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Paper Outline

## The Right to Waste: Waste pickers, Property and Climate Change

Waste pickers have no property. They are people living in developing countries, primarily in illegal slum settlements, who eek out a meager existence by picking through trash to find recyclable materials.<sup>1</sup> These materials are then sold to recycling dealers for a small profit, and eventually make their way back to manufacturers to re-enter the market as consumable goods. In India, waste pickers are the primary and in certain municipalities, only recycling service in operation and represent the most efficient recycling service in the world.<sup>2</sup> In addition, by virtue of providing a recycling service, waste pickers contribute greatly to the mitigation of greenhouse gas emissions. For instance, by taking organic materials such as cardboard and other paper products out of the landfill, waste pickers prevent methane emissions, which result from the decomposition of organic materials in anaerobic environments. Waste pickers also mitigate greenhouse gas emissions by reintroducing materials into the manufacturing cycle, eliminating the need for further greenhouse gas intensive resource extraction in the production of goods.<sup>3</sup>

Yet, waste pickers have no recognized property rights in the recyclables they collect. Indeed, waste pickers work within an informal economy that operates outside of the regulatory framework of the State.<sup>4</sup> As such, if the State does contract with a private company to provide recycling services, waste pickers are not consulted and immediately find themselves out of work.<sup>5</sup> In addition, even financing initiatives such as the Clean Development Mechanism of the Kyoto Protocol, a funding channel through which industrialized countries can support greenhouse gas mitigation work in developing countries, restricts investors from supporting waste pickers. Furthermore, the Clean Development Fund has operated to finance initiatives such as waste incinerators and waste to energy projects that take away trash from waste pickers, diminishing their capacity to earn a livelihood by providing recycling services.<sup>6</sup>

In this paper, I will argue that waste pickers have a proprietary right to waste. In addition, I will argue that in the interest of environmental justice this proprietary right should be formally recognized and protected. I will support these arguments by first establishing a justification for a property interest in waste. I will then outline a framework through which a formal property right can emerge from an informal economic arrangement. Finally, I will ask that as States look to address climate change, the defining

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<sup>1</sup> Chintan Environmental Resource and Action Group, [http://www.chintan-india.org/public\\_html/our\\_initiatives.htm](http://www.chintan-india.org/public_html/our_initiatives.htm).

<sup>2</sup> *Ibid.*

<sup>3</sup> Mathys, Ted, *Waste Pickers and Carbon Markets: Challenges and Opportunities*, an Advocacy Project Publication, September 2009 [Mathys].

<sup>4</sup> Lomnitz, Larissa Adler Informal Exchange Networks in Formal Systems: A Theoretical Model *American Anthropologist*, New Series, Vol. 90, No. 1 (Mar., 1988), pp. 42-55.

<sup>5</sup> "Don't privatize waste, plead wastepickers" <http://www.earthtimes.org/mobile/57786.xhtml>.

<sup>6</sup> Mathys, *supra* note 3 at 6.

global problem of this era, that they consider and support the waste pickers who through their lack of property interests, remain some of the most vulnerable people in the world, yet by virtue of their recycling work, are providing some of the most important environmental services on Earth. Ultimately, waste pickers have no property, but they ought to have a right to waste.