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| Title | Building a methodology to overcome legal and institutional constraints to the development of ecological sanitation |
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Building a methodology to overcome legal and institutional constraints to the development of ecological sanitation

Legal aspects have occupied a marginal place in comparison to other disciplines within EcoSanRes and the international ecosan community in general. In-depth analysis of the legal context could help all partners to overcome obstacles and expand such systems in a faster and sounder manner in the different countries.

Taking into account the above, it would be useful to develop a specific methodology to give appropriate, concrete and timely advice to its partners when making legislation and/or lobbying to include ecological sanitation in existing laws. This would mean the translation of defined principles and policies into sound legislation.

The idea is to offer guidelines and advice, if needed, in the drafting of regulations at the different levels, which may include and foster ecological sanitation. Such guidance must be reflected at the end in concrete legislation. The specific elements would vary from case to case, but local actors may benefit strongly from having adequate tools whenever proposing legal transformation in their respective countries.

The methodology and plan of action should include clear knowledge of how and what type of elements must be considered in a definition of ecological sanitation and minimal regulations that should be formulated to make it possible in practice. This, of course, must be done in general terms for adaptation to the specific context of each country.

Eco-sanitation projects face many obstacles in practice because of the lack of legal recognition as well as the consequent absence of regulations that may give security to both authorities and citizens that meet sanitary, environmental and social regulations.

Another issue perceived as a result of experience advising different organizations is that these institutions frequently know the conveniences/inconveniences of a particular system, technique or process related to the installation and management of eco-sanitation but they have enormous trouble when trying to gain a legal foothold translating such policies into specific regulations. It is not always clear for them what must be a matter for legal regulation -- and what not--, and how to translate a specific need into regulation.

The methodology offered aims at creating a basic level of legal understanding and knowledge amongst the members of EcoSanRes and ecosan proponents in general, in order

to:

- a) view legal transformation in terms of a shift of paradigms, i.e. legal reform is not sufficient if it moves within the same sanitation paradigm;
- b) convert principles into rights that could be enforceable, where specific responsibilities are given to different parties and integral participation is included;
- c) build a scheme for legal recognition at the different levels of law making in each country;
- d) change the legal principle of “payment for discharge” towards the principle of “zero pollution”;
- e) identify clearly what must be a matter of legal regulation and what would be a matter of policy making, water management or other factors regarding ecological sanitation.

The presentation will review some of the obstacles and opportunities that, when viewed from the legal/institutional perspective, hamper or foster the possibility of success for ecological sanitation. The Mexican legal system is taken as an example and departure point to show the need to analyze more in depth the specific legal issues that surround the success or failure of the installation of ecosan systems in different countries.

The presentation will emphasize the need to develop legal capacity amongst EcoSan professionals by making and offering a methodological tool that may be used to clarify the translation of proposals for ecological sanitation into legislation and public policy- making in the different countries.

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