

European Union Kosovo

ERAC
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INFORMAL WASTE COLLECTION AND RECYCLING

April, 2019

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Lead NGO for publishing the report
ECMI Kosovo (ecmikosova.org)
ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.

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- Centre for Social Group Development – member of the Coalition;
- Centre for Equality and Liberty for the LGBT Community in Kosovo – member of the Coalition;
- Kosovo Center for Gender Studies – member of the Coalition;
- Youth Initiative for Human Rights – member of the Coalition;
- Kosovo Glocal – member of the Coalition;
- Centre for Legal Aid and Regional Development – member of the Coalition.

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ABSTRACT

This report/policy paper seeks to provide an outline of the waste management system within Kosovo, particularly focusing on the role of 'informal waste collectors'. It details the situation of waste collection in Kosovo and the part informal waste collectors play in this. It then turns to the particular circumstances, difficulties and human right abuses the informal waste collectors are encountering. Following this, a number of recommendations to improve Kosovo's waste collection industry and most importantly how to lift the informal waste collectors out of poverty and to meet their rights as proper citizens, are made based in part on the experiences of ECMI Kosovo and other organisations in this sector. Kosovo's new law on Social Enterprise represents a significant particular opportunity for this purpose.

1. INTRODUCTION

This report seeks to provide an outline of the informal waste collection and management system in Kosovo, focusing particularly on the role of informal waste collectors ("IWCs") and the violation of their rights as human, which they have to face. Firstly, it outlines the situation of waste collection in Kosovo, at both local and national, and formal and informal, level. Following this, the report specifically focuses on the position of informal waste collectors, considering not just their role in the waste collection system as a whole but on their individual circumstances, and the abuse of their rights as human beings. Action taken in this field to support IWCs in the waste collection industry by several organisations including ECMI Kosovo, Swiss contact and GIZ is detailed; further action which could be taken to continue improving the situation is suggested, based on current needs and the experience of ECMI obtained by working in this sector.

The waste management system in Kosovo is somewhat complicated, involving numerous actors at both the formal and informal level. At the highest level, the Ministry of Environment and Spatial Planning ("MESP") is tasked with the regulation of primary and secondary legislation and the organization of the overall legal framework. At the level below, regional waste collection companies collect waste from public and private waste containers in Kosovo, and transport it to large waste collection centers – also known as 'landfills'.

In parallel with the formal structures, however, Kosovo has a significant informal waste industry spanning across the country. The majority of actors engaged in this industry are individual "informal waste collectors" (IWCs), composed almost exclusively of members of the most vulnerable communities. These individuals work in harsh and hazardous conditions for poor compensation; they collect waste deemed valuable from various sites, and transport it to local private companies to sell it. These typically small-to-medium sized companies, who are usually – but not always - licensed by MESP to engage in waste management operations, usually sell these recyclable materials to larger companies abroad. This in fact constitutes a huge part of Kosovo's export market. There is no central public recycling system in Kosovo; the country is reliant on private companies, civil society organisations and, most crucially, IWCs to fill this gap.

This report is focused on the human right situation of IWCs, who operate under unregulated and dangerous conditions as a necessity, being unable to find employment in other formal industries. They do not own waste management licences, and therefore exist 'off the map', with authorities aware of their existence as a group but unaware as to the particular individuals involved. Due to poor transport

and equipment, IWCs have a very low income and operate at subsistence level despite frequently supporting numerous family members. ECMI Kosovo addressing the situation of these IWCs in its project 'Increasing Employment of Roma, Ashkali and Egyptian Communities through a Recycling Collective', implemented between December 2014 and December 2016. Similar actions have been pursued by numerous CSOs operating throughout Kosovo; whilst these have largely seen positive results during their implementation, the problem itself is huge and ensuring the sustainability of actions has frequently proved difficult.

Measuring the number of IWCs is very difficult, due to their unregistered status, their irregular working patterns and their reluctance to cooperate with formal authorities. Nevertheless, it is unquestionable that further action taken by the government or civil society institutions within Kosovo to support IWCs would have a hugely positive effect on their livelihoods. Considering the difficulties faced by such communities, this would have a hugely positive effect in lifting them out of poverty, and supporting their participation in wider Kosovar society.

This report utilizes a combination of quantitative and qualitative research methods in order to accurately obtain a comprehensive picture of the waste collection system in Kosovo and the violation of rights occurring. This includes a comprehensive review of existing literature and statistics, field research with individuals engaged in informal waste collection, as well as direct meetings with actors at all levels, including informal waste collectors, municipal and public authorities, civil society organisations, and other relevant stakeholders. The report also makes use of a survey carried out between January and February 2015 involving 120 participants involved in informal waste collection across 5 municipalities. Nevertheless, this data remains reflective of the general situation in Kosovo for informal waste collectors, based on recent dialogue we had with CSOs and stakeholders involved in the area for the purposes of this report.

This report also urges to take action that should be taken to move away from the current system of waste management and to an improved treatment of the situation of the IWCs in Kosovo. Within the present situation there is a need for certain changes, that will be evaluated and based on the outcome, recommendations will be given in the last chapter.

2. THE WASTE COLLECTION SITUATION IN KOSOVO

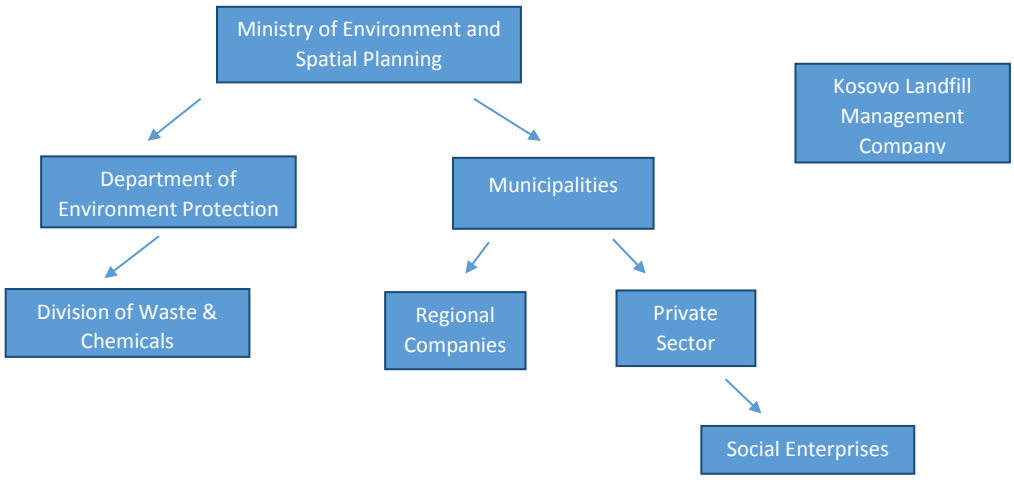
2.1 Institutional and Legal Framework on Waste Collection and Management

The Law on Waste is the primary source of legislation in Kosovo for outlining the basic principles concerning waste, and stipulates the different government bodies responsible for waste management operations and policies. Article 4 defines waste management as:

activities for elusionand reduction of waste production and their effect in environment and in thehuman health, collection, transportation, treatment, reuse, and processing, recycling and final disposal of waste, including supervision and care even after carrying out these actions. [1]

Kosovo's priorities for waste management are listed in Article 5(5) of the Law on Waste, and include: the prevention of waste creation; waste processing, using methods allowing for reuse of waste; recycling of waste; the utilization of waste; and the disposal of waste in landfill (without causing negative impacts to the environment and human health).

2.1.1 Central Government Institutions and Competences in Waste management



1. Law on Waste No.04/L-060

The Ministry of Environment and Spatial Planning (MESP) is the main government body in charge of waste management. In accordance with Article 14 of the Law on Waste, the MESP carries out a wide-range of duties, includingdetermining the legislative and policy framework related to waste management, drafting of the central level plan and strategy for wastemanagement and issuing licenses for waste management.

Waste management licenses are issued by the Minister of MESP. Article 22 of the Law on Waste stipulates that waste management operations can be performed by institutions, public or private companies registered under law. A license can be refused if the waste treatment methods to be used are in conflict with the law on waste, particularly regarding environmental protection and health.

An application for a waste license must be submitted to MESP and accompanied with a broad range of documents and certifications, as specified in the Administrative Instruction MESP Nr. 01/2017. These documents include a Municipal Environmental Permit for waste management, business registration certificate, fiscal number certificate, tax certificate, plan for waste management, documented university level qualifications of a technical manager and a list of equipment and vehicles. Applicants will only receive a license from MESP if they are able to meet all these requirements. Once the license has been awarded, it remains valid for a period of up to five (5) years. There are also number of license-related costs: 10€ to apply for a waste license; 500€ to obtain such a license; 500€ for the duplicate of a license and 200€ for any additional activities.

Apart from MESP, other government ministries are active in certain areas of waste management. The Environmental Protection Agency of Kosovo (EPAK) is responsible for creating databases and information systems for waste management, as well as the compilation of reports. The Ministry of Health and the Ministry of Agriculture, Forestry and Rural Development, together with MESP, are responsible for regulating the management of medical waste. Although government institutions have different mandates, and their communication and coordination could be improved, each of them remains a key player on the state of waste management and recycling.

The Kosovo Landfill Management Company (KLMC) is a central, publicly-owned enterprise established by Law No. 03/L-087 on Public Enterprises. KLMC operates four Sanitary landfills and one transfer Station serving as drop-off points for public and private regional companies. However, these were built during the UMNIK administration from 1999-2008; they are now in poor condition and some are reaching the end of their life.[2]

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[2] Kosovo Environmental Protection Agency, Municipal Waste Management in Kosovo Status Report, 2018, https://www.ammk-rks.net/repository/docs/Municipal_Waste_Managment_in_Kosovo_Status_Report_2018.pdf page 25

Landfills present a violation to human rights in Kosovo, creating pollution and endangering Kosovo's inhabitants. Moreover, the conditions on landfills such as 'Mirash' near Prishtinë/Priština present a possible environmental catastrophe similar to the Umraniye-Hekimbasi Open Dump accident in 1993, which killed 39 people near Istanbul.[3]

Kosovo has also implemented various EU directives concerning waste management into its legislation, either partially or fully. The rate of harmonization of such directives is indicated within the table below.[4]

Rate of Harmonization of EU Directives within Kosovo

Directive	Rate of Harmonization
Waste Directive (2006/12/EC)	95%
Directive on Hazardous Waste (91/689/EC)	100%
Directive on Waste Packages	88%
Directive on Landfills	69%

However, whilst Kosovo's legal framework on waste management is generally in accordance with EU directives, the actual implementation and enforcement of legal acts encounter numerous problems. Kosovo is unable to meet the environmental standards of the EU and there are multiple issues as a consequence. To address and overcome these challenges, measures must be adopted to improve the legislative framework in the field of environment, policies need to be developed in line with European standards and the institutional capacity of central and local level governments has to be improved.

2.1.2 Central Strategy and Plan for Waste Management

The Strategy of Kosovo on Waste management (SRKWM) and the Plan of Kosovo on Waste management are both run by the MESP. The SRKWM sets out the vision on waste management for Kosovo. As such, the main objective of the Strategy is to create measures that will reduce the amount of waste. Its main focuses are on:

- Reducing quantity of waste generation at source, and reducing the quantity of disposable waste
- Developing the infrastructure for establishing an integrated waste management system, by creating conditions for an effective and functioning system;

3. https://balkaninsight.com/2018/05/25/mirash-landfill-an-environmental-catastrophe-in-kosovo-05-25-2018/
4. European Union Action to Fight Environmental Crime, The EU's Promotion of Environmental Protection in Kosovo, 2015, https://efface.eu/sites/default/files/EFFACE_The%20EUs%20promotion%20of%20environmental%20protection%20in%20Kosovo_revised.pdf

- Reducing the risk from waste;
- Contributing to employment in the country;
- Capacity building for waste management;
- Improving waste collection services;
- Completing the legislation.[5]

The SRKWM is applicable for a period of ten (10) years, from 2013-2022; its five-year review and adjustment is scheduled to be completed shortly. Similarly, a new Plan on Waste Management in Kosovo for the implementation of the strategy is also due for completion. Its baseline is the establishment of a sustainable system for waste management, in accordance with the standards and requirements of EU directives. Moreover, contributing to increasing employment in Kosovo is one of the main goals of the strategy.

2.1.3 Municipal Level Competencies in Waste management

The Law on Waste, Article 15, lists the following as the task of municipalities in relation to waste management:

- Municipal plan for waste management;
- Drafting annual report on waste management. Annual report shall be submitted to the Ministry, till 31 march of the following year;
- Regulates the responsibilities and obligations to perform services for waste management, implement them and organize the waste management in their territory;
- Maintenance and custody on the public information system and reporting on works performed as prescribed by this law, as well as other legal acts on waste management;
- Municipality determines fees and manner for collection of funds for municipality services;
- Identification of contaminated sites on their territory and develop projects for their rehabilitation, which includes notes about the location, spatial geometric features, type of pollution and waste quantity, the deadlines for improving the situation and other important data for the implementation of projects. [6]

According to the Law on Local Self-Government,24 municipalities are responsible for local economic development, local environmental protection, and waste management (as part of municipal public services).[7]

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5 Ministry of Environment and Spatial Planning, Strategy of Kosovo on Waste Management 2013-2022, https://mmph.rks-gov.net/repository/docs/Strategy_fo__Republic_Kosova_for_WM_2013-2022__eng._945753.pdf

6. Law on Waste No.04/L-060

7. Law on Local Self-Government, Nr. 03/L-040, Article 17.

Moreover, municipalities may issue legislation, legal sub acts, which tend to regulate the functioning ofthe competent municipal authority and standards for waste management services.

2.1.4 Other Public Institutions Dealing with Waste

Water and Waste Regulatory Office (WWRO)

WWRO is the independent economic regulator for water and solid waste services in Kosovo. Its role is to ensure reliable services at a fair and reasonable price for customers, with respect for the environment and public health.

Publicly Owned Enterprises (POE)

Several regional waste companies, defined as local public enterprises, collect, transport, and dump waste in one or more municipalities. These regional waste companies include: "Pastrimi" in Prishtinë/Priština, "Ekoregjioni" in Prizren, "Ambienti" in Pejë/Peć, "Uniteti" in Mitrovicë/Mitrovica, "Çabrati" in Gjakovë/Đakovica, "EcoHigjiena" in Gjilan/Gnjilane and "Pastërtia" in Ferizaj/Uroševac.

Kosovo Agency on Protection from Radiation and Nuclear Safety (AMRK)

AMRK is an executive governmental agency under the auspices of the Office of the Prime Minister. The main target for the Agency is the adoption of a legal framework related to radiation protection and nuclear safety, licensing and inspection, and the creation of a safe and healthy environment for all citizens.

Advisory Board for Protection of Environment (ABPE)

The Board, established by the Assembly of Kosovo, provides advice to the parliament and the government of Kosovo on environmental matters. The seven (7) members of the board are environmental experts and scientists appointed by the Assembly.

2.2 Recycling

Kosovo's environmental health has been considered as 'notoriously bad', and the 2018 report on Municipal Waste Management in Kosovo by the Kosovo Environmental Protection Agency considers the current solid waste management system in Kosovo as 'environmentally unsustainable'.[8]

8. Kosovo Environmental Protection Agency, Municipal Waste Management in Kosovo Status Report, 2018, https://www.ammk-rks.net/repository/docs/Municipal_Waste_Managment_in_Kosovo_Status_Report_2018.pdf

Waste separation at source exists only in some municipalities, and then only at a pilot stage; the collection of recyclables is completely reliant on the informal sector.

Whilst there are clear indications that the government of Kosovo is aware of the environmental and economic benefits that can be brought by the development of the recycling sector, so far investments at the central, formal, level are planned but not implemented.

As aforementioned, the informal sector is the most active body in collecting recyclables. The collected recyclables are then sold to the businesses (~70 licensed) that process these materials, and also export them. Certain types of waste collected by the businesses (composting of organic waste, reuse of tires, reuse and storage of diesel and petrol products etc.) are actually reused or recycled directly by the businesses themselves. According to 2016 data from the Statistical Agency of Kosovo, 53,218 tons of waste was processed by the private businesses and 10,674 tons of waste was exported, for the recycling industry in other countries. 62,461 tons are collected by the companies, which represent around 15 % of the total amount of waste collected (around 416,379 tons of waste were collected in 2017); the amount of waste that is exported in comparison to the total amount of collected waste is only 2.6%.[9]

Recyclable Waste Quantities Recyclable Waste Quantities Processed by Companies in Kosovo

Type of Waste	Amount of Material Received (Tons)	Amount of Material Produced (Tons)	Of which Processed (Tons)	Of Which Exported (Tons)
Metals	41,756	33,207	40,232	4,046
Plastic	10,163	12,091	11,686	498
Paper	5,322	5,312	3,860	6,128
Others	5,220	5,220	5,220	199
Total	62,461	55,830	60,998	10,871

2.3 Difficulties in Formal Waste Management and the Role of Informal Waste Collectors

Waste management is a complex industry in Kosovo, encompassing series of public and private actors at the municipal and national level. Waste is generally collected at designation points by regional waste companies and dumped into landfill.

9. Ibid.

Public regional companiescollect waste from designated collection points in urban and rural areas, and then transport said waste to designated landfill sites managed by the Kosovo Landfill Management Company, another publicly-owned enterprise. Illegal landfills alsoexist across Kosovo, and provide a serioushealth risk for citizens and the environment.

Private companiesengaged in waste collection, management, and processing buy unsorted, unprocessed waste and other valuables from more than one source. These companies purchase waste from supermarket chains, private and public enterprises, as well as from informal waste collectors. These companies are often licensed by MESP to perform various services of waste collection, transport, storage, management and processing. The majority of waste collected and processed by companies is sold as export.

The final, and most important actor for the purposes of this report, are the informal waste collectors ("IWCs") who primarily belong to the socially and economically low communities. Individual informal waste collectors are the fundamental link between the formal and informal waste sector companies.

Informal waste collectors are made up of the poorest individuals in Kosovo, who live below the absolute poverty line. This particularly includes the Roma and Ashkali Communities; however, it is not limited to them – for example, in the Peja/Peć and Gjakova/Đjakovica regions, many poor Albanians are also engaged in informal waste collection.

3. WORKING CONDITIONS AND HUMAN RIGHTS OF INFORMAL WASTE COLLECTORS

3.1 The Situation of Informal Waste Collectors

Kosovo's Informal Waste Collectors go through publicly owned waste containers, owned and managed by regional waste companies, on a given municipal territory and select waste, and then sell it to private companies engaged in waste collection and management. In addition to collecting waste from publicly owned waste containers, they also creatively find new sources of waste in informal and illegal dump sites. Informal waste collectors are generally not organized around a formal structure, do not have official agreements with private companies, and come from the poorest and most marginalized parts of the society. Informal waste collectors are not licensed by MESP or any other relevant authority, as is required by the Law on Waste for all legal persons engaged in waste collection. That is as a result of a multitude of reasons, chief among them being insufficient knowledge of the legal requirements and a general fear that they will lose any social welfare benefits they currently receive if formalized by licensing.

Around a third of the people in Kosovo live below the poverty line, subsisting on less than one euro and 72 cents a day, according to 2016 government statistics (in Albanian). Therefore, some of them are relying on waste collection. A big number of informal waste collectors is made up by Kosovo's poorest and marginalized communities, which are the Roma, Ashkali and Egyptian communities. Due to discrimination illiteracy, joblessness and limited social security the scrap collectors have little choice but to do this work.[10]

Despite the fact that informal waste collection often provides the only source of income generation, there are numerous problems that are exposed to such communities as a result.

IWCs in Kosovo work in extremely unpleasant and dangerous conditions, and receive extremely poor financial compensation for their work. This is a breach of their human rights under domestic and international law. Under Article 22 of the Constitution of Kosovo, eight international human rights treaties are made directly applicable within Kosovo. According to the UN, by becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights.

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10. https://balkaninsight.com/2019/02/11/scavenger-hunters-kosovos-exploited-scrap-collectors/

The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.

The obligation to protect and particularly fulfil establish obligations on the part of the Kosovo state to improve the conditions of informal waste collectors, and ensure that they enjoy their human rights necessitates significant reform to the current waste management system in Kosovo. The subsections below will outline the difficulties faced by IWCS within the current system.

3.2 Issues of Health and Safety at Work

IWCs work in unhygienic and unhealthy conditions, going through rubbish and industrial waste to collect raw materials. To generate income, they then sell recyclable materials to different recycling centers. Formal agreements between the waste collectors and IWCs are very rare. Hence, IWCs remain in an extremely vulnerable position, as they do not always receive a fair and reasonable price for the raw materials they offer. Moreover, remaining in an organized, individual manner means they are in a weak position to improve their working conditions or raise other related issues with the companies who utilize their services.

Many of them work in harsh conditions without proper safety equipment and tools, and they have been exposed to unsanitary and hazardous materials for many years. This exposes them to risk of diseases such as typhoid, salmonella, gastroenteritis or cholera.[11]

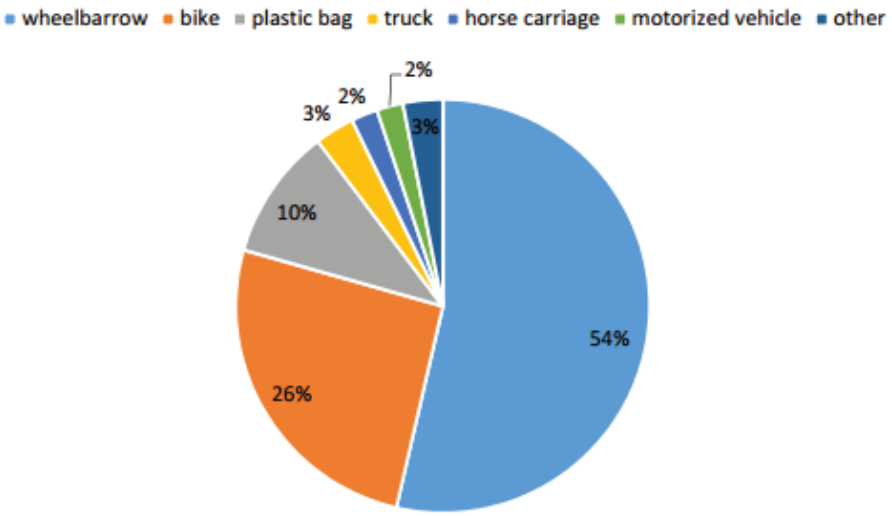
It goes without saying that every individual should be provided with the opportunity to work in a safe environment with suitable tools and equipment, in order to remain healthy and productive as they go about their daily working duties. Unfortunately, this is simply not the case with for individuals working within Kosovo as IWCs today. Whilst they form an absolutely crucial part of the waste management system in Kosovo, they do not benefit from licensing, job security, or on an even more basic level, equipment, tools or safety clothing. Moreover, IWCs rarely possess the requisite knowledge on safe and sanitary procedures to be followed when working with unhygienic and hazardous materials. Following this a lot of accidents happen annually, including fatalities. Working under these conditions deeply violates the waste collectors' rights to a healthy and safe working environment.[12]

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11. Ibid.
12. Ibid.

3.3 Lack of sufficient equipment

Perhaps the most pressing issue faced by IWCs is insufficient means of transportation, which is a huge hindrance to their income-generating capacity. The cost of transportation itself and the time-consuming process of actually transporting collected waste from containers to storage, and then to private companies for sale is a huge burden for IWCs. In surveys carried out by ECMI Kosovo in 2015, the vast majority of respondent IWCs indicated that they did not use motorized vehicles for their industry, instead relying on wheelbarrows, bicycles, or even large sacks carried on foot.[13]



Equipment Used for Waste Collection

Some waste collectors hire a private truck to transport collected waste from their storage facility (typically their own backyard) to private companies for purchase. This is, however, costly, consuming up to 50% of income generated during a given week for some collectors; it also ensues a limiting factor on their ability to collect waste on the day of delivery as they must take care of the logistics (including loading the truck). The resulting cost, in reduced income and increased downtime coupled with insufficient transportation means severely limits the income generating capacity of those IWCs who cannot afford private transportation.

As part of our survey, we asked informal waste collectors what their most urgent needs were and what, specifically, would most improve their daily life as informal collectors, and the vast majority (more than 80%) cited improved transportation as their most urgent need.

[13] ECMI Kosovo Survey, 2015

Informal waste collectors specificallymentioned moto-cultivators as a preferred transportation mode of theirs; however, as a large majority of them use either a wheelbarrow or a sack for transportation, other transportation tools can also be highly effective in improving their daily life by: a) reducing costs, b) significantly reducing the time and effort it takes to transport collected waste from point A to point B, c) making it easier for them to collect and store more waste, and d) making frequent trips to the drop-off points possible during a given day.

3.4 Poor income

The stark picture of income generation for ICWs in Kosovo was outlined in the results of ECMI Kosovo's 2015 survey. Average monthly incomes were very low, with a large majority of respondents earning less than 100€, and significant numbers earning below 50€.

Average Monthly Income	% of IWC Respondents
<50€	21%
50€-100€	67%
>100€	12%

Average Monthly Income of Respondents[14]

The concern over the low incomes of IWCs is exacerbated when it is considered that such sums are often used to support numerous family members:

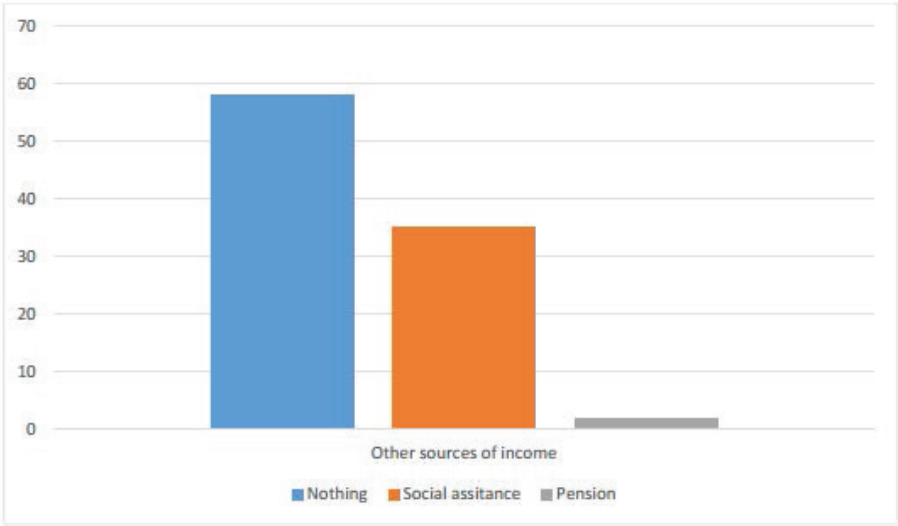
Number of Family Members Supported by Income from Waste Collection	% of IWC Respondents
1-3	12%
4-6	39%
7-9	33%
10+	10%

Number of Family Members Supported by Income from Waste Collection of the Respondents[15]

Other sorts of income of the respondents were scarce: the majority received nothing to supplement their waste collection earnings, whilst some received social assistance from the state. Kosovo's state social assistance system, however, has been criticized as insufficient in both its coverage and the level of benefits provided.[16]

[14] Ibid.
[15] Ibid.
[16] International Monetary Fund, Fiscal Affairs Department Kosovo, Enhancing Social Protection Cash Benefits, March 2016, Page 6

The fact that IWCs are reliant solely on waste collection as a source of income, or only receive social assistance, should be a source of alarm.



Other Sources of Income of the Respondents [17]

Even those who do receive social assistance will struggle to survive upon it. The average daily assistance for individuals from Roma, Ashkali and Egyptian communities on social welfare in Kosovo is as low as 59 cents;[18] this means such individuals exist in a state of absolute poverty.[19]

At the heart of the low income generation for IWCs is a lack of coordination and sufficient organization necessary to secure more stable and assured income: out of 88 respondents asked if they had an agreement with companies to bring collected waste, only one (1) stated that this was the case.

3.5 Child labour

Another major concern within the informal waste collection industry is the employment of children in doing so. Owing to a high prevalence of poverty and insufficient education, children in Kosovo are frequently engaged in activities that could be classified as child labour in Kosovo, according to the Law on Labour and the UN Convention on the Rights of the Child.

[17] ECMI Kosovo Survey, 2015
[18] Strategy for Inclusion of Roma, Ashkali and Egyptian Communities Page 22
[19] http://ask.rks-gov.net/media/3187/poverty-report-2012-2015.pdf

The Law on Labour lists 15 as the minimum age for work within Kosovo, with 18 being the minimum age for hazardous labour.[20] Kosovo is not a member of the United Nations (UN), and therefore, cannot be a signatory party to the UN Convention on the Rights of the Child (CRC). However, Article 22 of the Constitution of Kosovo lists the CRC as one of the 8 International Human Rights Agreements that has direct effect within the Country. Article 32 of the Convention recognizes the "right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development".

Data also points to a positive correlation between school attendance and socio-economic status, for the same reason children from socio-economically low families tend to drop out of school and support their families financially. According to the Evaluation Report on the Implementation of the Strategy for Inclusion of Roma and Ashkali communities in Kosovo society in 2017, only 65% of children from these communities are included within lower secondary education, with 20% of children of this age being entirely out of school. [21]

Children are often engaged within informal waste collection work, either on their own or in support of their families, which is extremely detrimental to their education, often causing school dropouts.[22] In fact, Multiple Indicator Cluster Surveys conducted between 2013 and 2014 indicated that out of 5,398 children in Kosovo engaged in child labour, 2,168 of these were from the Roma, Ashkali or Egyptian communities.[23] For children, informal waste collection is both extremely detrimental to their education and can be very hazardous. The latter point was highlighted in a very extreme manner in December 2014 when a child was mauled to death by dogs at a waste disposal site.[24]

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[20] Article 7, 20, 23, 26-28 and 45 of the Labour Law

[21] Evaluation Report on the Implementation of the Strategy for Inclusion of Roma and Ashkali communities in Kosovo Society, 2017; ThematicReport, Implementation of Kosovo Education Strategic Plan, 2018

[22] https://www.dol.gov/sites/default/files/images/ilab/child-labor/Kosovo.pdf

[23] UNICEF 'Monitoring the situation of children and women: Multiple Indicator Cluster Survey 2013-2014' https://mics-surveys-prod. s3.amazonaws.com/MICS5/Central%20and%20Eastern%20Europe%20and%20the%20Commonwealth%20of%20Independent%20States/ Kosovo%20under%20UNSC%20res.%201244/2013-2014/Final/Kosovo%20 %28UNSCR%201244%29%202013-14%20MICS_English.pdf; UNICEF. Roma, Ashkali and Egyptian Communities in Kosovo: Multiple Indicator Cluster Survey 2013-2014. Prishtina; 2014. https://mics-surveys-prod. s3.amazonaws.com/MICS5/Central%20and%20Eastern%20Europe%20 and%20the%20Commonwealth%20of%20Independent%20States/Kosovo%20 under%20UNSC%20res.%201244%20%28Roma%2C%20Ashkali%2C%20 and%20Egyptian%20Communities%29/2013-2014/Final/Kosovo%20

[24] https://www.gazetaexpress.com/lajme/qente-mbysin-5-vjecarin-ne-fushe-kosove-banoret-rrefejne-per-tmerrin-foto-67335/?archive=1

Socio-economic factors are the primary reason for dropouts, as they live on such poverty lines, often finding employment to help support their family, informal waste collection provides the most obvious source of income for such children, causing them to drop out of schooling. This is particularly the case for male students. Dropouts as a result of these socio-economic factors are most common for those in secondary education, particularly individuals between 14 and 18 years of age. This reflects their physical capabilities at this age, combined with a perception that continuing education is futile for finding employment for members of their community and background.[25]

Though the Law on Labour prohibits child labour under the age of fifteen (15) for general work and eighteen (18) for work with hazardous materials, an International LabourOrganisation (ILO) study found that children as young as ten (10) are engaged in child labour, often with unsafe or hazardous materials such as waste, pesticides, etc.[26] A similar study, conducted by UNICEF, has found that some 87% of the children that work also attend school, made possible by the shift system, particularly in urban areas. However, of the remaining 13% that work but do not attend school a big number is engaged in informal waste collection.[27]

Number of Family Members Engaged in Waste Collection	% of Total number of Waste Collectors
1	33%
2	25%
3	9%
4 or more	4%

The Ministry of Labour and Social Welfare (MLSW) has taken steps towards reducing and ultimately eliminating child employment, with a particular focus on child employment in dangerous and hazardous conditions such as waste collection. The MLSW, supported by the ILO, has adopted Administrative Instruction 05/2013 on the Prevention and Prohibition of Hazardous Child Labour in Kosovo. It has also drafted the Kosovo Action Plan for Prevention and Elimination of the Worst Forms of Child Labour, which aims to find "quick and solutions" to the problem of child employment. Similar initiatives have been initiated by the Kosovo Chamber of Commerce, which has been urging its membership to adopt codes of conduct and regulations "combating child labour in their respective supply chains and communities"; some 40 companies have done so thus far.[28]

[28] United Nations, Fight against Child Labour Gaining Momentum in Kosovo, UN Agency Says, 2015, https://news.un.org/en/story/2015/02/490572

Taking into account the fact that child labour is quite frequent in the informal waste collection sector, and considering that a relatively large number of those individuals interviewed by ECMI Kosovo and who are engaged in informal waste collection acknowledged they are sometimes assisted by underage family members in their work, ECMI Kosovo has taken all possible precautions in its past work in this sector to: a) inform and train selected participants that child labour is unlawful and detrimental to the physical and mental development of children; b) that it is harmful to their education and their ability to focus properly and give proper attention to their studies and coursework and; c) that it is dangerous to their health and well-being.

4. WORK UNDERTAKEN BY CIVIL SOCIETY TO ADDRESS INFORMAL WASTE COLLECTION

Based on the needs of Kosovo's Roma, Ashkali and Egyptian Communities, ECMI Kosovo implemented the project 'Increasing Employment of Roma, Ashkali and Egyptian Communities through a Recycling Collective', funded by the European Union, between 2014 and 2016. This was implemented in partnership with Help for all (HFA) and the Roma and Ashkalia Documentation Centre (RADC).

ECMI Kosovo, in cooperation with implementing partners HFA and RADC conducted field visits, face-to-face interviews and held information meetings in order to identify, recruit, and select informal waste collectors from the five (5) target municipalities: Prishtinë/Priština, Fushë Kosovë/Kosovo Polje, Obiliq/Obilić, Gračanica/Graçanicë, and Lipjan/Lipljan. Following this, 5 training sessions teaching safety in collecting waste were organized for 60 project beneficiaries; also, motorized vehicles for transporting waste were provided to ten beneficiaries, whilst protective uniforms and gear were disseminated to 50 beneficiaries.

Four (4) recycling collection centres were established in Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Obiliq/Obilić, and Prishtinë/Priština. Collection centers were equipped with necessary equipment and were made operational by providing training to collection centre coordinators. ECMI Kosovo also organized ad hoc transportation from waste collection centres to large recycling companies for the benefit of our beneficiaries.

In order to develop a central means of communication for all project participants and other interest waste collectors, ECMI Kosovo prepared the documentation for, and applied for the registration of the Association of Informal Waste Collectors "Collective Recycling Initiative Kosovo" (CRIK).

Finally, as part of the action, a full-scale pro-recycling campaign was undertaken in all five (5) target municipalities; reaching approximately 5,000 members of the public (some 1,000 directly through flyers and brochures, some 4,000 indirectly through digital dissemination platforms such as ECMI Kosovo's official website, Facebook page, and twitter account).

In recent years, efforts on behalf of various actors have in fact been made in order to improve the situation of Roma, Ashkali and Egyptian IWCs. One example is Swisscontact's project 'Income Generating Opportunities for Roma Community through Waste Plastic Collection and Recycling'. This has seen the signing of a partnership agreement in May 2018 with a plastic waste collecting and processing

company to invest in a new pressing machine for PET bottles to improve the income generating activities of 30 Roma individuals in Gračanica/Graçanicë. The project also sees the establishment of separation at source, and involves the municipality of Gračanica/Graçanicë within the process.

GIZ's present project 'Sustainable Municipal Services', is currently undertaking a pilot project in 3 municipalities, involving the separation of waste at source. Sorting waste into recyclable and non-recyclable is. This makes it far easier for informal waste collectors to sort through the recyclable waste for valuable materials. This action is accompanied by actions to teach children about the importance of waste recycling and encourage this within their homes, increasing Kosovo's recycling potential for the short and long term.

Aside from direct involvement within the informal waste sector, other civil society organizations are involved in aiding the informal waste collectors, in multiple other capacities, encouraging education and employment opportunities for individuals from these communities. Greater levels of education and employment lead to a reduced need to participate in informal waste collection, allowing for higher incomes and fewer of the risks associated with working in IWC.

5. CONTINUING ISSUES

Despite work undertaken and results achieved by civil society in Kosovo, including ECMI Kosovo, in the waste collection industry and with informal waste collectors in this area, waste management and recycling remain in a very poor position in Kosovo. Moreover, informal waste collectors remain in a bad position, with poor working conditions and poor incomes leaving them and the families they support at subsistence level. Whilst ECMI Kosovo's work in this area, in addition to the actions of other civil society organizations, may have reached various beneficiaries, such beneficiaries will constitute a small percentage of IWCs operating within Kosovo. To ascertain with any certainty figures on the number of IWCs in Kosovo is very difficult; IWCs fear formalization and are unlicensed. Furthermore, it was noted that many IWCs often did not work on a continuous basis, but turned to waste collection when their circumstances became such that social assistance from the state was insufficient.

The poverty experienced by IWCs, who effectively operate supporting families at subsistence level, can often make sustainable progress very difficult to achieve. Without continued investment, it is very difficult for IWCs to operate in an organized and self-sufficient basis. Their day-to-day survival means that saving up funds and running a business can be near impossible, as their limited resources often have to be spent just so their family can eat. In addition, the lack of education of IWCs means that management of their activities in a structured format often proves difficult and goes beyond their capabilities.

6. ECONOMIC POTENTIAL OF WASTE MANAGEMENT IN KOSOVO

6.1 Measures for Improving Recycling and Environmentalism

Kosovo's state of recycling remains in a dire state. Despite this, recycled materials are Kosovo's number one export and provide 40 million euros annually to the economy. This is in spite of the fact that waste collection is currently operating in an unstructured, inefficient manner; these exports could therefore be expanded further. Moreover, the significant money within this industry could be used effectively to benefit informal waste collectors and lift them out of poverty.

Widespread recycling is therefore necessary in Kosovo for economic reasons, but, arguably more importantly, to protect Kosovo's environment and make it a safer place for citizens to live. Landfills in Kosovo remain incredibly unhygienic and harmful for the citizens of Kosovo and in addition to the natural environment.[29] A number of methods should therefore be pursued to improve Kosovo's recycling capacity. As an aside, the use of biomass waste for energy production may solve the dual problem of Kosovo's inefficient energy supply and its unused waste biomass in the future.[30] Certain types of waste produced in Kosovo could be processed in order to produce electrical energy for public consumption. Biomass waste-to-energy is environmentally sound and techno-economically viable, and can be considered to have significant potential for the future of Kosovo.[31] In the short-term, however, more instant action should be taken to solve Kosovo's recycling crisis.

Firstly, practical measures for improving recycling should be implemented, by both the government of Kosovo and civil society organizations operating in this field, to practically allow for recycling on a wider basis. This can include the separation of waste at source. Separating waste at source allows for the collection of recyclable waste more easily waste collectors. Alternatively, local recycling points could be set up where citizens could take their waste. One major element of any form in the waste collection architecture and the recycling industry out to include the phasing out of informal waste collector. As indicated in the report, the conditions under which the informal waste collectors work are below any standard and should be phased out by reforming the entire sector by the government. However, the vulnerable and marginalized group should be included in the reformed waste collection and recycling industry, through an institutionalized mechanism. The report will expand on this on the next section.

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[29] https://balkaninsight.com/2018/05/25/mirash-landfill-an-environmental-catastrophe-in-kosovo-05-25-2018/

[30] Interview with former Minister for Environment and Spatial Planning, DrAlbenaReshitaj

[31] https://www.altenergymag.com/article/2009/08/biomass-wastes/530/

Practical measures to allow for recycling in Kosovo need to be accompanied, however, by educational campaigns to teach citizens about the importance of recycling. The mentality of citizens regarding waste is problematic for recycling in Kosovo, and a change in such mentality is necessitated. Teaching initiatives set up in schools are the most positive method to tackle this: children are more open to such ideas, and this means that Kosovo's future generations will be aware of the need for recycling. This can also have a knock-on effect to the parents of these children. Such campaigns are already being taken in some municipalities at local level; these should be expanded to all areas of Kosovo.

6.2 Prospective Opportunities for IWCs based on Social Enterprise in Kosovo

Social enterprise, which can be defined as 'an entity with an objective to create social value rather than personal or shareholders' wealth', via the creation of 'innovative solutions addressing social or environmental problems' could provide a mechanism both for improving the position of IWCs in Kosovo and for helping to solve the recycling and waste management crisis. Social enterprise is at a relatively early stage in Kosovo; social enterprises have only started to appear in Kosovo in recent years, and are typically small, nonprofit entities. The Law on Social Enterprise, however, was passed in 2018 and therefore the classification of entities as social enterprises is now possible and represents a real opportunity to aid informal waste collectors in Kosovo.

The definition of social enterprises in Kosovo according to the Law No.06/L-022 for Social Enterprises 05-L-1485 is as follows: "a legal person, regardless of the manner of establishment which, in its founding act, contains social objectives, carries out economic activities, makes the production of goods and provides services in the general interest of the society and integrates at work persons from vulnerable groups'. An Administrative instruction for the implementation of the law is expected to be passed in May 2019.

Vulnerable groups are defined as 'persons who have difficulties to integrate into the labour market for reasons of difference'; it should be considered informal waste collectors in Kosovo fit into this category.

Furthermore, the Law states that these social enterprises shall be established and operated according to the following principles:

- Free initiative
- Restriction of profit distribution
- Engagement in social or other activities aimed at employment of vulnerable groups and serving the general public interest

- Autonomous management;
- Volunteerism;
- Adherence to market rules;
- Non-discrimination in management and decision-making
- Participation of employees and beneficiaries;
- Transparency of control

Article 5 of the law provides two alternative categories of social enterprise: category A social enterprise, which 'provide services that guarantee the inclusion of marginalized persons to improve their well-being and develop activities in these areas'; and category B social enterprises, which employ 'at least 30% of people from vulnerable groups'. It is also essential under the law that such an enterprise would not distribute profits. Under Article 24, the Social enterprise would be able to secure funds from the Budget of Kosovo and/or other local or international sources. Under Article 27, social enterprises are exempt from profit tax.

Social Enterprise A
- Inclusion of marginalized persons
- Development of activities in specific areas

Social Enterprise B
- Employment of at least 30% of people from vulnerable groups

Social Enterprise Type A and B

Both types of social enterprise could be used to support informal waste-collectors, helping them to be including in waste collection and recycling industry in an institutionalized way. A social enterprise could be set up under capacity A, which aims to support individuals from within the community but not necessarily through direct employment. Small local enterprises with pressing machines could buy waste at a consistent and fair rate from waste collectors, process it, before selling it to larger companies for export. Category B social enterprises could pursue a similar business model, but perhaps contract out to individuals from the informal waste collectors directly, therefore employing 'at least 30% of people from vulnerable groups'. This particular category can be included in the waste collection sector. The Municipalities can put up a requirement that municipal waste collection companies should fall under Category B of the social enterprise, so that the correct informal waste collectors are included in the formal waste collection structure.

Setting up self-sustaining social enterprises for waste collectors in Kosovo is an ideal goal to pursue. However, it is considered that setting up social enterprises with capacity support from external civil society organizations and the government

should be encouraged. Enterprises could secure funding through non-governmental organizations; management positions should be undertaken by experienced and suitably qualified individuals in this sector; the capacity to run the social enterprise as a tenable business is essential. Social enterprises could therefore operate with the framework and operational support from NGOs within Kosovo.

Moreover, there is potential for local municipalities within Kosovo to contract social enterprise on a local level to assist with recycling initiatives, improving recycling efficiency in Kosovo and distributing the profits for this industry amongst all citizens. Social enterprises could be involved with collecting and sorting waste for the municipality; informal waste collectors could be part of such an enterprise given their experience in this sector.

7. CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

- The waste management system in Kosovo remains very poor, operating in a fragmented and inefficient way with no coordinated system for recycling. Informal waste collectors play a crucial part in Kosovo's waste management system, allowing for valuable materials which would otherwise be left in landfill to be sold for profit.

- Overall, the position of IWCs in Kosovo is reflective of the large gap between Kosovo's legislative framework and the implementation of the law. Article 58(4) of Kosovo's constitution obliges the State to "adopt adequate measures as may be necessary to promote, in all areas of economic, social, political and cultural life, full and effective equality among members of communities." Unfortunately, the equality of several communities in Kosovo at present is far from the truth. As an example, the participation of Roma, Ashkali and Egyptian communities within Kosovar society as a whole is limited; moreover, their financial position is extremely precarious as they in the majority of the cases rely on social assistance or informal employment. This also creates a self-fulfilling cycle: children from these communities drop out of education to support their families with income generation in informal industries, including IWCs; they then lack the sufficient education to enter other forms of employment and are limited to informal work themselves.

- The income generating capacity of IWCs is very low for a number of reasons: lack of coordination; the inconsistent prices offered by companies purchasing recyclable waste to IWCs; and the poor transportation and equipment usually possessed by IWCs. Moreover, IWCs work in dangerous and unregulated conditions, going through disposal sites with inadequate equipment and protection, handling hazardous materials in order to sell these on to private companies.

7.2 Recommendations on reform of the Waste Management sector in Kosovo

In general research carried out on the needs of the informal waste collectors' communities, and on the basis of interviews carried out for this report, a number of measures to improve the conditions of Kosovo's informal waste collection can be suggested.

- First of all, the state of Kosovo has to come to an understanding, that urgent action needs to be taken to move away from the current system of waste management

in Kosovo. The present situation is deeply undesirable for several reasons. Firstly, it is inefficient in quantities of recycling waste, having an extremely negative impact for Kosovo's environment, along with the health of its citizens. Secondly, such inefficiency also neglects the economic potential of Kosovo's recycling industry being realized. Finally, the present system is extremely inimical to the human rights situation in Kosovo: informal waste collectors operate in hazardous, unsafe surroundings for extremely poor compensation. Another extreme form of human rights violation that needs to be changed is child labor, which is occurring at a high rate within the informal collection of waste.

- Recycled materials are Kosovo's number one export and provide 40 million euros annually to the economy. This is in spite of the fact that waste collection is currently operating in an unstructured, inefficient manner; a change to a more organized structure, could expand these exports further, which will inevitably strengthen Kosovo's economy. An efficient method of encouraging circular economy within the community, would be supporting recycling companies as well as those of special waste as for example oil, vehicles and the like. At the same time citizens should be incentivized on classifying waste at source so that the waste that will be received by the companies could add value to the cycle. Moreover, the significant money within this industry could be used effectively to benefit informal waste collectors and lift them out of poverty as well as educate children, who are the future generation, about waste management and recycling to improve the efficiency of Kosovo's export of recycled materials and thus create a circle to continuously strengthen the economy of Kosovo.

- By investing in the recycling industry Kosovo state can create new job opportunities, which provides a great chance to lower the big unemployment numbers. Additionally, current informal waste collectors should be employed within the reformed industry through positive discrimination. Social enterprises could be used to support informal waste-collectors. As mentioned above in chapter 5.2 Prospective Opportunities for IWCs based on Social Enterprise in Kosovo, there are two types of social enterprise, names as type A and B, which can both be implemented to reach the goal of a sustainable waste management and to employ people from vulnerable groups in Kosovo. Social enterprise type A aims to support individuals from within the community but not necessarily through direct employment. Small local enterprises could buy waste at a consistent and fair rate from waste collectors, process it and sell it to larger companies for export, while type B social enterprises could hire individuals from the informal waste collectors directly. Hence setting up self-sustaining social enterprises for waste collectors in Kosovo is an ideal goal to pursue, nonetheless these social enterprises should be empowered from external civil society organizations and the government with capacity support. Working towards this goal means

lowering the unemployment rate, creating jobs and helping the most vulnerable groups out of poverty, improving the waste management in Kosovo and by this strengthening its economy.

- Another big issue Kosovo has to face is the protection of its environment, which goes hand in hand with the health of its citizens. Recycling is necessary to tackle these issues and make Kosovo a safer place for its citizen to live in. One common low-cost method of getting rid of waste worldwide and also in Kosovo is that of landfilling; a technique that is on the long run followed by severe consequences on the ecosystem and humans' health. They lead to the creation of diseases and viruses, land-, water- and air contamination and a loss of biodiversity. If no immediate actions are taken the negative impacts will harden and it will take years to outweigh costs and to stabilize the situation. A number of methods should therefore be pursued to improve Kosovo's recycling capacity. Two mayor ways to deal with this issue are constructing new disposal sites, which would contribute to the environmental sustainability. However, they must be in compliance with the EU-standards, which means that they should have adequate systems and environmental permits. They should also be planned ahead by urban planners, in order to not affect any community by the side effects of landfilling. In general, Kosovo's legal framework on waste management is in accordance with the EU standards, however the actual implementation encounters various problems, which need to be solved as well. Another solution may be the use of biomass waste for energy production, which would address two problems at once, on the one side the inefficient energy supply, will be improved profoundly and on the other side the unused biomass waste will be put to benefit. Certain types of waste produced in Kosovo could be processed in order to produce electrical energy for public consumption. The biomass waste-to-energy concept is environmentally sound and techno-economically viable, and can be considered to have significant potential for the future of Kosovo.

- Probably one of the most significant recommendation, which is inevitably connected to all the aspects mentioned beforehand, is the separation of waste at source. Currently there is a project undertaken by GIZ, which involves the separation of waste at source. Sorting waste into recyclable and non-recyclable is fundamental hereby, as it makes it easier for informal waste collectors to sort through the recyclable waste for valuable materials, improving recycling efficiency. This must be included by educational campaigns to teach citizens, and most importantly children about the importance of recycling. There is a need of a change in the mentality of Kosovo's people to recycle and separate waste, optimally the recycling and separating should start within the homes. Teaching initiatives and additional curricula are the most positive way as children are open to new ideas and as they are the foundation of the future of Kosovo. It may also

have a knock-on effect to the parents of these children. Beside this, the raising of awareness over the protection of the environment prevents high rates of waste generation. Such campaigns are already being taken in some municipalities at local level, however they should be expanded to all areas of Kosovo, in order to increase the potential of Kosovo's recycling on the long run.

In order to make the necessary reforms to Kosovo's waste management system, active financial and strategic support is required from relevant stakeholders. The Kosovo government accordingly needs to commit resources to reforms, but will need significant support from national and international civil society present in Kosovo to do so effectively. Whilst the reforms as stated above will require investment, the costs in order to achieve these goals are minimal, when taking into account the economic, health and social advantages which will be realised once these recommendations are implemented and expanded to all areas of Kosovo.

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