

Smart enforcement of sanitation by-laws in Ghana

Policy Brief | April 2018

Quick read...

- This Policy Brief reports a research project that identified ways of improving enforcement of by-laws requiring urban landlords to provide acceptable sanitation facilities for their tenants.
- The key barriers to the construction of household and compound toilets in Ghana are **lack of capital**, **limited land space**, and the wide **availability of public toilets**.
- In Ga West, as in other Ghanaian municipalities, by-laws requiring landlords to provide adequate sanitation exist: but they are rarely enforced. Nearly half of landlords are unaware of their existence.
- Most tenants (93%) who are aware of the by-law have not lodged any complaint with the relevant authority (the Environmental Health & Sanitation Department), for fear of eviction.
- Ga West Municipal Authority (the regulator) reports a number of critical bottlenecks to enforcement, including a lack of financial resources and incentives.

Rationale

Sanitation provision in Ghana is mandated by many policies and by-laws, but poor implementation means that universal access remains out of reach: only 14% of people have access to at least basic sanitation (according to the 2017 JMP report). Most residents in low-income urban areas continue to rely on public toilets.

The Local Government Act (Act 462) includes by-laws requiring landlords to provide toilets for their tenants, with associated penalties for defaulters. These by-laws are a crucial part of the multi-pronged approach needed to achieve national sanitation targets; but they are rarely enforced. The by-laws give local authorities the power to fine landlords or to bring them to court, but prosecuting all those currently contravening the laws would be costly for all parties, and the enforcement process is slow to produce results. Unblocking the current non-enforcement could increase market demand for improved sanitation services among landlords and tenants in Ghana's low-income urban communities.

Methods

Data was collected through a mixed-method approach between January and May 2017, through household surveys, focus group discussions, and key informant interviews. The research also included a 'Negotiation Game' bringing together landlords, tenants and the relevant local government authority (the Environmental Health & Sanitation Department, EHSD, of Ga West Municipal Assembly, GWMA). The study had three interconnected aims: to identify barriers to toilet construction among landlords; to determine factors influencing non-enforcement of by-laws; and to develop an enforcement model and process acceptable to both the enforcing authority and landlords as a group.



Urban Sanitation Research Initiative Ghana

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Findings

The Negotiation Game suggested that there is a potential way forward acceptable to landlords, tenants and the local authority. This is centered on a **defined enforcement timetable** (see below): if adopted, this would allow landlords more time to start toilet construction, and save the local authority resources that could be focused on those who continue to flout the by-laws, rather than on chasing minor infractions.

Key barriers preventing the construction of toilets by landlords:

- Wide availability of public latrines
- Real or reported financial constraints
- Unfavourable soil conditions
- Lack of space
- Lack of technical support for toilet construction

Key barriers preventing tenants from demanding better toilets:

- Wide availability of public latrines
- Low priority accorded to toilet when choosing a rental property
- Inability or unwillingness to contribute to cost
- Difficulties in dealing with absentee landlords
- Fear of eviction if landlord is reported to authorities

Proposed enforcement timetable:

STEP 1 - Prior identification of landlords whose properties do not have toilets: **education** about sanitation bye-laws, and **technical and financial information** to be provided by Local Assembly

STEP 2 - Landlords issued a mandatory notice and given **two weeks** to initiate toilet registration and construction

STEP 3 - Follow-up inspection before court summons is issued to those who have not begun toilet construction process

Institutional factors influencing non-enforcement of sanitation by-laws:

- Lack of funds for the institutions mandated to enforce bye-laws
- Lack of motivation and incentives for Environmental Health Officers (EHOs) and prosecutors to follow up cases for prosecution
- Low numbers of prosecutors and lack of capacity among prosecutors, coupled with political interference
- Lenient penalties
- Only 51% of landlords and 43% of tenants reported an awareness of the by-laws, so inadequate sanitation facilities not reported

Policy recommendations

- The prosecution process should be **streamlined** to encourage tenants to report non-compliant landlords, and reporting mechanisms should be **convenient** and **anonymised**.
- A **dedicated municipal budget stream** should be introduced to support enforcement.
- GWMA should widen its **education efforts** to inform 1) landlords about the available sanitation subsidy and 2) tenants about their rights and their landlords' legal obligations. Promoting micro-credit options and encouraging landlords to reinvest rental revenue into toilet construction are also potential options for GWMA and other urban local authorities in Ghana.
- More broadly, national and local governments need to work actively to **reduce the prevalence of public toilets**, which undermine the national government's promotion of 'one house, one toilet, and which mean that neither landlords nor tenants consider sanitation improvements to be a priority.

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