

## Lesson Plan: Legal Framework



40 minutes

### Lesson Description



This lesson introduces the importance of having a specific legal framework for faecal sludge management. Participants discuss common challenges and identify solutions to overcome some of these challenges.

### Learning Outcomes



At the end of this session participants will be able to:

1. Discuss the importance of having a legal framework for faecal sludge management.
2. Discuss the challenges with legal frameworks for faecal sludge management.
3. Discuss solutions to overcome legal challenges in faecal sludge management.

### Materials



- Flip chart paper
- Tape
- Markers
- Activity: Government Departments (1 for every of 3-4 people)
- Activity: Government Departments Solution (1 copy)
- Case Studies and Faecal Sludge Management Exercise Book

### Preparation



- Review topic in Chapter 12: Institutional Frameworks for Faecal Sludge Management in the book *Faecal Sludge Management: Systems Approach for Implementation and Operation*
- Write the heading “*Legal Framework Challenges*” on flip chart paper
- Print Activity: Government Departments Activity (1 for every 3-4 people)
- Print Activity: Government Departments Solution (1 for trainer)

### Introduction

5 minutes



1. Ask participants, “Has anyone read regulations or consulted with a lawyer? How did you find the experience?” You might get a mix of opinions.
  - *Overwhelming*
  - *Time-consuming*
  - *Expensive*
  - *Confusing*
  - *Outdated*

2. Ask participants, “What is a legal framework?”
  - *All the laws that apply to your activity*
3. Explain that understanding the legal framework can be confusing if you have not been trained or gone to law school. That is why we often consult with law professionals when we have questions about the legal framework. Some professionals can explain the laws to you in a simple way. However, sometimes the laws themselves are very confusing. The legal framework for faecal sludge management is no exception to this challenge.
4. Present the lesson description or learning outcomes.

## Legal Framework

20 minutes



1. Ask participants, “Why is it important to have a legal framework specific for faecal sludge management?”
  - *Ensure effective faecal sludge management*
  - *Protect public health and the environment from risks linked to faecal sludge management*
  - *Regulate and enforce the roles and responsibilities of each stakeholder throughout the entire sanitation service chain*
2. Explain that it is important to analyze and understand the existing legal framework for faecal sludge management. This will allow a better understanding of how the government expects the sector to perform its functions. To do so, it is important to talk to the appropriate government departments involved.
3. Explain that participants will be divided into small groups and given a list of scenarios. They need to identify one or more government departments they would approach for more information on the regulations for that specific scenario. The answers can be based on existing government departments or ones they believe should exist. Participants have 5 minutes to complete the activity.



Note: Participants will not be able to cover all the scenarios in 5 minutes. They should cover as many scenarios as they can in any order.

Divide participants into groups of 3 or 4 people. Hand out the Activity: Government Departments.

4. Explain that analyzing the existing legal framework can be very difficult. For example, there are often lots of different government authorities involved and they may have overlapping or conflicting responsibilities. Write “many government departments” on the “*Legal Framework Challenges*” flip chart.
5. Ask participants, “What other legal framework challenges exist?” Record responses on the “*Legal Framework Challenges*” flip chart. Provide a faecal sludge management example for each challenge. Ask participants if they have faced any of these challenges.
  - *Outdated regulations: For example, a municipality wants to increase access to sanitation through subsidized construction of on-site sanitation technologies. However, town planning regulations ban pit latrines and implicitly, latrine*

*emptying. This example still exists in Dar Es Salaam, Tanzania, and is a hangover from colonial times.*

- *Overly strict regulations adapted from other contexts: Effluent standards, for example, are sometimes taken directly from World Health Organization (WHO) guidelines or from developed industrialized countries' regulations without being adapted to the local context. This has led to the construction of overly complex wastewater treatment plants that are not affordable to operate and not always appropriate for treating faecal sludge. The treatment plants ends up being more polluting than a simpler treatment technology with a slightly lower effluent quality would be.*
  - *No existing laws for innovative technologies: For example, only certain treatment technologies are included in the regulations and there is no law on piloting innovative technologies. Another example, a legal framework that only recognizes a sewer system as a sanitation technology. The faecal sludge management service chain falls outside the law and therefore cannot be regulated.*
  - *Other gaps in regulation: For example, overall legislation allowing for the establishment of an autonomous sanitation department at the municipal level. However, the necessary regulations in subsidiary legislation (delegation of responsibilities) are lacking, so such departments cannot be established (for example, Mozambique).*
  - *Poor enforcement of regulations: For example, in Indonesia the conventional approach to regulation had to be replaced by a voluntary system.*
  - *Corruption: This happens at the collection and transport level, as well as at the treatment plant. At the treatment plant, dumping fees may be unaccounted for. In Accra, for example, the Lavender Hill dumping site has \$500,000 per year of unaccounted dumping fees. Another example is municipal or utility tanker drivers taking on "private" work. They use the municipal equipment, take the money from the customers, and may share some of it with the management team. This leads to a high use of emptying equipment, but low income for the maintenance of the equipment.*
6. Explain that although it is difficult to work within a legal framework, there are options. Ask participants, "What would you do if the laws didn't seem to work in favor of your project?"
- *Critically review the laws. Laws are not usually black or white; you can consult with key stakeholders to see if an idea fits into the legal framework.*
  - *If certain laws or standards need to change, you can expose key decision-makers to your reasoning through field visits and scientific seminars. This is a long process and should involve local universities and research institutions.*

*The process usually involves:*

- 1) *Get politicians interested in a previously unrecognized sanitation approach*
- 2) *Technical work to draft the content*
- 3) *Legal drafting – can lead to mistakes due to non-technical background of lawyers*
- 4) *Approval from politicians*
- 5) *Enactment*

*A project manager for the Water and Sanitation Program (WSP) program of the World Bank who worked on changing regulation in Maputo, Mozambique, explained that it took 1 year (step 1), 2 years (step 2), 6 months (step 3), ongoing (step 4).*

- *Negotiate an agreement with the relevant authorities to legally make an exception to a project. This is called a moratorium. The success of the project could help eventually change the law or standards. For example, the law on dumping fees was lifted for small faecal sludge management operators developing services for low-income areas in Maputo, Mozambique.*
7. Ask participants, “What key messages did you learn in this lesson?” Summarize the key messages:
- *A specific legal framework is necessary for effective faecal sludge management, to protect public health and the environment, and to regulate and enforce the roles and responsibilities of each stakeholder throughout the entire faecal sludge management service chain*




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### Exercise Book

**10 minutes**



1. Ask the case study groups to return to their Exercise Book and complete Section 9: Legal Framework. Participants will list the laws and regulations from their case study, and will identify the key challenges in the legal framework.

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### Review

**5 minutes**



1. Ask participants to find a partner from another case study group. Ask participants to share one gap in the legal framework for their case study.

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### Reflections on Lesson

**Activity: Government Departments**

Scenarios	Possible Government Departments
You are the project manager for the design and construction of a new faecal sludge treatment plant. You need to identify potential sites for the treatment plant.	
You are designing a faecal sludge treatment plant. You need to find out the requirements for the level of treatment required for use in agriculture.	
You are designing a faecal sludge treatment plant. You need to find out the quality of the effluent required for discharge in a local stream.	
You want to treat faecal sludge with black soldier fly larvae. You need to find out if you are allowed to use this treatment technology.	
You are a financial consultant. You need to find the regulations on sanitation taxes and fees.	
You want to use faecal sludge as a soil conditioner. You need to find out if this allowed.	
You want to construct a faecal treatment plant. You need to find out what materials you are allowed to use.	
You want to start a faecal sludge collection and transport company. You need to find out what facilities and personal protection equipment you need to provide for your staff.	
You want to start a faecal sludge collection and transport company. You need to find out if it is mandatory to discharge the faecal sludge at an officially approved site.	
You are interested in starting a faecal sludge management company, but are unsure of future demand. Who can tell you what relevant public policies and plans are applicable?	
You are interested in starting a faecal sludge management company. You need to register the company.	

**Activity: Government Departments – Solutions**

Scenarios	Possible Government Departments
You are the project manager for the design and construction of a new faecal sludge treatment plant. You need to identify potential sites for the treatment plant.	<ul style="list-style-type: none"> <li>- Municipal planning department</li> <li>- Water resources agency</li> <li>- Environment authority</li> </ul>
You are designing a faecal sludge treatment plant. You need to find out the requirements for the level of treatment required for use in agriculture.	<ul style="list-style-type: none"> <li>- Ministry of works/water/sanitation</li> <li>- Ministry of health</li> <li>- Ministry of agriculture</li> <li>- Environment authority</li> </ul>
You are designing a faecal sludge treatment plant. You need to find out the quality of the effluent required for discharge in a local stream.	<ul style="list-style-type: none"> <li>- Environment authority</li> <li>- Water resources agency</li> <li>- Municipal planning department</li> </ul>
You want to treat faecal sludge with black soldier fly larvae. You need to find out if you are allowed to use this treatment technology.	<ul style="list-style-type: none"> <li>- Ministry of works</li> <li>- Ministry of agriculture</li> </ul>
You are a financial consultant. You need to find the regulations on sanitation taxes and fees.	<ul style="list-style-type: none"> <li>- Municipal legislation/regulations</li> <li>- Ministry of finance</li> <li>- Ministry of local government</li> </ul>
You want to use faecal sludge as a soil conditioner. You need to find out if this allowed.	<ul style="list-style-type: none"> <li>- Ministry of agriculture</li> <li>- Ministry of health</li> </ul>
You want to construct a faecal treatment plant. You need to find out what materials you are allowed to use.	<ul style="list-style-type: none"> <li>- Municipal building inspectorate</li> <li>- Municipal planning department</li> <li>- Ministry of works</li> <li>- Ministry of works/water/sanitation</li> </ul>
You want to start a faecal sludge collection and transport company. You need to find out what facilities and personal protection equipment you need to provide for your staff.	<ul style="list-style-type: none"> <li>- Ministry of work/labour</li> <li>- Ministry of water/sanitation</li> <li>- Ministry of health</li> </ul>
You want to start a faecal sludge collection and transport company. You need to find out if it is mandatory to discharge the faecal sludge at an officially approved site.	<ul style="list-style-type: none"> <li>- Municipal council</li> <li>- Environment authority</li> </ul>
You are interested in starting a faecal sludge management company. You need to find out if you are legally allowed to start your own company.	<ul style="list-style-type: none"> <li>- Municipal commerce department</li> <li>- Ministry of trade and industry</li> <li>- Registrar of companies</li> <li>- Municipal sanitation department</li> </ul>
You are interested in starting a faecal sludge management company. You need to register the company.	<ul style="list-style-type: none"> <li>- Ministry of trade and industry</li> <li>- Registrar of companies</li> <li>- Municipal council</li> <li>- Environment authority</li> </ul>