SMART ENFORCEMENT AND COMPLIANCE IN FSM

Strategies to achieve health and environmental outcomes

Joanne Chong, Janina Murta, Antoinette Kome, Prof Juliet Willetts
KEY MESSAGES

• Setting regulations and standards for safe management of faecal sludge and liquid effluent is critical, however ensuring their enforcement and compliance is difficult

• Current approaches have limitations, and may be considered late when planning FSM solutions

• There are many approaches to enforcement and regulation which could be drawn upon

• Using these approaches through combinations of instruments holds promise to be ‘smarter’ in our approach to achieving health and environmental outcomes
CURRENT APPROACHES TO REGULATION, ENFORCEMENT AND COMPLIANCE MEET MANY CHALLENGES…

Limited institutional capacities for enforcement or limited legitimacy, politicians unwilling to pay the price of enforcing rules on individuals, public versus individual benefits etc.

Current efforts: command-control regulation, awareness raising and market-based incentives

How to develop cost-effective, ‘smart’ strategies?
METHODS

**Review** regulatory and enforcement approaches used within and beyond the urban sanitation sector

**Semi-structured interviews** to develop examples and case studies that illustrate key regulatory concepts and potential for ‘smart’ approaches to enforcement and compliance

**Sector engagement** through online D-group, Learning event, and Stockholm World Water Week Workshop in 2016

**Develop a learning paper** to stimulate debate and further thinking in the sector (to be released shortly)

This presentation covers some key strategies that could support a ‘smarter’ approach to enforcement and compliance
REGULATORY CONCEPTS AND APPROACHES

These include:
1. Responsive regulation
2. Identifying and leveraging compliance motivations
3. Networked regulation
4. Risk-based regulation

Combining instruments:
voluntary; command and control regulation; self-regulation; and market-based instruments
Responsive regulation recognises that there are different attitudes to compliance, and applies a progressive set of compliance strategies from low to high severity. The chosen regulatory tools are designed to match the attitudes and behaviour of the regulated parties.}

Adapted from Ian Ayres & John Braithwaite (1992), Responsive Regulation: Transcending the deregulation debate, Oxford University Press, New York.
APPLICATION OF A RESPONSIVE REGULATORY APPROACH

DIAGRAM OF ENFORCEMENT MANAGEMENT MODEL IN KUMASI (SOURCE: WSUP 2016)
IDENTIFYING AND LEVERAGING COMPLIANCE MOTIVATIONS

Seek to understand individual and/or organisational motivators, including through formative research, to develop specific compliance strategies that respond to these.

- **Strategy: Window stickers for participating households**
  - Motivators: Community peer pressure

- **Strategy: Awareness raising on effect of desludging on environment**
  - Motivators: Local pride in healthy environment

Source: Marikina City, Philippines, (Robbins 2012)
IDENTIFYING AND LEVERAGING COMPLIANCE MOTIVATIONS – EVIDENCE-BASED BEHAVIOUR CHANGE COMMUNICATION THROUGH FORMATIVE RESEARCH

Role of behavioural determinants in relation to changing behaviour

Old behaviour → Behavioural determinants → Change behaviour (or practice)

For example:
- Barriers or Drivers
- Knowledge and Skills
- Social norms
- Values
- Enforcement
- Priorities, etc.

Source: SNV, BCC Guidelines, 2016
APPLICATION OF RISK-BASED THINKING

EXAMPLE OF A RISK MATRIX (ADAPTED FROM EPA NSW)
EPA’s approach to targeted enforcement

LIKELIHOOD OF NON-COMPLIANCE

LOW

LIKELY

POSSIBLE

UNLIKELY

CERTAIN

RISK OR HARM TO HEALTH AND ENVIRONMENT

LOW

MINOR

MODERATE

MAJOR

SEVERE
APPLICATION OF RISK-BASED THINKING – GREYWATER MANAGEMENT IN AUSTRALIA

APPLICATION OF RISK-BASED THINKING – URBAN SANITATION

Are our efforts to reduce public health risk in the right place?
REGULATORY NETWORKS AND ALLIANCES

The literature notes challenges to applying either conventional top-down or responsive regulatory models in developing country contexts (Braithwaite 2006, Rooij and McAllister 2014).

Government authorities may lack the necessary capacity (in resources, technical expertise and information) and independence.

Capacity and expertise from third-party, non-state actors, especially NGOs, can create networks that promote regulatory compliance.

Third-party roles can include:
- focus on transparency (“naming and shaming” offenders)
- recognising strong compliance with awards or publicity
- establishing standards
## Instrument category and description

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<td><strong>Command and control regulation</strong> (the “regulatory approach”) – set rules and laws, and enforce non-compliance with penalties.</td>
<td>Clarity about expectations and outcomes but only if enforced.</td>
<td>Enforcement requirements high. Lacks flexibility. Coercive.</td>
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Government Utility (PDAM)

Offer disposal permit to 17 emptiers to dispose to sewer manholes

Private sector emptiers

Police

Monitor which emptiers are emptying to manholes

Citizens

Monitor illegal dumping via smartphone

BANDUNG CASE – TARGETING EFFORTS AND COMBINING INSTRUMENTS

CASE STUDY SOURCE: IUWASH INDONESIA, Image source: World Bank 2016, p. 31
BANDUNG CASE – TARGETING EFFORTS AND COMBINING INSTRUMENTS

- Government Utility (PDAM): Offer disposal permit to 17 emptiers to dispose to sewer manholes.
- Citizens: Provide viable technical option and market advantage.
- Private sector emptiers: Monitor illegal dumping via smartphone.
- Police: Monitor which emptiers are emptying to manholes.
- Penalty: Monitor illegal dumping via smartphone.
CONCLUSIONS

- Regulatory approaches are not limited to command-control mechanisms, and can include responsive regulation, evidence-based behaviour change communication, risk-based regulation and networked regulation.
- Different instruments can be drawn upon, including voluntary, market-based, self-regulation, co-regulation and command-control regulation.

A ‘smart’ approach draws on these regulatory concepts and combines different instruments to support compliance in the most cost-effective way.
THANK YOU

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Acknowledgements: This presentation draws on the following learning paper (to be released March 2017):