2021), was that "the market's logic would serve to organize and manage public services more efficiently" (p.10). Márquez & Rutkowski (2020) indicate how this new model of free competition allowed private companies to enter the WM sector under national regulation and supervision (p.57).

Hence the first discourse is that of 'Free Competition' in waste management, which then according to Parra and Abizaid (2021), leads to the second prominent narrative in waste management: that

private companies are the most suitable to become public service providers. This notion becomes consolidated in the next policy analyzed Law 142 of 1994 alongside its regulatory Decree 421 of 2000 (Parra and Abizaid, 2021, p.10-11).

5.2. Problematizing the policies under the dominant discourse of 'Free Competition' (1991-2014).

In this section, Fairclough's CDA concepts of how texts build upon pre-existing discursive structures and how they have the potential to reinforce already established meanings is present in the subsequent policies after the 1991 Constitution.

The 1991 constitution established SPD (Public services for households, otherwise known as domiciliary public services) provision to all citizens a national responsibility (Márquez & Rutkowski, 2020, p.57). The framework for SPD was provided in Law 142 of 1994 which explained that these services could be provided by the state, private utility companies, organized communities or individuals (producing for themselves or as complementary of their principal working activity) (Law 142 of 1994 article 15, p.10, Márquez & Rutkowski, 2020, p.57). This law was created as an instrument to ensure and preserve conditions of efficiency in public services, including establishing the rules that allowed free competition (Publication No. 1. Law 142/94, 1994, law 142, 1994, Article 2.6, p.2). In addition, the principle of free competition was promoted as a solution to Colombia's economic difficulties and administrative issues in public services. The aim was to ensure that the provision of services would be efficient and competitive, thereby guaranteeing quality and coverage. As a result, the responsibility for these services shifted from municipalities to predominantly private companies (Márquez & Rutkowski, 2020, p.58). Alongside this law the regulatory Decree 421 of 2000 established certain rules for the provision of water and cleanliness services specifically in the provision to small municipalities, rural areas and certain urban areas (Decree 421 of 2000, p.1-2). Parra and Abizaid (2021) state that these regulatory frameworks established private companies under the concept of free competition as the main providers, yet in cases where it lacked profitability municipalities and other actors (such as community groups or waste pickers) were allowed to participate as service providers (p.11). The Decree 421 of 2000 defined these areas. They were small municipalities, rural areas and specific

urban zones (of strata 1 to 2) (Decree 421 of 2000, p.1-2, CEMPRE 2017, p.28-29, Parra and Abizaid, 2021, p.10-11). This, CEMPRE (2017) explains, prohibited waste pickers from working in municipalities with over 8000 subscribers (CEMPRE, 2017, p.29).

These legal frameworks reflect the belief that introducing the concept of free competition will address the inefficiency within the system. Yet what is problematic for waste pickers here is that this Law and Decree assigned private companies to cities where the most profitable market share was found while leaving waste pickers in areas that produced less recyclable materials, which also increased their transportation cost due to their remoteness as noted by Parra and Abizaid (2021) (p.11).

Before analyzing the rest of the decrees and laws the 1998 MSWM policy is assessed.

This policy was one of the first to adopt an integral focus on waste management in Colombia. Like many other waste management and environmental policies there are many proposals due to the complex nature of MSWM, yet only one of them is specific to waste pickers. Its main proposal in this regard is to improve the working conditions of waste pickers in order to contribute to the efficiency of recycling programs and promote the creation of cooperatives and formal enterprises of material recovery (MinAmbiente, 1998, p.31). Among them there are many proposed actions such as programs to dignify waste pickers and recognize their work in order to be involved socially and economically in city life, enable center of collection with sanitary requirements for the collection of material to eliminate practices of collecting materials in open dumps, foster the participation of waste pickers in integrated waste management activities directly as contractors or affiliated companies, promote capacity building and business development programs for the waste pickers, and lastly support recyclers in identifying and obtaining internal or external resources to improve their working condition (MinAmbiente, 1998, p.31, 32). Here, although many problem representations can be identified based on Bacchi's first question, we can still identify a common theme. These activities are all with the purpose, according to the policy, to improve waste pickers' working conditions in order to improve the efficiency of recycling (MinAmbiente, 1998, p.31). The presupposition is then that what needs to change is waste pickers working conditions to improve recycling efficiency. This policy serves as a good comparison to the MSWM policy that is analyzed in the next era, 2016, to see how discourses changed from improving working conditions, to including them in the waste management itself.

Next in the analysis is the Decree 1713 of 2002 on public services related to waste management. The main focus here is on article 28 that establishes how waste in public sites is considered property of the municipality once deposited by the users, and then property is transferred to the entity responsible for waste collection (Decree 1713 of 2002, article 28, p.9). This was problematic as it meant that taking waste in public constituted spaces meant theft from the municipalities and waste collection companies (Parra and Abizaid, 2021, p.12).

The last practical text studied during this era (1991- 2015) is Law 1259 of 2008 a law of environmental sanctions (p.2-3). This law penalizes several activities in regard to the handling of waste. It penalized extracting partially or fully (without authority) the content of bags or containers for trash once placed for their collection, as well as other 'improper' handling of waste in classification, commercialization and transformation of waste (Law 1259 of 2008, article 6, p.2). This law, although initially seemingly a harmless proposal, such as not throwing trash in public spaces, can be problematized in relation to waste pickers. As it was putting environmental sanctions on all stages of waste pickers' work (Parra and Abizaid, 2021, p.13).

To recapitulate, this section showed how national and municipal companies' failures in the effective provision of services lead to the implementation of the liberal model, one that assumes free competition as the best solution because of its implications for efficiency and coverage. It also identifies how the subsequent policies build upon the dominant discourse of free competition. Parra & Abizaid (2021) explain that what is problematic in this dominant discourse is that by trying to maintain and consolidate the WM model that is based on the collection, transportation and landfill (by private companies) these policies created threats to waste pickers work, even criminalizing their livelihoods (Parra & Abizaid, 2021, p.10). To effectively see the magnitude of the implications of this discourse we will use Bacchi's (2009) fifth question that calls on investigating the effects produced by problematizations.

5.3. Problematizing problematizations: access to waste as access to livelihood

This section aims to problematize the dominant discourse in waste management by identifying the potential implications of policy discourses. By doing so, we apply the concepts of Critical Discourse Analysis (CDA), which posits that the creation of texts shapes various aspects of our social world (Jørgensen and Phillips, 2002, p.60).

It is difficult to see what is problematic when policies are promoting greater efficiency of MSWM or preventing throwing trash in public, yet what allows us to show how they can be problematic in regards to waste pickers is the implications they have to access to waste. For this it is important to first look at informality.

The International Labour Organization (ILO) (2013) describes the informal economy as ‘all activities that are, in law or practice, not covered or insufficiently covered by formal arrangements’ (ILO, 2013, p.4). They explain how the people in the informal economy are largely excluded from the benefits provided by the state, private market or political process and this leads to lack of social protection, representation and ability to exercise their rights (ILO, 2013, p.5). Additionally, they explain how the literature distinguishes between voluntary and involuntary exclusion, the first referring to the deliberate ‘evasion from taxes and regulatory controls’ (ILO, 2013, p.5). The second is those who are forced into situations of informality, in this case informality is seen as survival (Ruiz-Restrepo and Barnes, 2010, p.18). Waste pickers are often forced into situations of informality (p.26). However, Ruiz-Restrepo and Barnes (2010) explain how it is not to say that there are not people who chose informality rather than there are those who do not (Ruiz-Restrepo & Barnes, 2010, p.25). To further emphasize this, they point towards a World Bank report where they find that over half of self-employed in Colombia appear to be so involuntarily, meaning they would prefer formal jobs (Perry et al., 2007, p.6).

Additionally, many of these informal workers, especially the independent ones, strongly depend on regulations to have access to materials (Ruiz-Restrepo & Barnes, 2010, p.24). This idea of informality out of necessity brings a different light to policies that restrict the access to waste. It is very well illustrated by Ruiz-Restrepo and Barnes (2010) where they state that:

When the end result of a policy or regulatory framework limits or restricts the space or conditions for income generation of constituents who are not well off, live in exclusion, discrimination or with limited economic resources, without providing for a systemic inclusion solution or any other reasonable and effective alternative to continue ensuring their survival and development, then the latter case further worsens [...] (Ruiz-Restrepo and Barnes, 2010, p.15).

They describe this as legal impoverishment of the poor (p.15) Hence prominent discourse of free competition and privatization that concedes waste to waste management companies as was seen in Law 142 of 1994 and its regulatory decree 421 of 2000, article 28 of Decree 1713 of 2002 or article 6 in Law 1259 of 2008 not only restricted waste pickers access to waste but also posed a significant threat to their livelihood and hence their very survival (Ruiz-Restrepo & Barnes, 2010, p.71).

5.4. Challenging discourses

Recall how Fairclough's CDA views discursive practice as not only being able to reinforce established structures but also being able to challenge them (Jørgensen & Phillips, 2002, p.65) Bacchi's (2009) question six, second part, is useful for this section as it inquires on whether these problematizations have been challenged, questioned, disrupted and/or replaced.

Building on the previous discussion on informality is how McFarland (2021) explains that informality is often represented as unorganized and unregulated labor, yet it can often be highly organized and disciplined (p.91). In the case of Colombia this can be witnessed by the various right based advocacy waste pickers organizations such as National Association of Waste Pickers (ANR) and the Association of Waste Pickers of Bogotá. (ARB) (Parra & Abizaid, 2021, p.10). Through these organizations, waste pickers have successfully fought to preserve their livelihoods during periods of exclusionary regulatory frameworks and have been identified by authors as crucial for waste pickers' recognition and remuneration (Valenzuela-Levi, 2020, p.1196; Parra & Abizaid, 2021, p.6).

Highlighting these organizations is important due to their pivotal role in challenging discourses and shifting the 'Free Competition' era to the 'Inclusive Model' period as is explained below (Márquez & Rutkowski, 2020, p.58-61). This shift towards inclusivity is most notable in the Constitutional Court rulings, made possible by the waste pickers organizations (Parra & Abizaid, 2021, p.10). Take, for example, Law 142 of 1994 and its regulatory Decree 421 of 2000, which ARB challenged for unconstitutionality, leading the Constitutional Court to guarantee waste pickers' rights to equal participation in all of Colombia's municipalities through the ruling C-741 of 2003 (CEMPRE, 2017, p.29; Parra & Abizaid, 2021, p.11). Parra & Abizaid (2021) explain how although the court upheld the challenged article, it supported waste pickers' argument that public services provided by private corporations were not inherently more efficient, allowing waste pickers to form authorized organizations to provide public services nationwide (Parra & Abizaid, 2021, p.11). Regarding article 28 of decree 1713 of 2002 ANR and ARB mobilized again to denounce the implication of this regulations to their work, which resulted in having the Decree repealed, allowing the different process of recycling to be made without infringing in the existing law (CEMPRE, 2017, p.29).

Another occasion where this discourse of private companies in waste management was challenged by ARB was against the municipality of Bogotá. Due to the 2002 launch of public tender number 0001 that chose companies to provide services in certain areas of the city, while excluding waste pickers (because of monetary and experience requirements), lead to the Constitutional Court ruling of T-724 of 2003 which made strong emphasis on affirmative action for waste pickers (Parra & Abizaid, 2021, p.12). Parra & Abizaid (2021) explain that affirmative actions, according to the constitution (Article 13) are defined as "policies or measures aimed at favouring certain underrepresented persons or groups to eliminate or reduce the social, cultural, political, or economic inequalities that affect them" (p.12). Which according to Parra & Abizaid (2021) is at the core of the later legal achievement in favor of waste pickers (p.12). CEMPRE (2017) also stated how 2003 was a determining year for SWM in Colombia, with these affirmative action's establishing regulations for recognition and seeking equality for the waste picker population (CEMPRE, 2017, p.30).

In regards to the last law analyzed on this period, the Law 1259 of 2008, ARB and ARN again mobilized for their rights which was met by the Constitutional Court sentence C-793 in 2009 stating the need to protect the recycling population (Parra & Abizaid, 2021, p.13) Parra & Abizaid (2021) explain how this ruling reminded the national government of waste pickers situation of vulnerability, demanded positive actions to help them overcome social exclusion and demanded that the state:

[...] must also refrain from adopting measures that, although, in general and abstract ways, seek to promote constitutionally legitimate ends, have a disproportionate impact on the livelihood activities carried out by informal waste pickers, without simultaneously offering them adequate income alternatives. (Constitutional Court of Colombia 2009: number 5 cited from and translated by Parra & Abizaid, 2021, p.13).

Another pivotal moment that transformed the paradigm of waste management in Colombia, according to Parra & Abizaid (2021), was the Constitutional Court order 275 of 2011. This came after the ARB resorted to the Constitutional Court after Bogotá's issued one of the largest tendering for waste collection services in Colombia (p.13). The CONPES document 3874 (2016) explains how although this was a local ruling it set a precedent, influencing subsequent rulings nationwide (e.g., T-291 of 2009 in Cali, T-387 of 2012 in Popayán) (CONPES 2874, 2016, p.13-14).

Parra & Abizaid (2021) further emphasize how the order 275 recognized waste pickers as a subject of special protection of the state, due to their vulnerability, poverty and environmental nature of their work, and it also inverted the hierarchy pyramid of waste management (from collection, transportation, burial) to one that focus on reduction and recuperation of waste (p.14,15).

As mentioned above this shift in discourse is also reflected in Colombia's transformation in the waste management model. Márquez & Rutkowski (2020) state how previously private companies' dominance in the sector lead to a linear model of WM in part because with free competition, users end up choosing the cheaper option of WM, that being of collection and disposal (p.58,59,61). However this model began to change when waste pickers and their organizations fought for their rights and recognition alongside increasing policies that were align with international standard (Márquez & Rutkowski, 2020, p.59) A big driver for this, as identified above, was the

Constitutional Court rulings which mandated the government to enact progressive measures enabling waste pickers' inclusion in waste system leading to the term 'Inclusive Model' (2015-present) in Márquez & Rutkowski (2020) analysis (p.59).

5.5. 'Inclusive model' (2015-present): the journey towards formalization of waste pickers.

In this section two documents are analyzed, Bacchi's first question of WPR is again used.

Starting with the National Decree 596 of 2016 which outlines the framework regarding MSWM with public sanitation services and establishes a regime for the formalization of informal waste pickers who wish to be recognized as public services providers in waste management (Decree 596 of 2016, article 2.3.2.5.1.1, p.2; Márquez & Rutkowski, 2020, p.59; Parra and Abizaid, 2021, p.26). This Decree sets up certain criteria such as graduality in the formalization process, collaboration with different actors, and most importantly it recognizes waste pickers in the process of formalizing as public services providers of recycling and states how they should be remunerated (Decree 596 of 2016, article 2.3.2.5.1.4 and article 2.3.2.5.2.3.3, p.3, 8) It also mandates municipal authorities to formulate plans for integral solid waste management (PGIRS) and explicitly requires the participation of waste pickers to be integrated into the PGIRS (Decree 596 of 2016, article 2.3.2.5.5.1, p.15). Although many problem representations can be deduced, the main proposal is in regards to the formalization of waste pickers. With this in mind, following Bacchi's logic again, what needs to change and hence what is problematic is the informality of waste pickers.

The CONPES Document 3874 (2016) is the National Policy for Integrated Solid Waste Management which aims to transition from a linear model to a circular economy, with various proposals that have implications for households, producers, waste management companies, ministries and one, that is the focus here, the social inclusion of waste pickers in MSWM (CONPES Document 3874, 2016, p.43-44). This policy takes inclusivity as a guiding principle and states the authorities must ensure waste pickers integration into waste management processes according to what was established in the formalization efforts within public sanitation services

(p.45). This proposal highlights as one of the challenges for recycling, the informality of the sector. Additionally, based on the call for inclusion through formalization, informality is at the core of the problem representation (CONPES Document 3874, 2016, p. 37-38). It is important to note that there are other problem representations such as lack of economic incentives for recycling, low-quality waste separation, etc. (CONPES Document 3874, 2016, p. 37-38). Yet analyzing those and their underlying assumption and implications lies outside the scope of our analysis.

5.6. Problematizing the second discourse: informality.

As was noted the most important law for waste pickers is the Decree 596 of 2016 which regulates the operational scheme for recycling within public sanitation services and sets a transitional regime for formalizing waste pickers. (CONPES Document 3874, 2016, p.12). This process of supporting formalization is also seen in the National Policy for Integrated Solid Waste Management CONPES 3874 of 2016. These shift into the inclusive model and the policies and decrees in it has brought several positive aspects to waste pickers such as being recognized as public service providers, the introduction of tariff to be paid for their services and a five year formalization process (which was later extended to eight) and call for support through this process by the municipalities (Parra & Abizaid, 2021, p.25). These policies and decrees can also be scrutinized. Specifically, to see how the problem represented as informality can have effects for waste pickers.

Parra & Abizaid (2021) explain how independent waste picker will need to become organized if they want to be recognized as public services providers, receive fees for their services and in the long term not lose their access to waste, regardless if there is support from the municipalities or not (p.29). This brings a bias to independent waste pickers from the offset of the formalization Decree, which is critical as the majority of waste pickers (around 70%) work independently (p.29). Parra & Abizaid (2021) also explain how the Constitutional Court called for structural affirmative action to address waste pickers marginal situation. Which included their recognition, integration and remuneration as public services providers (p.28). They note how this affirmative action was interpreted by the national government as having waste pickers organization meet the requirements to become public services providers (p.28). In other words when called for affirmative action in

waste management for waste pickers, the actions taken by the national government was to formalize them. This authors explanations on the national government actions gives light how problematizations in policy proposals are a political intervention in itself.

It is relevant to mention that although this analysis has decided to utilize the names of the waste management regimes that Márquez & Rutkowski (2020) provide (e.i ‘Free Competition’ and ‘Inclusive Model’) its connotation can be deceiving, it is not to suggest that the dominant discourse of free competition has changed, it is rather to showcase that it is no longer the only narrative in place. Meaning waste management is now under the narrative of free competition but also has to account for the inclusion of waste pickers. The predominance of free competition can be seen in the statements by Parra & Abizaid (2021) that highlight how waste pickers remain vulnerable despite these positive shifts in policy. They recall how the Constitutional Court ruling called for recognition and remuneration of recycling activities as affirmative action to waste pickers but due to the principle of free competition in Colombia’s waste management, waste pickers were now exposed to competing with private companies that see this new tariff as an incentive to enter the recycling market (p.40). Márquez & Rutkowski (2020) also noted free competition with private companies as the biggest threat on waste pickers organization (p.63). This is because waste pickers’ organizations now not only have to compete with themselves but also with large private waste management companies (Sing, 2018 p.62, 63).

6. Findings and Contribution to Theory

This paper first identifies the dominant discourse of waste management, characterized by a liberal model of free competition in Colombia's public services. This was contextualized through an exploration of Colombia's waste management paradigms over time to understand the presumptions underpinning this discourse. For example, how the failure of national and municipal companies coupled with institutional, financial, and administrative disarray, and public dysplasia, allowed Colombia to implement a liberal model in waste management, having private companies enter the sector (Márquez & Rutkowski, 2020, p.56,57). The principle of free competition was embedded in waste management policies as a means for achieving efficiency and increased coverage (Parra & Abizaid, 2021, p.11). This free competition principle underpinned all subsequent policies analyzed, exemplifying the concept on CDA of intertextuality, how text is built upon previously established discourse (Jørgensen & Phillips, 2002, p.7,65).

It then analyzed the policies under this discourse of 'Free Competition' to bring light to the implications to waste pickers and their livelihoods. The free competition concept and the narrative that placed waste management companies as the most suitable for public services created several implications for waste pickers. Especially when it came to the access to waste. Although in many occasions these policies were not directly to waste pickers it did concern them because it limited their work or access to waste (i.e. Law 142/94; Decree 421/00; Decree 1713/02; Law 1259/08). It was noted how access to waste is a critical implication to waste pickers when understanding that some individuals are not in informality as a choice. Many times, informality is as means to survival and when policies or laws limit or give the access to waste to private companies and even criminalize the access to waste, without providing livelihood alternatives, it has implications on waste pickers very survival (Ruiz-Restrepo & Barnes, 2010, p.15,71).

Because this analysis was interested in the policies over time it also noted the shift in discourse from only 'Free Competition' to one where inclusivity has to be taken into account. It focused on how the dominant discourses in waste management were challenged by waste pickers' organization fighting for their rights and how the shift was in part due to the positive Constitutional Court ruling.

Moreover, this dynamic underscores the evolving nature of discourses, including the transition on discourse and how they can co-exist in a same historical period.

Nevertheless, embedded within the ‘Inclusive Model’ discourses are underlying assumptions about what necessitates change and how problems are conceptualized. Through Bacchi’s WPR approach it was noted how these policies, laws and decrees (i.e. Decree 596/16 and CONPES Document 3874/16) have had a principal focus on the inclusion of waste pickers through formalization efforts. Hence what was viewed as the problem is informality. Lastly, to see the implications, or to problematize this problem representation, the implications the proposals of formalization under a still prominent discourse of free competition have on waste pickers were highlighted. It noted how it was specifically problematic for independent waste pickers who to receive the benefits of these policies need to become associated with an organization (Parra & Abizaid, 2021, p.28). Additionally it was also seen how the concept of free competition can shift affirmative action such as the remuneration for recycling materials into a risk for waste pickers, as having increasing competition with waste management companies (Parra & Abizaid, 2021, p.40).

It is important to note that this paper does not aim to conduct traditional policy analysis by measuring outcomes or even less so by establishing causal relations. It does not argue that free competition directly leads to the marginalization of waste pickers. Rather, it wished to explore how proposals and their problematizations have underlying assumptions and presuppositions that impact real-life scenarios. To show how policies that can seem harmless at first glance, such as preventing trash from being taken or opened in public spaces, can have implications for marginalized populations such as waste pickers.

7. Conclusion

The main purpose of this analysis was to see what are the implications that discourses in waste management policies in Colombia have had on waste pickers overtime. To do so, it identified the dominant discourse of free competition on waste management to better understand what presuppositions underpin the discourses in the policies, laws and decrees analyzed. Many of the implications for waste pickers that these regulatory frameworks brought, under the dominant discourse of free competition, were identified as problematic for waste pickers. Mostly due to their effects on the access to waste. Whether by establishing waste as a national property and then bestowing it to private companies or by limiting the spaces for provision of recycling activities or sanctioning certain processes in acquiring waste. All the above can be seen as problematic to waste pickers when one considers that informality can be seen as either voluntary exclusion or involuntary exclusion, in the case of the former, informality is done out of survival, hence policies that have implications for waste management consequently do so for waste pickers as it makes part of their very livelihood.

As the analysis looked at discourses over time it was able to identify occasions where this dominant discourse is challenged, and saw how the Constitutional Court ruling, that steamed from waste pickers organization appeal to the laws that affect their livelihood, was able to shift the paradigm of waste management in Colombia to one that, although still under the principle of free competition, included inclusivity. Lastly, in the latest policies, informality was identified as a main problem representation. An although policies and decrees that call for formalization bring forth positive implications for waste pickers at the same time, these can still become problematic. For example, to partake in the benefits of inclusive recycling and secure their access to waste, waste pickers must organize or how tariffs for recycling material introduced as affirmative can expose waste pickers to competition with private companies due to the still embedded concepts of free competition.

8. Bibliography

- Aparcana, S. (2017). Approaches to Formalization of the Informal Waste Sector into Municipal Solid Waste Management Systems in Low- and Middle-Income Countries: Review of Barriers and Success Factors, *Waste Management*, vol. 61, pp.593–607
- Bacchi, C. (2020). The WPR Approach, *Adelaide Graduate Research School | University of Adelaide*, Available Online: <https://www.adelaide.edu.au/graduate-research/career-development/online-training/resources-tools/the-wpr-approach#wpr-workshop>
- Calderón Márquez, A. J. & Rutkowski, E. W. (2020). Waste Management Drivers towards a Circular Economy in the Global South – the Colombian Case, *Waste Management*, vol. 110, pp.53–65
- CEMPRE. (2017). Segundo Estudio Nacional de Reciclaje Inclusivo, *Repository.cempre.org.co*, Available Online: <https://repository.cempre.org.co/items/7be4077a-d30a-47d7-bf85-789f27c0bd18/full> [Accessed 15 May 2024]
- CEPAL, DNP & CEMPRE. (2019). ENCUESTA a MUNICIPIOS SOBRE GESTIÓN de RESIDUOS SÓLIDOS DOMICILIARIOS 2019 COLOMBIA, Available Online: <https://repositorio.cepal.org/server/api/core/bitstreams/bf1b769d-2ea1-434d-b2c3-0d1569754909/content>
- Chaturvedi, A., Arora, R. & Saluja, M. S. (2015). Private Sector and Waste Management in Delhi: A Political Economy Perspective, *IDS Bulletin*, vol. 46, no. 3, pp.7–16
- CEMPRE (2017). Segundo Estudio Nacional de Reciclaje, *repository.cempre.org.co*, Available Online: <https://repository.cempre.org.co/items/7be4077a-d30a-47d7-bf85-789f27c0bd18/full> [Accessed 19 May 2024]
- Documento CONPES 3819 (2014)., Política Nacional para consolidar el Sistema de Ciudades en Colombia, Available Online: <https://www.minambiente.gov.co/documento-entidad/conpes-3819-de-2014/> [Accessed 16 May 2024] [CONPES Document 3819]

Documento CONPES 3874 (2016) POLÍTICA NACIONAL PARA LA

GESTIÓN INTEGRAL de RESIDUOS SÓLIDOS , *Colaboracion.dnp.gov.co*, Available

Online: <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/3874.pdf>
[Accessed 16 May 2024] [CONPES Document 3874]

Decreto 421 de 2000 - Gestor Normativo - Función Pública. (2000). *Www.funcionpublica.gov.co*,
Available Online:

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=4639> [Accessed 16
May 2024] [Decree 421 of 2000 - Normative Manager - Public Function]

Decreto 1713 de 2002 - Gestor Normativo. - Función Pública.(2002). *Funcionpublica.gov.co*,
Available Online:

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=5542> [Accessed 16
May 2024] [Decree 1713 of 2002 - Normative Manager - Public Function]

Decreto 596 de 2016- Gestor Normativo- Función Pública (2016). Esquema Operativo

Aprovechamiento | Comisión de Regulación de Agua Potable Y Saneamiento Básico,
Www.cra.gov.co, Available Online:

<https://www.cra.gov.co/transparencia/normatividad/normatividad-entidad-autoridad/decreto-596-2016-esquema-operativo-aprovechamiento> [Accessed 6 May 2024] [Decree 596
of 2016 - Normative Manager - Public Function]

Economist Intelligence Unit. (2017). Progress and Challenges for Inclusive Recycling an
Assessment of 12 Latin American and Caribbean Cities, *IDB Publications*, Available
Online: [https://publications.iadb.org/en/progress-and-challenges-include-recycling-
assessment-12-latin-american-and-caribbean-cities](https://publications.iadb.org/en/progress-and-challenges-include-recycling-assessment-12-latin-american-and-caribbean-cities) [Accessed 18 March 2024]

European Commission. (2021). DIRECTORATE-GENERAL for INTERNATIONAL
PARTNERSHIPS - Colombia Shows the Way to Go: Circular, *Ec.europa.eu*, Available
Online: <https://ec.europa.eu/newsroom/intpa/items/700279> [Accessed 4 April 2024]

Fairclough, N. (2013). Critical Discourse Analysis and Critical Policy Studies, *Critical Policy
Studies*, [e-journal] vol. 7, no. 2, pp.177–197, Available Online:

<https://www.tandfonline.com/doi/abs/10.1080/19460171.2013.798239>

Gómez-Maldonado, A., Ospina-Espita, L. C., Rodríguez-Lesmes, P. & Rodríguez-Rodríguez, M.

- A. (2023). Barriers and Opportunities for Waste Pickers within Solid Waste Management Policy in Colombia, *Waste Management*, vol. 163, pp.1–11
- Hartmann, C. (2018). Waste Picker Livelihoods and Inclusive Neoliberal Municipal Solid Waste Management Policies: The Case of the La Chureca Garbage Dump Site in Managua, Nicaragua, *Waste Management*, vol. 71, pp.565–577
- ILO. (2013). The Informal Economy and Decent Work: A Policy Resource Guide Supporting Transitions to Formality | International Labour Organization, *Www.ilo.org*, Available Online: <https://www.ilo.org/publications/informal-economy-and-decent-work-policy-resource-guide-supporting-1> [Accessed 17 May 2024]
- ILO. (2019). Waste Pickers' Cooperatives and Social and Solidarity Economy Organizations, *Www.ilo.org*, Available Online: <https://www.ilo.org/publications/waste-pickers-cooperatives-and-social-and-solidarity-economy-organizations>
- Jørgensen, M. & Phillips, L. (2002). *Discourse Analysis as Theory and Method*, London: Sage.
- Ley 142 de 1994 - EVA - Función Pública. (1994). *Www.funcionpublica.gov.co*, Available Online: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=2752> [Accessed 16 May 2024] [Law 142 of 1994 - Normative Manager - Public Function]
- Ley 1259 de 2008 - Gestor Normativo - Función Pública. (2008). *Www.funcionpublica.gov.co*, Available Online: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=34388#:~:text=por%20medio%20de%20la%20cual> [Accessed 16 May 2024] [Law 1259 of 2008 - Normative Manager - Public Function]
- Ma, J. & Hipel, K. W. (2016). Exploring Social Dimensions of Municipal Solid Waste Management around the Globe – a Systematic Literature Review, *Waste Management*, vol. 56, pp.3–12
- Ministerio del Medio Ambiente. (1998). *POLÍTICA PARA LA GESTIÓN INTEGRAL de RESIDUOS*, Available Online:

https://archivo.minambiente.gov.co/images/AsuntosambientalesySectorialyUrbana/pdf/Polit%C3%ACcas_de_la_Direcci%C3%B3n/Pol%C3%ADtica_para_la_gesti%C3%B3n_integral_de__1.pdf [Accessed 3 May 2024] [MinAmbiente, 2016]

Ossa, D. A., Aristizabal, A. J. & Ospina, D. (2020). Feasibility Analysis for the Implementation of Thermal Treatment Technologies for Municipal Solid Waste in Colombia, *Engineering Journal*, vol. 24, no. 1, pp.35–52

Parra, F. & Abizaid, O. (2021). Formalization as Public Service Providers: Achievements and Obstacles for Colombia’s Waste Pickers Women in Informal Employment: Globalizing and Organizing, Available Online:
https://www.wiego.org/sites/default/files/publications/file/technical-brief-12-2021-ENG_0.pdf

Perry, G., Maloney, W., Arias, O., Fajnzylber, P., Mason, A. & Saavedra-Chanduvi, J. (2007). Informality Exit and Exclusion, Available Online:
<https://documents1.worldbank.org/curated/en/326611468163756420/pdf/400080Informal101OFFICIAL0USE0ONLY1.pdf>

Revista N° 1. Ley 142/94 Régimen de Los Servicios Públicos Domiciliarios | Comisión de Regulación de Agua Potable Y Saneamiento Básico (1994).
Www.cra.gov.co, Available Online: <https://www.cra.gov.co/prensa/revistas-regulacion/revista-ndeg-1-ley-14294-regimen-losservicios-publicos-domiciliarios#:~:text=La%20Ley%20142%20de%201994> [Accessed 21 May 2024] (Publication No.1 Law 142/94 Regime of Public Services for Households)

Ruiz-Restrepo, A. & Barnes, S. (2010). WIEGO REPORT on the POLICY ENVIRONMENT of INFORMAL URBAN WASTE PICKERS and ARTISANAL MINE WORKERS in COLOMBIA, Available Online:
https://www.wiego.org/sites/default/files/publications/files/Ruiz-Restrepo_Policy_Environment_Informal_Workers.pdf [Accessed 6 May 2024]

Sing, E. (2019). Neoliberalism versus Social Rights: The Formalization of Waste Picker Organizations in Bogotá, Colombia, *Google Books*, [e-book] Université d'Ottawa / University of Ottawa, Available Online:
https://books.google.se/books/about/Neoliberalism_Versus_Social_Rights.html?id=znLozgEACAAJ&redir_esc=y [Accessed 19 May 2024]

Superservicios. (2021). Informe Nacional de Disposición Final de Residuos Sólidos 2021, Available Online:
<https://www.superservicios.gov.co/sites/default/files/inline-files/Informe-Nacional-de-Disposicion-Final-de-Residuos-Solidos.pdf.pdf> [Accessed 17 April 2024] [Superintendency of Public Utility Services]

The World Bank. (2018). What a Waste, *Datatopics.worldbank.org*, Available Online:
<https://datatopics.worldbank.org/what-a-waste/>

UNEP. (2018). Waste Management Outlook for Latin America and the Caribbean | International Environmental Technology Centre, *Www.unep.org*, Available Online:
<https://www.unep.org/ietc/resources/publication/waste-management-outlook-latin-america-and-caribbean>

Valenzuela-Levi, N. (2020). Waste Political Settlements in Colombia and Chile: Power, Inequality and Informality in Recycling, *Development and Change*, vol. 51, no. 4, pp.1098–1122

WIEGO. n.d Waste Pickers | WIEGO, *Www.wiego.org*, Available Online:
<https://www.wiego.org/waste-pickers>

9. Annex

Year	Regulation/ Decree/ Policy	Public Entity/Entities	Additional Details
1991	Constitution	Constituent Assembly of Colombia	Reforms in the country's legal and political framework.
1993	Law 99	Congress of the Republic	Creation of Ministry of Environment and Regional Autonomous Corporations (CARs); Environmental Framework.
1994	Law 142 Regime of Public Services	Congress of the Republic	SPD Framework.
1998	Policy for Integrated Waste Management	Ministry of the Environment	Comprehensive waste management policy.
1999	Law 511	Congress of Colombia, Ministry of Environment	Recognition of Waste Pickers Day.
2000	Decree 421	Ministry of Economic Development	Replaces section 15.4 of Law 142 of 1994; Regulatory decree.
2001	Resolution CRA 151	Commission for the Regulation of Potable Water and Basic Sanitation (CRA)	Comprehensive regulation of public services for households.

2002	Decree 1713	Ministry of Housing, City and Territory	Regulatory Decree of law on public services related to waste management (Repealed).
2005	Decree 838	Ministry of Housing, City and Territory	Regulation of formal disposal activity.

2008	Law 1259	Congress of the Republic	Law of environmental sanctions.
2011	Law 1444	Congress of the Republic	Creation of the Ministry of Housing, City, and Territory (MVCT).
2011	Decree 3570	Congress of the Republic	Creation of the Ministry of Environment and Sustainable Development (MADS).
2013	Decree 2981	Ministry of Housing, City and Territory, Ministry of Environment and Sustainable Development	Last Technological Route; Regulations on waste management services.
2014	Resolution 754 PGIRS Methodology	Ministry of Housing, City and Territory, Ministry of Environment and Sustainable Development	Methodology for PGIRS (Integrated Solid Waste Management Plan).
2015	Resolution CRA 720 Cleaning Fees Methodology	Commission for the Regulation of Potable Water and Basic Sanitation, National Planning Department (DNP)	Compilation decree of SPD rules.

2016	CONPES 3874 Integrated Waste Management Policy	National Planning Department (DNP), Commission for the Regulation of Potable Water and Basic Sanitation	Current Integrated Waste Management Policy
2016	Decree 596 Formalization of Waste Pickers	Ministry of Housing, City and Territory, Ministry of Environment and Sustainable Development	Formalization of Waste Pickers.
2016	Resolution 276 Guidelines for Recycling Operations	Ministry of Housing, City and Territory, Ministry of Environment and Sustainable Development	Guidance for waste management operations.
2017	Resolution 472 RCD Regulation	Ministry of Environment and Sustainable Development, Ministry of Housing, City and Territory	Regulation of Construction and Demolition waste.

(Taken from CEPAL, DNP & CEMPRE, 2019, Márquez & Rutkowski, 2020, CEMPRE, 2017, and Parra & Abizaid, 2021).