

### Terms of Reference

<b>Title:</b>	FORMULATION OF A NATIONAL SANITATION AND HYGIENE REGULATIONS
<b>Country of Assignment:</b>	KINGDOM OF ESWATINI (SWAZILAND)
<b>Duty Station</b>	Mbabane
<b>Starting Date:</b>	September 2018
<b>Duration of Assignment:</b>	40 consulting days across a three month period September- November 2018
<b>Assignment Contact Person:</b>	Mr. Daniel Sithole Principal Environmental Health Officer Ministry of Health – Environmental Health Department E-mail address: <a href="mailto:sitholedanh@gmail.com">sitholedanh@gmail.com</a> , <a href="mailto:NcamisoMhlanga@wateraid.org">NcamisoMhlanga@wateraid.org</a> and <a href="mailto:thobilephungwayo@wateraid.org">thobilephungwayo@wateraid.org</a>

#### BACKGROUND

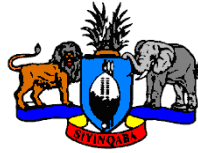
The government of Eswatini through the Ministry of Health – Environmental Health Department (MOH-EHD) in collaboration with relevant stakeholders is responsible for the overall planning and coordination of Sanitation and Hygiene services in the Kingdom of Eswatini. The Environmental Health Department is in a process of developing a Sanitation and Hygiene Regulations.

The Ministry of Health coordinate sanitation and hygiene services in the Kingdom of Eswatini (Swaziland) working closely with the following key stakeholders: Ministry of Natural Resources and Energy – Department of Water Affairs, Swaziland Water Services Corporation, Ministry of Housing and Urban Development, Municipalities, Ministry of Education (Schools’ Sanitation), Ministry of Tinkhundla Administration and Development, Ministry of Tourism and Environmental Affairs, Development Partners as well as several Non-Governmental Organizations (NGOs).

Data from national surveys shows a decline in sanitation coverage in the Kingdom of Eswatini. The proportion of population using improved sanitation facilities dropped by 21.5% in 2014 (53%) from 74.5% in 1997 which is the base year for Millennium Development Goals (MDG’s) targets and 11% of the country’s population practice open defecation. It is also worth noting that the country was not able to meet its MDGs target on sanitation in 2015 and is currently off-track in meeting the Sustainable Development Goals (SDGs). The decline in sanitation coverage is as a result of many factors of which the proposed Sanitation Regulations seek to address.

The proposed regulations will be aligned to the Public Health Act of 1969 (Primary law) and will guide and enforce the provision of sanitation and hygiene services in the country. The Ministry of Health has drafted the National Sanitation and Hygiene strategy, National Sanitation and Hygiene Policy as well as the Sanitation and Hygiene Regulatory Framework which will guide the development of the Sanitation and Hygiene Regulations.

This assignment seeks services of a consultant to facilitate the drafting of the Sanitation and Hygiene Regulations for the Kingdom of Eswatini.



## Scope

The Sanitation and Hygiene Regulations will be developed collectively by the Water, Sanitation and Hygiene (WASH) sector including relevant government ministries, UN agencies, Local Authorities as well as NGOs involved in WASH in the Kingdom of Eswatini.

The process will be technically led by a multistakeholder technical working group to be assembled and led by the Ministry of Health, Environmental Health Department with assistance from the Ministry's Legal Adviser.

The consultant will be recruited through WaterAid who will also provide financial and technical assistance towards the development of the Sanitation and Hygiene Regulations. The consultant will be responsible for drafting the Sanitation and Hygiene Regulations in consultation with all sector stakeholders including government and development partners.

## Objectives

1. To develop Sanitation and Hygiene Regulations that will guide and enforce the implementation of sanitation and hygiene services in the Kingdom of Eswatini in line with the draft Sanitation & Hygiene Policy, Sanitation and Hygiene Regulatory Frame Work as well as the draft Sanitation and hygiene strategy, aligning them to the Public Health Act, 1969.

## Specific tasks

Working under the guidance of the Ministry of Health, Environmental Health Department, Technical Working Group and WaterAid Eswatini (Swaziland) Team Leader, the consultant will be tasked to carry out the following key tasks:

1. Collate and review all literature, data and pertinent information on sanitation and hygiene in the Kingdom of Eswatini including the draft Sanitation & Hygiene Policy, Sanitation and Hygiene Regulatory Frame Work, Public Health Act, 1969, Draft Health Bill, 2018 as well as the draft Sanitation and Hygiene Strategy to facilitate the drafting of the Sanitation and Hygiene regulations.
2. Facilitate consultative stakeholder workshops and meetings on the development of the Sanitation and Hygiene Regulations. These will include all sector stakeholders including: Government Ministries with WASH component, Non Governmental Organizations (NGOs) WASH forum and Development Partners.
3. Conduct individual consultation meetings on Sanitation and Hygiene Regulations drafting with the relevant stakeholders including the Ministry of Justice and Constitutional Affairs.
4. Draft the National Sanitation and Hygiene Regulations in consultation with all stakeholders including the Technical Working Group.
5. Presentation of the draft Sanitation and Hygiene Regulations to Multi stakeholder' meeting for validation purposes and incorporates all comments from the stakeholders.
6. Present the final Sanitation and Hygiene Regulations to the relevant stakeholder including the Principal Secretary for the Ministry of Health for onward transmission to the Attorney General for approval.
7. Facilitate together with the Environmental Health Department the approval of the draft Sanitation and Hygiene Regulations

## Deliverables

The specific outputs for the assignment include:

1. An Inception Report and a Work Plan with activity timelines and methodology for the drafting of the Sanitation and Hygiene Regulations within two (2) weeks of signing the contract.
2. Stakeholders' consultation report that inform the drafting of the Sanitation and Hygiene Regulations.
3. Draft Sanitation and Hygiene Regulations presented to key stakeholders during a validation workshop.
4. Presentation of final Sanitation and Hygiene Regulations incorporating editions from key stakeholders obtained during validation.
5. Presentation of final draft of the Sanitation and Hygiene Policy and Sanitation Regulations to Ministry of Health Senior Personnel.
6. Prepare a power point presentation for Cabinet.
7. Leave with the office of Environmental Health Department a soft copy of the Draft Sanitation and Hygiene Regulations in word and PDF format.

#### **Time frame**

This assignment will be 40 days distributed across three months period (September – November 2018).

#### **Payment Modalities**

##### **First Payment**

20 % payment after the submission and approval/ adoption of the inception report.

##### **Second payment**

50% upon presentation and submission of the draft Sanitation and Hygiene Regulations.

##### **Third/ Final payment**

30% upon the final submission and approval of the final Sanitation and Hygiene Regulations by the Ministry of Health and its stakeholders.

#### **Education:**

The preferred consultant should have the following qualifications, experience and competencies:

A postgraduate degree (MSc or higher) in a subject related to WASH, Environmental Health, Public Health, Environmental Engineering, Water Resources Management, Environmental Law, Legal Drafting, Law or any related qualification.

#### **Experience:**

- At least 10 years of experience in Policy and Regulation drafting.
- Proven experience in undertaking assignments of this nature.



## Core Competences

- In depth knowledge of WASH preferably - Eswatini (Swaziland ) or SADC.
- An ability to work closely with stakeholders at all levels relevant to the work being undertaken.
- Understanding of government and the political economy of decision making including good knowledge of the Government policies and drafting of regulations (i.e. systems, protocols, procedures etc.).
- Good knowledge of Civil Society in the WASH sectors is desirable.
- Proficient communication and writing skills with a good ability to translate complex technical information across various audiences.
- Fluent in spoken and written English.
- Understanding of Siswati will be an added advantage.

## SUBMISSION OF APPLICATIONS

Interested and qualified candidates may submit their completed Expression of Interest / proposal (consisting of both narrative and financial proposal, including all costs (Consultancy fees, incidental costs, travelling costs, etc.), together with a letter of interest and pertinent documents to the Principal Environmental Health Officer, email: [sitholedanh@gmail.com](mailto:sitholedanh@gmail.com), copied to [NcamisoMhlanga@wateraid.org](mailto:NcamisoMhlanga@wateraid.org) and [thobilephungwayo@wateraid.org](mailto:thobilephungwayo@wateraid.org) on or before 17<sup>th</sup> August 2018 marked with a subject '**Sanitation and Hygiene Regulations**'.

## ADDITIONAL CONSIDERATIONS:

- Applications received after the closing date will not be considered.
- Only those consultants that are short-listed for further discussions will be notified.
- Qualified female consultants and those with disabilities are strongly encouraged to apply.