

## **Bogotá: Social and Business Innovation in Garbage Collection - Public Policy beyond Neoliberal Vision**

**Jaime Torres - González <sup>1</sup>**

### **Abstract**

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This study deals with the social innovation that is occurring in the city of Bogotá (Colombia) following the recognition given by the Constitutional Court of Colombia of the work of independent recyclers to assist in the provision of waste collection services and recovery of recyclable materials. The Court's judgment is one important step towards the recovery of the regulatory capacity of the state for the provision of public services, the implementation of which corresponds to the executive power (mayors). Application of the Court's provisions required the creation of a new model of garbage collection focused on public companies, a move of Bogotá's mayor away from traditional neoliberal policies that provoked strong social, political, and business reactions. This paper describes and analyzes the process, its achievements and the growing political, human, and business difficulties, as well as its political implications.

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**Keywords:** social innovation – marginalized groups – social inclusion - public policy – neoliberal vision – state regulation – garbage collection

### **Introduction**

#### **1. The Social Innovation**

The concept of social innovation as it is used in this paper follows the broad Schumpeterian vision (Schumpeter, 1978), which considers that social changes represents improvements in the conditions of the functions performed by different social groups.

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The change of the model of garbage collection in Bogotá (Colombia), which started the year 2012, can be considered to exemplify an innovative process, since it resulted in the transformation of the relationship between Government, the private formal sector, and the community of recyclers<sup>2</sup>. The private enterprises that used to manage the garbage collection system of the city exclusively, tended to pay little attention to integrated management of municipal waste, and, even less, to the social and economic integration of the population of independent recyclers. Until 2012, the local state (major's office), one of whose duties is to champion the resolution of urgent health needs of Bogotá, had shown great weakness in resolving this problem, to the extent that it was considered sufficient to allocate tenders to private companies to provide this public service to 8 million inhabitants. Neither the state nor private companies had the social conscience to recognize and visibly include the contributions of the broad population of marginalized recyclers, or to undertake environmental initiatives aimed at minimizing the impacts of increasing waste generation. However, the shortcomings of local government and private enterprises were challenged by recyclers in the Constitutional Court of Colombia (19.12.2011) the legal entity that dealt with the issue and demanded the resolution of major impasses, through the adoption of a new social and business scheme for solid waste collection.

## **2. Changes in the Pattern of Waste Collection in Bogotá**

Colombia has developed a legal framework for waste collection over several decades which is locally implemented by companies and authorities in each of the 1,103 municipalities in the country. All of these entities were state owned enterprises until the start of the wave of privatization recommended by the "Washington Consensus" about 1991. Article 365 of the Political Constitution of Colombia (1991) stated: "Public services are inherent to the social order of the state. The State should ensure their efficient delivery to all inhabitants of the country. Public services are subject to the legal regime established by law, and may be provided by the State, directly or indirectly, by organized communities or individuals." Laws No. 142 and 143 of 1994 ruled the details and established the principle of "free competition" in the sector, which resulted in a replacement of local state monopolies by private enterprises in different cities.

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<sup>2</sup> Independent recyclers in Bogotá are a group of at least 14,000 people who recover from trash bags of every home and business, those solids that have commercial value and are bought by recycling industries. Because of their daily contact with waste, constitute a population with high risk of health, labor and social marginalization, who have been working in parallel with formal enterprises of garbage collection in the city.

Almost all garbage collection companies of the country dispose of the collected waste in landfill sites and do not carry out any separation or recycling of products. Formalized waste separation is only performed in some cities, in certain industries and housing projects, relegating most of the work to the action of informal (uncontracted) garbage pickers, who search through bags and rubbish containers and separate recyclable materials (paper, metals, plastics, glass) that they sell to middlemen.

In the case of Bogotá, garbage collection had been handled since 1958 by the "District Public Service Company of Bogotá –EDIS", but was liquidated in 1993 due to low efficiency and corruption, after two declarations of "health emergencies" in the city in 1988 and 1991. With its liquidation the service was tendered and concessioned to private companies, of which up to December 2012 there were four, enjoying contracts to 7 years, renewable for equal periods. In contrast in other major Colombian cities like Cali and Medellín garbage collection service is still carried out by companies owned by local governments.

Bogotá changed from having a state monopoly from 1958 to 1993 to an oligopoly business organization that is 100% private, from 1993 to 2012. However, neither of the two models (state or private) integrated under decent working conditions about 14,000 informal waste collectors<sup>3</sup>(year 2014). This prompted Recycler's Associations to file legal claims against the state, to ensure greater economic inclusion and social recognition. A key step was Resolution T-724 of the Constitutional Court -CC- in 2003, which found that the city had to take "affirmative actions"<sup>4</sup> that would allow the integration of waste pickers in the business model:

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<sup>3</sup> Informality entails the absence of formal work contracts with legally-constituted companies that include payment of stable income, membership to social security agencies. Nevertheless, there are a few cooperatives of recyclers who have achieved basic levels of formal employment, a trend that is strengthening at the present. Full-time recyclers with years of dedication to the craft, coexist with recyclers working in subhuman conditions and little or any degree of formal existence. The last census conducted by the District's University reported the existence of 13,694 recyclers: <http://diarioadn.co/bogot%C3%A1/mi-ciudad/censo-de-recicladores-que-recibir%C3%A1n-beneficios-1.50920> DNA Journal 03/12/13 - Accessed 20.06.2014

<sup>4</sup>The C.C. -Judgement T 724- defined: "By means of affirmative action we understand measures or policies to favor certain individuals or groups, either in order to eliminate or reduce social, cultural or economic inequalities that affect them, for the sake of getting members of an underrepresented group, usually a group that has been discriminated against, and having received an unequal share of opportunities, to have greater representation in order to achieve greater substantive equality between

In the performance of the UESP (Special Public Services Unit, Bogotá) there was a "*systematic and traditional handling that prevents recyclers from entering into formal service delivery*" Prosecutors claimed tender documents (bidding) were designed to benefit a specific group of people, since they did not provide affirmative actions for vulnerable and marginalized populations such as recyclers, who had on unequal terms with powerful economic groups. In the accusation text, "appellants say that failure to consider recycling activity within the scope of the Public Tender 001 of 2002 is tantamount to condemning organized recyclers eternally to manual separation of waste, and to confirm their exclusion from the universe of possibilities that arise from market garbage, which is the only thing they know well and where they can be competitive." (Italics in the original)

The interpretation by the C.C. of the large imbalance that occurs between big companies and recyclers ("systematic and traditional handling ..." "... designed to favor a specific group ..."), indicated evidence of the economic dominance groups from the Colombian elite with deep conservative values who oppose the inclusion of long-segregated sectors. Privatization was then defended with a neoliberal argument to minimize the role of the state and public policy, resulting in large, exclusive contracts private companies, to the detriment of solutions that could integrate recyclers and recycling practices into a more comprehensive environmental policy for handling garbage.

Again in 2011 (Act 275 C.C.), following failure of affirmative actions on the part of private waste carters in the bid to extend the service this year in Bogotá, the C.C. ordered to cancel the tender and approved the inclusion of waste pickers in a new organizational scheme. The new administration of the city for the period 2012-15 decided to implement a novel business model for the service, creating the state company "Aguas de Bogotá S.A. - Public Service Company" as a subsidiary of the state enterprise "Empresa de Acueducto y Alcantarillado de Bogotá -EAAB", acting contrary to its established custom since the 1990s, to only give concessions to large private corporations.

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social groups. In that vein as the Court has stated, subsidies in public services, scholarships and financial aid for students with limited resources or financial support to small producers, are affirmative actions. They are distinct from strategies that could be essentially classified as handout. Rather, they seek to generate incentives at the discretion of the people, distributing the wealth and benefits of production. They benefit the potential of individuals."

## 2.1 The Decision of the Constitutional Court in 2011

The Third Board of Review of the C.C. issued the Act No. 275 (December 19, 2011) in response to the accusation of non-compliance of the Judgment T-724 of 2003 and Act 268 of 2010 from C.C., filed by the Cooperative Association of Recyclers of Bogotá -ARB and supported by the acting mayor. The Special Administrative Unit of Public Utilities –UAESP had not provided in the tender No. 001 of 2011 for mechanisms to include recyclers in the process of garbage collection, and in practice had extended for seven years the provision of waste collection services without mayor changes. Among the considerations that taken into account by the C.C. to legislate on economic and social disputes, were the principles of equality, dignity, solidarity and the right to work, referred to in Paragraph 16 of the Colombian Constitution:

"... the state has to intervene in society, including in the economic sphere, as required by Article 334 of the Charter, which enshrines such action *"(...) to streamline the economy in order to achieve improved quality of life for residents, equitable distribution of opportunities and benefits of development and the preservation of a healthy environment."* (Act 275/2011 - italics in original.)

The C.C. also invoked International law, which is incorporated into the Colombian law under the signing of international treaties:

"Paragraph 6.4: For its part, Article 25 of the American Convention on Human Rights and Article 2 of the International Covenant on Civil and Political Rights, imposes on States the duty to *"(...) it is an obligation for States to: i) ensure that the competent authorities decide on the rights of any person claiming [fair treatment or] such a remedy; ii) develop the possibilities of judicial remedy, and iii) ensure compliance by the competent authorities of any decision when a resource has been granted"* (Act 275/2011 - Italics in the original)

In 2011 the 275 Act C.C. not only ordered to annul the bidding process underway, but required the Mayor's Administration to design a model of waste collection to include the recyclers' population through "affirmative actions", and set a deadline to file a Plan of Sound Management. The C.C. then endorsed the regulatory power of the State and demanded compliance with the rules on inclusion of traditionally marginalized groups.

An analysis of the current garbage collection situation, on the date of the release of the Act, showed that of the 6,300 tons of waste collected daily in the city until 2011 only 1,200 tons were recycled (fully separated by recyclers), while the 4 companies that collected the remaining 5,100 tons, recycled only 10 tons per day, with the remaining 5,090 tons being buried in landfill. (Inclusion Plan, 2012: 20).

The national regulatory framework defines as one of its management axes<sup>5</sup> to minimize the use of landfill while maximizing recycling. The observed minimum percentage of recycling performed by companies with modern technology and sufficient financial capacity indicates that the regulatory framework was not being followed by the four private enterprises, nor were local authorities giving appropriate attention to the matter until 2011. One may question therefore:

- What inhibited these (private and state) institutions to optimize environmental management?
- What is the role of state regulation to overcome serious problems in the delivery of public services?
- Does the new state regulation represent a significant innovation in handling garbage in Bogota?

## 2.2 The Recyclers Population in Bogotá

According to a census conducted in 2013, there were 13,694 recyclers registered in Bogotá (U.D. Census, 2013). This number most probably under-estimates the true number of recyclers, which has been estimated to be 20,000, when including recyclers "not officially" counted but who also retrieve reusable materials from dumpsters in the city. This unofficial participation is possible because garbage is a resource of "open access", and in many cases is the last economic resort to people in extreme poverty. A survey conducted by the Census of Javeriana University (2011) of 11,109 active recyclers in the city recorded the following statistics: 71% are male, 29% female, 5% under 18 years, 6% over 65, 12.3% illiterate, 50% educated to primary, 25% not affiliated to the Subsidized Health System, 89% have never been trained in recycling, 81% did not belong to any labor union or cooperative, 97% use human or animal power as their transport medium, 87% working in the streets and 87% without homeownership.

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<sup>5</sup> The Policy is expressly considered from the issuance of the "National Code of Natural Resources" - Decree / Law 2811 of 1974 and all subsequent rules.

Despite the precarious conditions under which their work is done, referring to minimum standards of industrial safety and health protection, low-income and traditional conditions of social marginalization, the Census reports that 43% of the recyclers have been engaged in this job for the last 5 to 15 years.

In 1996 Bogotá's recyclers only comprised 4 cooperative organizations. The legal backing resulting from Judgment T-724 of the C.C. gave a significant boost to membership in 2003, and although this did not immediately result in a greater inclusion in the existing model of garbage collection in the city, their numbers increased to 23 organizations that year (ARB, 2004), totaling about 2,500 members and expanding its own storage cellars to 10.

The difficult conditions under which most recyclers must work can be understood only by the dogged persistence of exclusion mechanisms in place since colonial times in Colombia (Torres, 2011), which involved and still involves a high degree of social inequity that places the country as one of the most unequal in Latin America and the world, with a Gini coefficient of inequality of 55.9% in 2010 (World Bank, 2012), close to the that of Haiti and Angola. The traditional exclusion has been exacerbated by the forced displacement of rural population due to the internal armed conflict, affecting about 5.7 million people over the past 20 years, who move to the cities in many hundreds of thousands per year, especially Bogota (Norway Council for Displacement, 2013).

Business models for providing public services have not been very successful in Colombia: In a country where there is little culture of waste separation at source (residential and business), recyclers become the "pickers" of commercially valuable raw materials in the garbage. Large companies perceive them as "competitors," according to the principles of "free competition" governing the business. Viewing informal recyclers as a bothersome, albeit weak, competition that draws away higher valuable resources before their collector cars pass, private garbage collection consortia do not have legal nor economic incentives to include recyclers in the value chain of garbage collection. The result has been the indifference of formal enterprises with respect to recyclers, thus coexisting uneasily. Finally, despite large companies handling garbage collection since the 1990s, they did not consider it important to design business strategies, and develop cultural and technological resources that would allow them to both separate materials at the source as well as at the site of final deposition.

All these factors combined to the previous status quo of indiscriminately discarding all kinds of materials, resulting in large landfill volumes and unnecessarily high greenhouse gas emissions. Without doubt, with a more economically, environmentally and socially proactive and progressive vision and form of management on the part of the private garbage collecting companies, commercial waste would have been considered valuable and environmental solutions would have been found.

Analysis of this experience leads to the conclusion that private investors must have found themselves well paid with the lucrative contracts signed with the state, which amounted to Col.\$370 billion in 2012<sup>6</sup> (approx. US\$ 200 million) so that they did not consider it desirable nor necessary to innovate to help restoring a better environment, or greater social inclusion in the city.

### 2.3 The New Model of "Zero Waste"

Following the request to the Constitutional Court, the new administration in Bogotá for 2012 - 2015 decided to implement a novel organizational scheme: the "Zero Waste Program," which is based on three principles (Development Plan "Human Bogotá", 2012):

- An inclusive city for the people,
- A territory that is organized to address climate change and
- Advocacy and development of the public good.

This program seeks to overcome what the mayor dubbed the "dual model" of waste collection, characterized by the coexistence of 4 large private firms working with sound equipment, and in parallel with at least 14,000 recyclers, who hardly use modern machinery. Its axes of execution are:

- A new public company "Agua de Bogotá SA - Public Service Company", which started operations in December 2011, at the end of the bidding round with the 4 existing private companies, with the purpose to expand the range of services in the city and the competition between enterprises.

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<sup>6</sup><http://www.elespectador.com/noticias/bogota/el-esquema-de-aseo-el-destituyeron-petro-articulo-463434> Accessed 16.09.14

- Formalization and inclusion of previously informal recyclers, through its organization in ORA's (Organizations of Associated Recyclers) and its direct procurement by a budget from fees paid by public users.
- Educational strategies to encourage acceptance of recyclers' activities among the population and generation of an environmental policy for the city through separation of waste at source and reduction of waste sent to the landfill.
- Technological development through massive training of recyclers, replacement of their means of transport (human and animal traction) by motor vehicles, and encouraging the creation of companies where recyclers themselves recover waste and transform it in industrial and service parks.

Bogotá's current administration has given priority to the development of public policy through the creation of the municipalleaning company, to the extent that it does not favor the generation of private profit but, rather, effectively providing service, integrating the recycler population and help to generate a public environmental strategy for the city. The creation of "Aguas de Bogotá" occurred in the middle of a huge controversy<sup>7</sup>, to the extent that the administration declared thenecesassary standard of cleanliness as required by the Constitutional Court was not possible with the old private model of Concessions, since this favored rent-seeking and despised the development of an environmental policy and a social strategy. The interim that came with the annulation of the bid in 2011 was used by the Mayor to require private companies to return ownership of the equipment to the District, as stipulated in the contracts of concession. This act was successfully challenged by private companies in the courts, forcing "Aguas de Bogotá" to buy their own equipment. This volatile and tumultuous period was accompanied heavy criticism by the media and degenerating into the dismissal of Mayor Gustavo Petro Urrego at initiative of the Attorney General's Office. In the midst of great turmoil, the company "Aguas de Bogotá" began operations in December of 2012, hiring 1,500 workers and offering service in parallel with three of the four private companies (the contract was not renewed to the firm "ATESA "). In June 2014, "Aguas de Bogotá" had expanded its personnel to 2,743 people. Definitions of the "Drinking Water Regulatory Commission -CRA" on the new organizational model are expected for the District Administration (UAESP) for the next round of competitive bidding in PUT DATE.

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<sup>7</sup> The mayor said emphatically that the mass media for political and economic interests were in favor of private companies.

It is expected that state and private-owned enterprises will operate jointly within a model that integrates the new organizations of recyclers and strengthening their business capacities.

It is important to highlight how the intervention of the Constitutional Court to ensure the right to the inclusion of recyclers, represented a step forward in the process of innovation and social integration in the city: On the one hand, it forced the district administration to establish mechanisms to recognize the basic human, economic and labor rights of several thousand people, who were ignored until then, while on the other, through their union incentives and business organization, recyclers have been able to gain management skills to improve service delivery in the city.

What the C.C. did was that it "made visible" the guild of recyclers, who were declared as "holders of rights". This could be considered a radical innovation from the legal and from the public policy in a country like Colombia. However, implementing the "affirmative actions" has proven to be a challenging and relatively slow process, due to institutional inertia and opposition by powerful interest groups, resulting in that instead of "radical" innovation there has been a gradual improvement accompanied by positive social impact.

It can be argued with Ashford that "... work is the main means of distributing wealth and generating purchasing power in dynamic national economic systems. There is a complex relationship between employment and the increasingly environmentally unsustainable and globalizing economy. The changing nature of industrial economies presents new challenges and opportunities for the organization of work, as well as for the environment, in both industrialized and industrializing countries." (Ashford, 2011: 3)

### **3. The Removal of the Mayor and Public Policy**

Christian Sartorius (Sartorius, 2006: 278) remind us that economic and social changes require support in the political sphere:

"The government plays a crucial role in overcoming the barriers to competitiveness (forcing the internalization of social costs) in key markets. By doing this, the government inevitably is opposed by those who are negatively affected: industries and other interest groups who pay the price of the measures taken.

Typically, government or officials are not inclined to face the opposition (leading to the capture of the regulatory function), unless the driving forces of other social groups are sufficiently powerful. The biggest techno - economic changes require a large aperture or a willingness to change (a period of instability) of the political system. For these reasons, the techno - economic factors must be supplemented by both social and political factors."

On September 12 2013, the Colombian Attorney General (Procurador), Alejandro Ordóñez, issued a resolution dismissing Mayor Mr. Gustavo Petro and preventing him for 15 years from holding public office, accusing him of chaos generated during the three days of December 2012 during the traumatic transition in the provision of sanitation services in Bogota.

It is considered particularly important to analyze the General Attorney's accusation that the mayor issued an ordinance that "... violated the constitutional principles of free enterprise and competition and imposed a number of restrictions and limitations to companies other than state-owned, and not performing the waste collection service from December 18, 2012"(Press Release issued by the Attorney.) The definition of "free enterprise" was left vague by the Attorney General, but he considered it arbitrary that the Administration decided -without tender- to contract the new state-owned enterprise. The Mayor's office argued in return that the earlier tender had been declared invalid by the Constitutional Court. It had finished its term of 7 years, and could not be renewed until it met the conditions of inclusion of recyclers, according to the C.C.

Among the considerations, why the Mayor did not renew contracts with private companies -besides the non-inclusion of recyclers objected to by the C.C.-, he also pointed to corruption that surrounded the largest shareholder of the firm "Aseo Técnico de la Sabana- Atesa", Mr. William Vélez Sierra, who had participated in the "Carousel of corruption"<sup>8</sup> denounced by Mayor Petro as a Senator of the Republic. This led to the dismissal and imprisonment of former mayor, Samuel Moreno Rojas (2008-11), many councilors of the city and some private contractors.

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<sup>8</sup>"Carousel of corruption in Bogotá" was the name given to a string of acts of bribery and allocation of millions worth of public contracts, in which Mayor Mayor Samuel Moreno 2008-11 was involved, as well as many councilors, government officials and businessmen in the city.

This criminal investigation was conducted by the same Attorney General's Office, finding several people guilty. As one prosecution witness, the contractor Emilio Tapia, testified:

"Since the administration of Samuel Moreno, I was in charge of organizing the garbage collection tender (...). The private operators conspired to not accept the District's last extension, in order to cause chaos". This conspiracy had one macabre objective: "The city can not take three days of trash. With that the mayor has to go."<sup>9</sup>

The investigations of the Attorney General revealed the great damage done to the city by "Carousel of corruption in Bogota."

One conclusion to draw is that the public policy of the city had been manipulated on such a large scale, that it resulted in an undermining of its social mission. A State, whether national or local, co-opted by corrupt politicians and businessmen, undermines policies when private interests prevail over public in case of dispute, as is defined by the Constitution of the country. Thus, Bogota lived a situation in which it was virtually impossible to develop policies that would promote environmental sustainability of the city, and to integrate broad traditionally marginalized social groups. It is not surprising that the co-option of the municipal government by private interests prevented that judgments of the C.C. were implemented effectively. The city government granted very little "affirmative actions" to recyclers over 10 years, even though the first legal Act was introduced in 2003, and that the private model of concessions lasted 20 years in the city.

Unsurprisingly, the dismissal of Mayor Petro and the great turmoil, political infighting and uncertainty have caused significant delays in the implementation of social inclusion policies, and more sustainable environmental management to date. However, the legal defense of the Mayor paid off and on 23 March 2014 the Mayor was restored in his position, in accomplishment of precautionary measures provided by the Inter-American Commission on Human Rights. Thus the objectives of the program "Zero Waste" for Bogotá were reaffirmed.

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<sup>9</sup> See: <http://www.las2orillas.co/que-paso-con-las-4-empresarios-duenos-del-negocio-de-las-basuras-gustavo-petro-destrono-en-diciembre-pasado/> Dic. 12/2013. Accessed 20.06.14

#### 4. The New Model of Cleanliness and Social Inclusion

The local state enterprise "Aguas de Bogotá" has become the largest provider of cleaning services in the city, covering about half of the routes in mid-2014<sup>10</sup> and continues to grow in importance to the extent that existing private concessions expire. Nevertheless, there continues to be strong opposition from within government and from private institutions continue to be very strong to the restoration of public policy based on state enterprises<sup>11</sup>.

The main "affirmative actions" ordered by the C.C. and undertaken by the District Administration to date include:

- Delivery of equipment: Decree 1666 of 2010 ordered the abolition of animal-drawn vehicles in Bogotá. The measure was applied starting 01. of January .2014, resulting in 2,077 horse owners turning-in their animals. By mid-2014, 1547 of them had had been assigned motor vehicles, subsidies for home purchase financing, and contributions to start up-business (equivalent to US\$12,000 each one) to 1,547. Those who remained dedicated to recycling have substantially increased their cargo handling capacity, and have improved working conditions.<sup>12</sup>
- Payments from the public budget: District Administration on 01. April 2012 ordered the "Water Regulatory Commission"-CRA to award to recycler the same tariff for depositing garbage in the landfill, as paid to the major private contractors. By October 2013 it had paid for 32,852 tons, amounting to Col.\$2,913 million (approx. US\$1.5 million) in 10,473 operations. Beneficiaries must meet three requirements: be registered, have weighed the material (in 4 public and 212 private authorized cellars), and have a bank account.<sup>13</sup>

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<sup>10</sup>See: <http://www.bogotahumana.gov.co/index.php/noticias/periodico-humanidad/3399-desde-abril-el-distrito-cubre-52-del-servicio-de-aseo> Accessed 20.06.14

<sup>11</sup> On 4/21/14, the day the High Court of Cundinamarca ordered restitution to the Mayor, the Superintendency of Industry and Commerce issued an order demanding the repeal of the Zero Waste scheme implemented in Bogotá and called for "a regime of free competition." The District Administration objected to this resolution and appealed legally valid. It is noteworthy that in many academic and political spheres of the country there exists the prevailing view that public enterprises can not be efficient and therefore only private businesses should be contracted by the state.

<sup>12</sup> ADN Newspaper: <http://www.bogota.gov.co/content/%C3%BA%ltima-entrega-de-equinos-en-adopci%C3%B3n-programa-adopta-un-amigo> Accessed 15.06.14

<sup>13</sup> See: <http://www.bogota.gov.co/content/bogot%C3%A1-humana-ha-pagado-casi-3000-millones-los-recicladores-de-oficio> Published 24.10.2013. Accessed 18.06.14

- Formalizing recyclers' Organizations: The UAESP ordered the creation of RURO-the Recyclers Single Register Office, through Resolution 61/2013, and RUOR
  - Single Register of Organizations authorized recyclers (ORA). As a result, as of 17 February 2014, for the first time in Bogotá, 17 were enabled to provide the service of collecting and transporting recyclable material. 23 additional organizations are in the process of empowerment and about 172 were scheduled to be under review during the year 2014<sup>14</sup>. Enabled ORA's received training for business and recycling. Thus, the legal impediments to formalize organized waste pickers were removed and enabled them to hire and receive payments directly from state's budget, on an equal footing with large contractors. The goal of the program is the creation of 60 units with an average of 200 recyclers that could provide the service of collecting reusable materials.
- Recycling parks: creation within 4 years (until 2016) of 6 recycling parks for the separation and processing of materials, hiring 478 recyclers in the first two parks, and 956 additional positions in the course of 48 months. The production is marketed to businesses in the city, supported by the District Administration.<sup>15</sup>
- Training of recyclers: courses to qualify as "Recycling Technician" are aimed at all individuals enrolled in the training program.
- Citizen Training: Training of 20,000 students in 2,642 state-schools as ambassadors of the "School Environment Project" and the culture of recycling. Visit 316 Kindergartens and community kitchens, spreading the Zero Waste Program. Engaging 5,000 teachers in the "Zero Waste Network". Visiting 249,029 small businesses to spread environmental programs, as well as large chain stores, by Promoters of UAESP. The program hopes to spread the source separation practice in all households in Bogotá, and hired 460 recyclers aimed at training multiusers of the city.

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<sup>14</sup> See: <http://www.bogotahumana.gov.co/index.php/noticias/comunicados-de-prensa/5809-avances-significativos-de-las-organizaciones-de-recicladores-en-el-programa-basura-cero> Accessed 18.06.14

<sup>15</sup> See: <http://www.bogotahumana.gov.co/index.php/noticias/en-medios2/657-recicladores-incluidos-en-nuevo-esquema-de-gestion-de-residuos-en-bogota>. Accessed 18.06.14

## 5. Conclusions

The lack of initiative for innovation in sustainable solid waste management and integrating the recyclers' population on the part of the private consortia that handled the waste collection service in the city of Bogotá until 2011 led to the intervention of the Constitutional Court, who decreed to remove inequalities arising from unfair economic organization. This resulted in the implementation by the new mayor's administration in 2012 of a model of inclusive and responsive organizational management to fit the needs of recyclers and citizens.

Achievements to mid-2014 show important developments in social and business organization of the recyclers' population, among others, increasing their income and their ability to contract directly with the state at the local level, as well as improving their economic productivity, by virtue of training and greater access to better equipment and facilities. The work of the recyclers has been dignified through formal recruitment in the new state-enterprise, delivery of physical endowment, creation of its new associations, higher incomes and greater social recognition of their work in the city.

The purpose of the Constitutional Court is not to regulate the economy, but in spite of this, from time to time its Judgments can correct serious economic and social failures that the executive (Presidency and ministries) have been unable or unwilling to change. The significant interventions that the mayor of Bogotá has performed also act to overcome the prevailing private-business focused neoliberal policy, even though developments have been taken up only locally (in Bogotá) so far, where they are concentrated in utilities. Promoting public policy that effectively leads a social transformation and organizational and productive innovation that also integrates long marginalized populations is possible when there is a leadership that is simultaneously sensitive to social, environmental as well as productive needs. This case proves that state can play a more active regulatory role and serve as a catalyst for innovation in the private and public sectors. However, the obstacles encountered in Bogotá to advance this process have been significant to the point of causing the removal of the mayor from his office for three months. The process continues to the present and, if successful in the medium term, will not only serve as a model for other cities in similar situations, but also will show new ways to overcome the neoliberal economic view of public policy.

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