

## **Nepal**

### Sanitation Policy and Planning Framework Case Study for Discussion

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## Acronyms and Abbreviations

ASPG	Africa Sanitation Policy Guidelines
DWSSM	Department of Water Supply and Sewerage Management
FSM	Faecal sludge management
GLAAS	UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water
GoN	Government of Nepal
MDG	Millennium Development Goal
MoEST	Ministry of Education, Science and Technology
MoHP	Ministry of Health and Population
MoWS	Ministry of Water Supply
OD	Open defecation
ODF	Open defecation free
SCEIS	Sector Coordination and Efficiency Improvement Section
SDG	Sustainable Development Goal
SDP	Sector Development Plan
WASH	Water, sanitation and hygiene
WHO	World Health Organization

## About the case studies

Globally, access to sanitation has fallen behind access to drinking-water. In the Millennium Development Goal (MDG) era, the target for drinking-water was met five years ahead of schedule. In contrast, the target for access to basic sanitation was not achieved, despite 2.1 billion people having gained access to improved sanitation during that time (United Nations 2018). Today, as countries work to achieve their own national targets and the Sustainable Development Goals (SDGs), there is increased demand for guidance on how best to establish a supportive enabling environment for sanitation through strong policies, plans and legal frameworks that will support and accelerate progress towards the SDG 6 targets on sanitation.

Considering this demand, the UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS) has conducted case studies on sanitation policy and planning frameworks in the following seven countries: Bangladesh, Kenya, Mali, Nepal, Senegal, Uganda and Zambia. The objective of the case studies is to present evidence on the scope and content of sanitation frameworks, and specifically, to understand how and to what extent elements of SDG 6 and the WHO Guidelines on Sanitation and Health (see Box 1) align with the frameworks. To do so, the case studies review existing sanitation policy and planning frameworks, presenting information on institutional arrangements, national development plans, laws, regulations and strategies, policies, plans and the inclusion of monitoring and financing in these policy and planning frameworks (Figure 1).



Figure 1. Overview of elements policy and planning frameworks

Key findings from the case studies have been incorporated into the GLAAS 2019 report, which is thematically focused on national policies, plans and targets for water, sanitation and hygiene (WASH). With this lens, the GLAAS 2019 report summarizes findings on WASH systems from 115 countries including aspects related to governance, monitoring, human resources and financing to the WASH sector.

The case studies are a source of evidence for the development of the Africa Sanitation Policy Guidelines (ASPG). The African Ministers' Council on Water is leading the development of the ASPG with support from the World Health Organization (WHO) through GLAAS and the Center for Water Security and Cooperation. The objective of the ASPG is to provide guidance to policy-makers and those supporting the policy-making process in Africa on how to develop effective sanitation policies and what should be included in effective sanitation policies. To develop the ASPG, AMCOW has convened a task force comprised of sanitation and policy experts.

In addition to providing evidence to support the development of the ASPG, GLAAS is developing a policy assessment tool to track and assess the content of sanitation policies. The policy assessment tool will cover a number of key criteria that effective sanitation policies should include. To develop the key criteria, WHO will consult members of the ASPG task force as well as a broader range of stakeholders, including policy-makers and development partners in the seven case study countries. The policy assessment tool will incorporate elements of the ASPG and the WHO Guidelines on Sanitation and Health and can be used to monitor implementation of the ASPG and aspects of the WHO Guidelines on Sanitation and Health. The first iteration of the policy assessment tool is expected in 2020 and will be piloted in the seven case study countries with a plan to eventually scale up the tool globally.

This report presents the case study on sanitation policy and planning frameworks in Nepal. A schematic overview of the documents reviewed for this report is presented in Figure 2 and can be used as a reference point throughout the report. For the purposes of this case study, sanitation is defined as the safe management of human excreta and does not include wider environmental sanitation. Given this definition, this report does not present findings on frameworks related to solid waste management although Nepal includes solid waste management in its sanitation sector policies and strategies. In order to narrow the scope, this report presents findings from these frameworks through the lens of the SDG 6 and WHO Guidelines on Sanitation and Health, specifically focusing on types of sanitation services included in the frameworks, and how vulnerable populations and institutional WASH are addressed.

#### Box 1: WHO Guidelines on Sanitation and Health

In October 2018, WHO released the first-ever Guidelines on Sanitation and Health.<sup>1</sup> The guidelines were developed because sanitation programmes have not been achieving anticipated health gains and there was a lack of authoritative health-based guidance on sanitation. They set out four principal recommendations:

1. Sanitation interventions should ensure entire communities have access to toilets that safely contain excreta.
2. The full sanitation system should undergo local health risk assessments to protect individuals and communities from exposure to excreta – whether this be from unsafe toilets, leaking storage or inadequate treatment.
3. Sanitation should be integrated into regular local government-led planning and service provision to avert the higher costs associated with retrofitting sanitation and to ensure sustainability.
4. The health sector should invest more and play a coordinating role in sanitation planning to protect public health.

The guidelines are intended for use by national and local authorities responsible for the safety of sanitation systems and services including policy-makers, planners, implementers and those responsible for the development, implementation and monitoring of standards and regulations, including health authorities. The WHO Guidelines on Sanitation and Health will also support and strengthen the development of the ASPG.

<sup>1</sup> WHO (2018) WHO Guidelines on Sanitation and Health. World Health Organization, Geneva. Available at: [https://www.who.int/water\\_sanitation\\_health/sanitation-waste/sanitation/sanitation-guidelines/en/](https://www.who.int/water_sanitation_health/sanitation-waste/sanitation/sanitation-guidelines/en/) [Accessed 25 May 2019].

## 1. Introduction

Since the adoption of a new constitution in 2015, the sanitation sector in Nepal has been undergoing a process of reorganization and further decentralization. The former Ministry of Water Supply and Sanitation has shifted to the Ministry of Water Supply (MoWS), but maintains sanitation under its primary responsibilities. The local government municipalities are establishing their own plans and working closely with stakeholders to understand their roles and responsibilities in the sector.

Many existing frameworks in Nepal remain from the MDG-era and do not address the evolving and maturing sanitation sector in the country. In response and in parallel to decentralization, sanitation policy and planning frameworks are being re-drafted to align with the new constitution. In this process and within the frameworks, roles and responsibilities across the sanitation sector will be clarified. Revisions to the policy and planning frameworks include a new water supply and sanitation bill, a new policy, and a new sector development plan. The revisions aim to replace several different laws with one law and to streamline different policies for urban and rural sanitation into one, while also improving coordination, sustainability and quality of the sanitation services provided.

This case study reviews sanitation policy and planning frameworks in Nepal, an overview of which are presented in Figure 2. The case study includes sections on institutional arrangements, the constitution, laws, national development plans, policies, and plans, as well as strategies for monitoring and financing the sector. These frameworks will be reviewed through the lens of SDG 6 and the WHO Guidelines on Sanitation and Health, specifically focusing on types of sanitation services included in the frameworks and how the frameworks address vulnerable populations, WASH in schools and WASH in health care facilities.

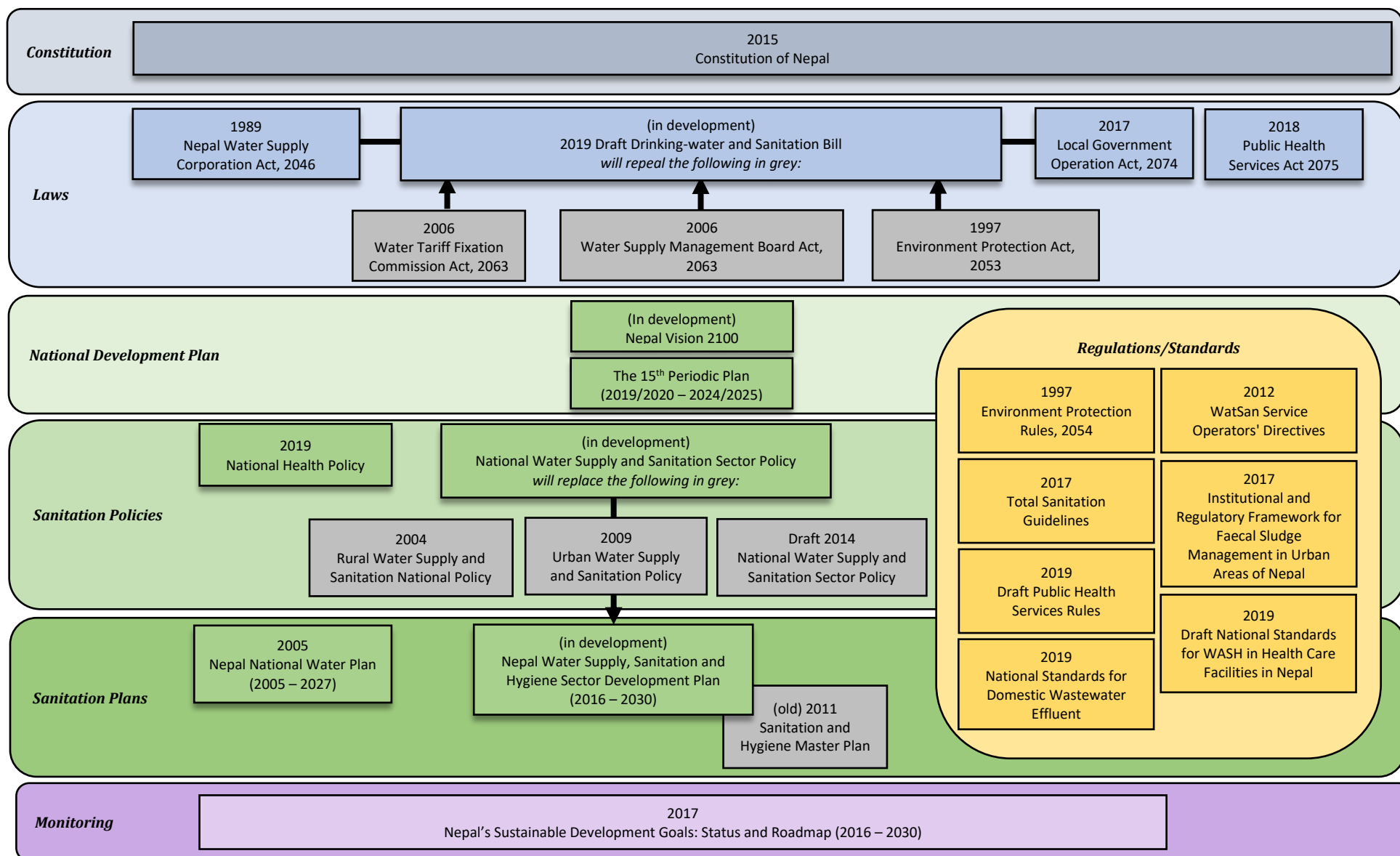


Figure 2. Overview of the relationship between sanitation policy and planning frameworks in Nepal

## 2. Institutional arrangements

### 2.1. National institutional responsibilities for sanitation in Nepal

With the adoption of a new constitution in 2015, Nepal is undergoing a decentralization process, shifting responsibilities and resources for sanitation to the local level and leaving roles and responsibilities for sanitation at the national level rather undocumented. One clarity under the new constitution is the role of the MoWS, which is the lead ministry responsible for planning, implementation, regulation, and monitoring and evaluation of sanitation programmes (GoN 2015a, p.47). The ministry is also responsible for policies and plans leading the sector (WaterLex 2018). With the ongoing decentralization process, the MoWS has undergone significant organizational changes, including changing names a number of times (e.g. formerly called the Ministry of Water Supply and Sanitation).

Under the MoWS is the Department of Water Supply and Sewerage Management (DWSSM). DWSSM is the agency responsible for planning and implementation of larger rural and urban water and sanitation projects, including infrastructure development, that reach a population of at least 1000 citizens (GoN 2015a, p.47). The DWSSM has seven federal water supply and sewerage management projects in seven provinces and project implementing groups covering all 77 districts in Nepal (ibid.). The intention is that DWSSM will become a regulator of the sector. Under the MoWS, the Sector Coordination and Efficiency Improvement Section (SCEIS) is responsible for preparing sector status reports as evidence used in national assessments and in joint sector reviews.

The MoWS itself does not have representation in the municipalities. Therefore, the Ministry of Infrastructure Development and Transport, which does have representation on the municipal level, supports the DWSSM to establish sanitation infrastructure in the municipalities (Country consultation 2018).

Other national ministries also play supporting roles in the sanitation sector. The Ministry of Urban Development works on integrated urban planning and development in municipalities, including faecal sludge management (FSM) (GoN 2015a, p.48). The Ministry of Health and Population (MoHP) collects data and monitors progress on sanitation in Nepal (GLAAS Country Survey 2018). The role of MoHP in the WASH sector tends to focus on water quality surveillance. As described in the draft Sector Development Plan, the MoHP works to “promote health and hygiene through water quality surveillance and emergency response. As an agency responsible for water quality surveillance, the Ministry has formulated water surveillance guidelines for use at the local levels,” (GoN 2015a, p.48). The Ministry of Education, Science and Technology (MoEST) is responsible for promoting sanitation in schools. The Ministry of Federal Affairs and General Administration is responsible for local governance and is a “key Ministry planning and implementing rural WASH projects with population below 1000,” (ibid., p.48). Under this ministry is the Department of Local Infrastructure which is responsible for the implementation of sanitation projects at the local level. In addition, the Ministry of Women, Children and Senior Citizens plays a role in ensuring sanitation for vulnerable populations. Furthermore, the Ministry of Finance establishes financial resources and allocations to the sanitation sector.

## 2.2. Local institutional responsibilities for sanitation

Nepal's decentralization process has shifted powers, responsibilities, and resources to local governments. The process is ongoing and has resulted in several parallel processes that are changing the sanitation sector in the country. Due to these ongoing changes, it is important to understand local governance structures and their role in the sanitation sector.

Nepal is a federal government divided into seven provinces. Provinces are further divided into a total of 77 districts across the country. The Ministry of Social Development and the Ministry of Physical Infrastructure and Development are line ministries that support sanitation and water supply at province level.

The smallest administrative units at the local level that are responsible for sanitation are urban and rural municipalities, which are further categorized depending on their population size. The municipalities are responsible for FSM, including developing their own standards and regulations. Municipalities are further divided into several wards and villages. Within the wards, there are often water user or WASH committees. WASH coordination committees at the district, municipality, and village-levels support coordination efforts of local sanitation projects and plans, together with WASH stakeholders (GoN 2015a, p. 48). See

Figure 3 for a diagram of local government arrangements in respect to sanitation in Nepal.

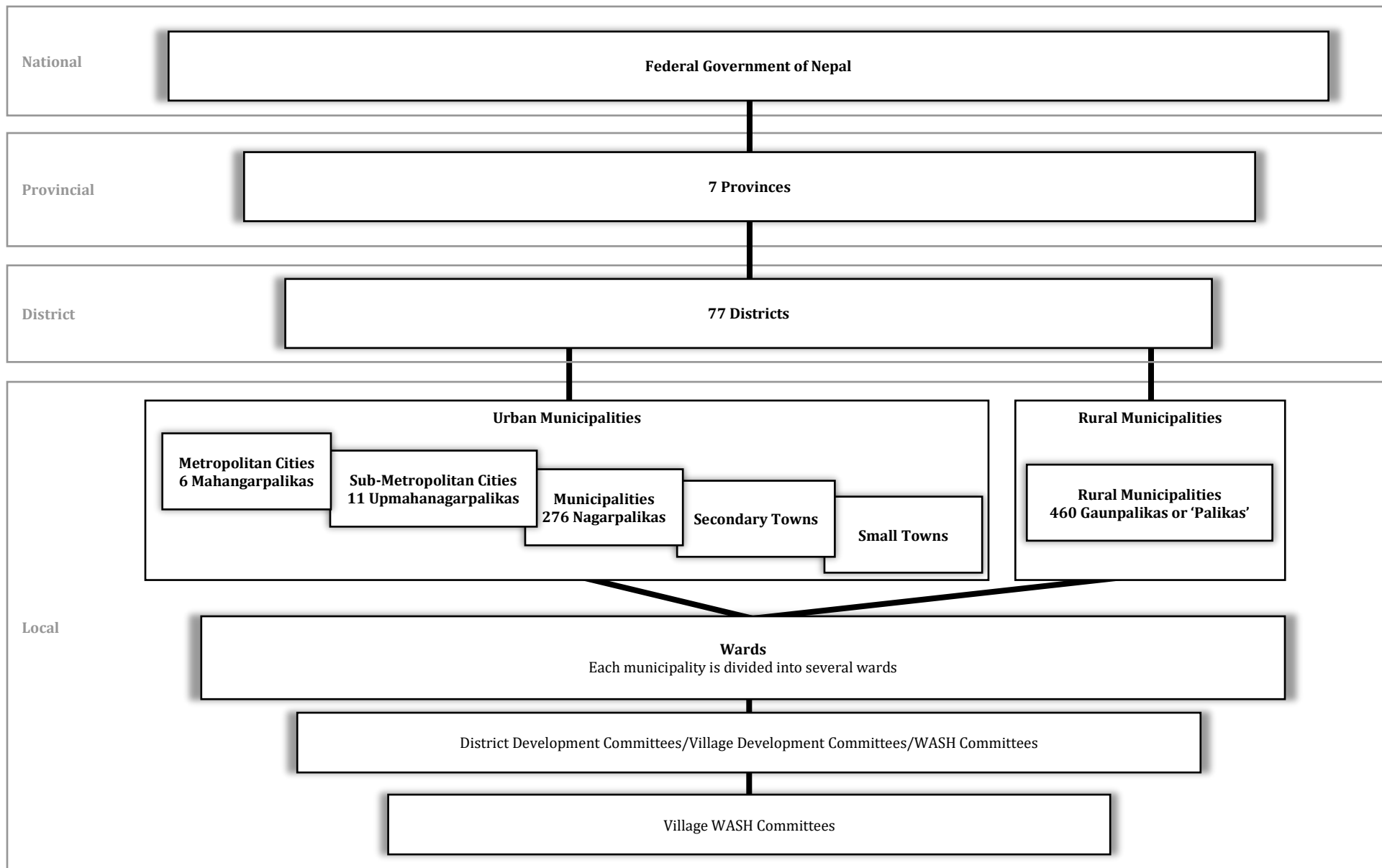


Figure 3. Local government arrangements and sanitation in Nepal

### 3. Policy and planning frameworks for sanitation

This section reviews the policy and planning frameworks for sanitation in Nepal. In order to narrow the scope, this section presents findings through the lens of the SDG 6 and WHO Guidelines on Sanitation and Health. Therefore, only select content is summarized. As presented in Figure 2, this section begins by summarizing the extent to which sanitation is recognized in the constitution, followed by sub-sections on national development plans, laws, policies, plans and standards or regulations. Please see the glossary in Annex I to understand how these frameworks are distinguished.

#### 3.1. Constitution

As previously mentioned, a process of decentralization is underway in Nepal. This is due to the adoption of a new Constitution that was approved in 2015 (GoN 2015b). In the Constitution, the concurrent federation (federal government) and state (provinces) are granted powers for water supply and sanitation (ibid., Schedule-7) whereas “basic health and sanitation” is assigned to local level power (ibid., Schedule-8).

Nepal is a signatory of the 2010 United Nations Resolution on the Human Right to Water and Sanitation (UNGA 2010). As such, the Constitution clearly recognizes citizens’ rights to “access to clean drinking water and sanitation” as laid out in Article 35 (4). In addition, Article 30 recognizes that “every person shall have the right to live in a healthy and clean environment,” (GoN 2015b). This clause is interpreted as including the management of wastewater and waste to ensure these rights.

#### 3.2. National development plans

This section reviews the following national development plans:

- The 15<sup>th</sup> Periodic Plan (2019/2020 – 2024/2025)

Historically, Nepal has produced five-year national development plans since the 1950’s. These plans aim to establish socio-economic objectives to be achieved by the end of the planning period. The 15<sup>th</sup> Periodic Plan (2019/2020–2024/2025) is a five-year plan that outlines key strategies to achieve the overall goal of achieving middle-income country status for Nepal (GoN 2019a). This plan includes WASH sector objectives focusing on improving public health by ensuring accessibility of reliable, affordable and safe drinking-water and sanitation facilities for all in urban, peri-urban and rural areas. The plan establishes targets to reach 100% of the population with access to improved sanitation facilities, achieve and maintain the open defecation free (ODF) status of the country, and to work progressively towards total sanitation,<sup>2</sup> with at least 20% of wastewater treated and properly discharged (ibid.; GLAAS country survey 2018).

In November 2018, the National Planning Commission published a call for review on *Vision Concept Paper, 2100 (AD2043)*. Vision 2100 will be a long-term plan to lead socio-economic development in the country. The vision is expected to include measure to ensure progress towards total sanitation in Nepal.

<sup>2</sup> See section 4.5 Plans for more information on total sanitation.

### 3.3. Laws<sup>3</sup>

This section reviews the following laws:

- 1997 Environment Protection Act, 2053
- 1997 Environment Protection Rules, 2054
- 2017 Local Government Operation Act, 2074
- 1989 Nepal Water Supply Corporation Act, 2046
- 2006 Water Supply Management Board Act, 2063
- 2006 Water Tariff Fixation Commission Act, 2063
- 2018 Public Health Service Act, 2075
- 2018 Draft Drinking-Water and Sanitation Bill

Acting in the periphery of sanitation, the **Environment Protection Act, 2053** and the supporting **Environment Protection Rules, 2054** indirectly relate to the sanitation sector in Nepal. The Act and associated Rules define pollution as “the activities that significantly degrade, damage the environment or harm on the beneficial or useful purpose of the environment, by changing the environment, directly or indirectly,” (GoN 1997a, p.2). With this understanding, the Act and Rules consider activities surrounding sanitation, such as faecal sludge, as a type of waste and pollutant. As such, the Rules clarify that activities relating to sanitation require an Initial Environmental Examination, which is an important mechanism for approving licenses and plans, ahead of building sewerage networks in Nepal.

More specifically related to sanitation is the **Local Government Operation Act, 2074** (GoN 2017b). In 2017, the Local Government Operation Act, 2074 replaced the 1999 Local Self Governance Act. In line with the new Constitution, the Act assigns exclusive powers for “Basic health and sanitation” to the municipalities and extends powers to local government for implementation, monitoring, and formulation of policies, strategies and standards. Another responsibility of municipalities includes awareness raising and management of health care waste, including collection, re-use, treatment, and disposal. The Act identifies Wards as responsible for construction of and operation and maintenance for public toilets, as well as collecting household waste and managing surface water. The Act does not define sanitation. Clause 11, sub-clause 4, assigns concurrent rights over health, drinking-water, and other services to both the federal and municipal governments.

The **1989 Nepal Water Supply Corporation Act, 2046** establishes a government controlled public corporation called the Nepal Water Supply Corporation that is responsible ensuring the availability of drinking-water and the system of sewers. The primary functions of the Corporation are to develop and implement plans for drinking-water and sewerage in Nepal. As such, the Corporation has the right to collect tariffs and cease services in case of non-compliance. The Act itself does not define or specify what is included in sewerage services or systems, but it does define ‘Service system’ broadly as follows: “...a reservoir built for the provision of the drinking water service, water treatment or purification plant installed to such a reservoir, pipe installed to supply water or waste water treatment plant, sewerage system, equipment or other structure of similar nature built for the exit of sewage, and this expression also includes a building or land associated with the drinking water service or sewerage service,” (GoN

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<sup>3</sup> Several other laws in Nepal indirectly govern sanitation, such as the 1992 Water Resources Act, 2049 and the 1993, Water Resources Rules, 2050, but have not been included because they fall outside the scope of this study.

1989; p.3). Under this definition it is therefore also responsible for piped sewerage systems. As such, the Corporation is active in twenty of Nepal's cities and functions under the Ministry of Urban Development.

In municipalities, the 2006 **Water Supply Management Board Act, 2063** establishes Water Supply Management Boards with responsibility for developing policies, providing licenses to water and sanitation service providers, and monitoring service providers (GoN 2006a). Any municipality can submit a request for a Board to the GoN. In cases where a service system is managed by a corporation, responsibility can be handed over to a Board, which would transfer all rights over sources of water and sanitation service networks. The Act also specifically formed the Kathmandu Valley Water Management Board in order to manage services in the Kathmandu Valley (ibid.).

The 2006 **Water Tariff Fixation Commission Act, 2063** created the Water Tariff Fixation Commission, which is responsible for protecting consumers by ensuring the reliability, quality, and affordability of water supply and sanitation services (GoN 2006b). The Commission is given responsibility for fixing tariffs for sanitation services, establishing policies and procedures for service providers, and for resolving conflicts. The Act specifies that in fixing tariffs, the Commission must consider a number of factors, including the purchasing power of users. Interestingly, the Act creates a membership post on the Commission for at least one woman from a minority group (ibid.).

The **Public Health Services Act, 2075** of 2018 establishes that in regards to sanitation and waste management the Government of Nepal (GoN) "may, in order to control or cause to be controlled the adverse effect to the human health by environmental pollution and waste, make necessary standards in accordance with the prevailing Federal law," (GoN 2018b, p.15). The act is essential for establishing regulatory frameworks. The act establishes that it is the role of the national government to set standards for collection, reuse, treatment and disposal of wastes. Meanwhile, it establishes the role of the provincial and local level government to comply and enforce standards. In regard to health institutions, the act establishes that it is the responsibility of each health care facility to ensure compliance with the standards established by the national government. The act will be supported by Public Health Services Rules, which are currently drafted and undergoing review (Country consultation 2018).

The **Draft Drinking-Water and Sanitation Bill** is expected to be endorsed in 2019. Sanitation services in the bill include sanitation promotion, menstrual hygiene management, latrine services, collection, transportation, and safe management or reuse of fecal sludge (Country consultation 2018; GoN 2018a). The Bill intends to repeal the Water Management Board Act 2063, the Water Tariff Fixation Commission Act 2063 and the Water Corporation Act 2023. However, the bodies established by these repealed acts will be maintained through provisions in the Drinking-Water and Sanitation Bill. As such, the water and sanitation tariff fixation commission maintains the responsibility of establishing tariff rates for services provided and fines for unpaid bills (ibid.). The bill establishes the law for becoming a licensed service provider across the sanitation chain. Although Nepal does not endorse the use of subsidies for sanitation services, the drafted bill has a provision to develop a fund for rural drinking-water and sanitation. Finally, the draft bill also has a provision for the establishment of a coordination committee that will provide suggestions to the government on policies and plans in the water and sanitation sector (ibid.).

### 3.4. Policies

This section reviews the following policies:

- 2004 Rural Water Supply and Sanitation National Policy
- 2009 Urban Water Supply and Sanitation Policy
- 2014 Draft National Water Supply and Sanitation Sector Policy
- 2019 National Health Policy 2074

Nepal has two primary policies – one for urban and one for rural – that cover both water supply and sanitation. These policies are being used to draft one national water supply and sanitation policy.

The **2004 Rural Water Supply and Sanitation National Policy** establishes three objectives, of which two are related to sanitation and one that is water-related (Box 2). The policy clearly indicates the need to identify and target vulnerable groups, including ethnic groups in activities (GoN 2004, p.7). The policy also advocates for “Appropriate technology that is affordable to and manageable by the users’ committees will be used while informing them about all available technical alternatives (options),” (ibid., p.4). This is in line with the WHO Guidelines on Sanitation and Health that recommend culturally appropriate technologies be used, “...suitable to locally-available materials and physical conditions such as water availability and ground/soil conditions, and in line with ability and willingness to pay,” (WHO 2019, p.12).

**Box 2: Objectives of the 2004 Rural Water Supply and Sanitation National Policy**

- A. “Provide safe, accessible and adequate water supply with sanitation facility to all Nepalese people on priority basis especially targeted to backward people and ethnic groups.
- B. Reduce water borne diseases and its victims in the nation.
- C. Utilise in productive works the time and labour of women, men and children saved from carrying water,” (GoN 2004, p.2).

Although the 2004 rural policy originally provided some guidance for targeting urban communities, it was largely seen as ineffective and therefore an urban policy was established (GoN 2009; GoN 2014a, p.8). The **2009 Urban Water Supply and Sanitation Policy** emphasized the need for different stakeholders in the sector to streamline their approaches to service provision in urban areas. The policy established principles for cost recovery, public private partnerships and improved sector efficiency.

In recognition of the need for one streamlined WASH policy, the SCEIS drafted a policy known as the **2014 National Water Supply and Sanitation Sector Policy**. Historically, sanitation in Nepal has been given a lower priority as compared to drinking-water supply (GoN 2014a, p. 6). The need for the policy was the result of inconsistencies in the existing policies, a need for better coordinated efforts to minimize duplication, and as a result of increasing demands for improved sanitation services. As of 2019, a new water supply and sanitation sector policy was under development. The policy will incorporate many components of the 2014 policy, but will also account for the implications of the new constitution and the SDGs. Further details on the 2014 policy are presented below in order to frame the expectations of the new 2019 policy, which is still in development.

For context, the 2014 Draft National Water Supply and Sanitation Sector Policy emphasizes the need to upgrade services from basic sanitation to higher levels, to “protect environmental and human health from unsafe disposal of residual human waste generated from onsite sanitation systems,” and to provide sewerage networks in urban areas (ibid., p.7). For urban sanitation, the 2014 draft policy identifies a

number of technical issues that are hindering the progress of sanitation in urban areas, which includes the failure of on-site sanitation technologies due to population density and weaknesses in regulatory enforcement of minimum sanitary standards (ibid., p.10). For rural sanitation, the 2014 draft policy indicates that the sector efforts have been focused on sanitation promotion and on-site sanitation construction, which has led to the disregard of the safe disposal of faecal sludge and missed opportunities for resource recovery (ibid., p.10). The policy also identifies issues related to social exclusion, including the exclusion of menstruating women and so-called ‘untouchables’ from using sanitation facilities; and it identifies cost recovery, affordability and climate change as emerging issues, especially for these vulnerable groups (ibid., p. 12).

The 2014 draft policy identifies objectives related to sanitation (Table 1), including two targets for sanitation which are presented below. The targets are similar to those established in the 2004 rural policy, but also establish targets beyond basic levels of service.

- Coverage of 100 percent population with basic level of services which at least 10 percent having medium to high level of services by the year 2017;
- Coverage of 100 percent of population with medium to high level of services by 2027,” (ibid., p.15).

For each sanitation-related objective, the 2014 draft policy establishes specific strategies for achieving the objectives. The sanitation-related objectives are presented in Table 1 along with examples of specific strategies from the 2014 draft policy. It remains to be seen the extent to which the 2019 policy incorporates elements from the 2014 draft.

Table 1: Sanitation-related objectives with examples of policy strategies from the 2014 Draft National Water Supply and Sanitation Sector Policy (GoN 2014a)

<b>Objective 1. To ensure the availability of safe and adequate water supply and sanitation services to all according to the coverage targets with defined service levels as set out</b>
<ul style="list-style-type: none"> <li>• Basic level of service provision will be targeted to low income remotely located communities.</li> <li>• Communities receiving basic level of services will be required to pay minimum of contribution to the cost of the scheme.</li> </ul>
<b>Objective 2. To ensure the participations of the users, especially women and the poor and marginalized groups, in articulation of their concerns in decision making at all levels</b>
<ul style="list-style-type: none"> <li>• Women’s participation will be further strengthened in all aspects of water supply and sanitation planning, implementation, management, operation and maintenance. To this effect the minimum numbers of women members in the executive body of service providers will be increased to one third of the total number of executive members. At least one women member will hold one of the important positions of the Chair, Vice-chair, Member Secretary or Treasures.</li> <li>• The service providers will be required to make extensive consultation with identified poor and vulnerable groups of consumers during tariff setting processes and properly accommodate their concerns as well as adopt measures for their relief.</li> </ul>
<b>Objective 3. To ensure access of women, poor and marginalized groups, including slum and squatter dwellers and disabled to water supply and sanitation services</b>
<ul style="list-style-type: none"> <li>• All project implementing agencies and service providers will be required to prepare social maps to adequately identify poor communities, slums and squatters requiring special assistance to avail the services so that the poor and marginalized people get and remain connected to water supply and sanitation services.</li> <li>• Public and school sanitation facilities will be adequately provided for and made user-friendly to women, girl students and the physically challenged people.</li> </ul>
<b>Objective 5. To protect surface and ground waters from wastewater pollution</b>
<ul style="list-style-type: none"> <li>• The Government will set wastewater quality standards for discharging all kinds of wastewater into natural water bodies and agricultural lands.</li> </ul>
<b>Objective 6. To promote use of affordable and cost-effective alternative technologies</b>

<ul style="list-style-type: none"> <li>• Promotion of eco-friendly toilets will be scaled up, especially in rural areas, to recover the high nutrition urine to use as fertilizer in agriculture fields.</li> <li>• Small bore sewers to carry septic effluents of on-site sanitation system and its treatment in low cost wastewater treatment system, e.g. reed bed, will be given high priority over other conventional wastewater system in smaller towns and low income suburbs of larger towns and cities.</li> </ul>
<p><b>Objective 7. To enhance local institutional capabilities to plan, implement and manage water supply and sanitation services</b></p> <ul style="list-style-type: none"> <li>• The Government will take concrete measures to strengthen local bodies to enable them to play central role in planning, overseeing, coordinating and monitoring sector development activities.</li> <li>• The policy to implement development activities only when they are part of the development plans of the local bodies will be strictly followed.</li> </ul>
<p><b>Objective 8. To maximize recovery of investment costs from users capable to pay for the services</b></p> <ul style="list-style-type: none"> <li>• The Government will provide 70 to 80% of the sanitation project construction costs with the provision of services higher than the basic level. The remaining 20 to 30% of the construction costs will be jointly borne by local bodies and non-commercially operating service providers.</li> <li>• The Government will provide 20 to 30% of the construction costs of sanitation project with services level higher than basic level as grants to commercially operating sanitation service providers.</li> </ul>
<p><b>Objective 9. To enable operator and service providers to raise tariff to fully cover operation and maintenance costs of water supply and sanitation services</b></p> <ul style="list-style-type: none"> <li>• The Water Supply Tariff Fixation Commission will be enabled to nationwide approve water supply and sanitation tariffs based on transparent criteria and commercial principles for commercially operating service providers.</li> <li>• All service providers will be required to set a discounted tariff rate for targeted poor and disadvantaged group of consumers distributing the financial burden to other consumers.</li> </ul>
<p><b>Objective 11. To enhance coordination and delivery efficiency of the institutions involved in the sector</b></p> <ul style="list-style-type: none"> <li>• Legal provisions will be made to make national, regional, district and local WASH coordination committees permanent sector institutions with defined roles and responsibilities.</li> <li>• Ownership of the government funded sanitation and sewerage systems will be transferred to Municipalities and Village Development Committees with operation responsibilities.</li> <li>• The WASH Coordination Committees at all levels will be tasked to provide a common platform for all sector stakeholders to draw a single, comprehensive and harmonized program and budget framework, to monitor and evaluate sector performance based on uniform program level indicators and a to follow a common reporting procedures.</li> </ul>

Another policy that relates to sanitation in Nepal is the 2019 **National Health Policy 2074**, which is the primary health sector policy in Nepal. The mission statement of the policy is to “To ensure the fundamental health rights of citizens through optimum and effective use of resources, collaboration and partnerships,” (GoN 2019b, p.5). In this light, several policy objectives are established to carry out the mission. One of the policy measures aims for “Multi-sectoral coordination with institutions related with drinking water, environmental cleanliness, food security, education and so on shall be strengthened to promote health....,” (ibid, p.14), where drinking-water and environmental cleanliness includes sanitation.

This measure aligns to the recommendation in WHO Guidelines on Sanitation and Health that states “Health authorities should contribute to overall coordination of multiple sectors on development of sanitation approaches and programmes, and sanitation investment,” (WHO 2018, p.xiv). While diarrheal diseases are recognized as a concern for sustaining a healthy population in Nepal, the National Health Policy 2074 only directly addresses sanitation to outline roles and responsibilities for surveillance. The policy states “Health authorities should contribute to overall coordination of multiple sectors on development of sanitation approaches and programmes, and sanitation investment,” (GoN 2019b, p.10). This objective is in line with the responsibility of sanitation surveillance that falls under the MoHP.

### 3.5. Plans

This section reviews the following plans:

- 2011 Sanitation and Hygiene Master Plan
- 2016 Draft Nepal Water Supply, Sanitation and Hygiene Sector Development Plan (2016 – 2030)
- 2005 Nepal National Water Plan (2005 – 2027)

The **Sanitation and Hygiene Master Plan** in 2011 established a goal to achieve universal access to sanitation by 2017. Although the Sanitation and Hygiene Master Plan ended in 2017, several elements from the plan laid the groundwork for the sector. One important concept to be outlined in the Master Plan is the concept of total sanitation.

According to the Master Plan, total sanitation is “is a range of facilities and hygiene behaviors that lead to achieve sanitized condition of the designated areas,” including municipalities, villages and institutions such as schools (GoN 2011, p.vi). The first step towards total sanitation is to end open defecation (OD), whereby an area may be declared ODF when the following criteria are achieved:

- “there is no OD in the designated area at any given time;
- all households have access to improved sanitation facilities (toilets) with full use, operation and maintenance; and
- all the schools, institutions or offices within the designated areas must have toilet facilities,” (ibid., p.vii).

After being declared ODF, the second step is total sanitation. This step includes sustainability of sanitation facilities, hygiene and hygiene behaviors. As such, total sanitation is achieved when the following key hygiene and sanitation behaviors have been achieved:

- “use of toilets;
- practice of hand washing with soap or cleaning agent at critical times;
- safe handling and treatment of drinking water (e.g. point of use treatment) at households level;
- maintenance of personal hygiene (regular nail cutting, bathing, cloth washing, daily combing, tooth brushing etc.); and
- proper solid and liquid management in and out of the home,” (ibid., p.vii),

In addition, specific criteria for total sanitation in households and institutions are outlined. Along with the concept of total sanitation, the successes and challenges from the master plan were carefully reviewed and used in the development of the Draft Nepal Water Supply, Sanitation and Hygiene Sector Development Plan, which is discussed further below.

The **Draft Nepal Water Supply, Sanitation and Hygiene Sector Development Plan (2016-2030)** (SDP) is expected to be approved by the MoWS in 2019 (Country consultation 2018). The draft SDP is the overarching framework for the sector that “stems from the need to improve sector capacity, responsiveness and accountability through the development of a comprehensive national WASH framework to guide and align WASH sector stakeholders for improved performance in the sector,” (SEIU [Online]). The draft SDP also recognizes the decentralized institutional arrangements established in the Constitution and calls for “core restructuring” and a “systematic overhaul” of existing arrangements (GoN 2015a, p.10). Overall strategies for the sector in the draft SDP are outlined under eleven themes, which are presented in **Error! Reference source not found.**

The draft SDP presents its own sanitation ladder in Nepal, which establishes the progressive path to deliver pour-flush latrines with septic tanks or connected to sewers, while maintaining ODF status. The vision for future sanitation in Nepal is total sanitation in eco-villages and green cities, which entails that all wastes produced will be recycled, recovered and reused. As such, the draft SDP states, “The vision for the future will be to have: properly managed wastes; adequate and safe water supply and well-functioning sewerage system; pollution control and beautiful, clean and green cities and settlements,” (ibid., p.143).

**Box 3: The WASH sector themes outlined in the Draft SDP (GoN 2015a)**

1. Access and utilization
2. Functionality and sustainability
3. Innovation and technology adaptation
4. Ecosystem and water production
5. WASH governance, institutional setup and capacity building
6. WASH diplomacy and sector convergence
7. Monitoring and evaluation
8. Continuous quality and service improvement
9. Gender equality and social inclusion
10. WASH in special situation
11. Sector financing

Reaching vulnerable populations is a prominent priority in the draft SDP. Under the first theme, *Access and utilization*, strategic actions outline how to track and monitor access to WASH services in unreached and vulnerable communities as a way to better target access to these areas (ibid., p.70). Vulnerable populations are also addressed through the thematic area *WASH in special situation* [sic]. This thematic area focuses on addressing communities that are vulnerable to disasters and climate change. Under the thematic area *WASH governance, institutional setup and capacity building* strategies are established to strengthen capacities in local bodies and improve strategies to reach vulnerable urban populations (ibid., p.94).

Under the thematic area *Access and utilization* the draft SDP also addresses institutional WASH and WASH in public places. In Nepal, this includes WASH in schools, health care facilities, and public places. The strategies aim to ensure “child, gender and differently-able-friendly,” WASH services, which is to say that public latrines should be separated by gender and accessible to children and people living with disabilities (ibid., p.76). For WASH in schools, the draft SDP describes that the MoWS will work in collaboration with the MoEST to develop a certification system for schools with adequate WASH, as well as develop a way to monitor WASH in schools. This approach is in line with the recommendations of the WHO Guidelines on Sanitation and Health which state, “These should be coordinated with corresponding government ministries and agencies when sanitation interventions are implemented in institutional settings such as schools and health care facilities, and with broader sectors and industries that produce, treat or use sanitation services, products or by-products,” (WHO 2018, p.18).

The **2005 Nepal National Water Plan (2005-2027)** is a broad and long-term plan that falls under the Ministry of Energy, Water Resources and Irrigation. The plan establishes objectives for the entire water sector, including energy, water resources management and WASH. The plan includes water sector objectives, one of which is related to sanitation, which is the principle “to provide people with access to safe and adequate drinking water and sanitation for ensuring health security,” (GoN 2005, p.9). One of the economic principles for carrying out the plan’s objectives establishes that “the cost of drinking water supply and sanitation systems should eventually be borne by the users themselves,” (GoN 2005, p.11). Overall, the plan is primarily focused on water resources and drinking-water supply delivery.

According to the GLAAS 2018 country survey, Nepal has also implemented district level sanitation plans in all 77 districts and village level action plans for the national sanitation campaign (GLAAS country survey 2018). Although reviewing each local-level plan is beyond the scope of this study, it is important to be

aware that these plans are in place and streamlined, especially as responsibilities for sanitation shift to local level governments.

### 3.6. Regulations and standards

This section reviews the following regulations and standards:

- 2012 WatSan Service Operators' Directives
- 2017 Institutional and Regulatory Framework for Faecal Sludge Management in Urban Areas of Nepal
- 2017 Total Sanitation Guidelines
- 2019 National Standards for Domestic Wastewater Effluent
- 2019 Draft National Standard for WASH in Health Care Facilities

While Nepal does have the Water Supply Tariff Fixation Committee with limited mandates, there is currently no independent regulatory body for regulating sanitation services or wastewater quality on the national level in Nepal (GoN 2014a, p.19; GLAAS country survey 2018). Adherence to sanitation policies, plans and regulations are low and the absence of a regulatory body for sanitation may be a contributing factor (GoN 2015a, p. 109). According to the draft SDP, the DWSSM will gradually become the regulatory body called the Water Supply & Sewerage Regulatory Authority and a number of regulatory shortfalls are expected to be resolved through the passing of the Draft Drinking-water and Sanitation Bill (ibid.).

There are a handful of regulatory frameworks in Nepal that will support the objectives of future regulatory bodies in the country. For example, the **2012 WatSan Service Operators' Directives** gives the DWSSM the authority to inspect, monitor, assess, supervise and regulate service providers (GoN 2015a, p.21). The directives also require service providers to submit annual reports to the DWSSM and MoWS (ibid.).

The need for the **2017 Total Sanitation Guidelines** were recognized in the draft SDP as a way to streamline and ensure efficacy of sanitation and hygiene programming (GoN 2015a, p.72). The guidelines were based on the Hygiene and Sanitation Master Plan and were developed for the use of government agencies, local bodies, development partners, and other WASH stakeholders to better implement sanitation programmes following total sanitation stages of development, as described in section **Error! Reference source not found.**

In 2017, the MoWS released the **Institutional and Regulatory Framework for Faecal Sludge Management in Urban Areas of Nepal**. The purpose of the framework is to improve planning, implementation, monitoring and regulation of fecal sludge management across the service chain, as presented in Figure 4.



Figure 4. Sanitation service chain (WHO 20118)

The framework establishes that the primary responsibility for FSM lies with local institutional bodies, including municipality and village development committees (GoN 2017a, p. 12). As such, each body may

form specific regulations on the matter with support and technical input from the DWSS, MoWS, and MoLDFA. The roles and responsibilities for local bodies and national ministries and departments are outlined. Through this framework the role of regulation and monitoring of faecal sludge collection, transport, treatment, disposal and end-use falls on the local bodies with support from national ministries and other stakeholders. The framework references tolerance limits and standards of effluent discharge as established by the former Ministry of Population and Environment.

In early 2019 a technical working group was formed under the DWSSM to establish the **National Standards for Domestic Wastewater Effluent** for the treatment of wastewater and effluent (WHO 2019). The standards for wastewater treatment were formulated through a multistakeholder approach, drawing from international standards, while determining feasibility for Nepal (ibid.). The primary objectives of the standards are “to save, preserve and safeguard our receiving waters for the protection of public health and the environment, maintain reuse water quality, while providing economic development. The secondary goals are to meet the requirements of the United Nations Sustainable Development Goal 6.3, as well as to provide treatment plants with accountability, operational goals, benchmarking with other plants for comparison and friendly competition, ultimately with an eye toward further improving the public health and the environment,” (GoN 2019c, p.45). The proposed standards are awaiting approval from the GoN. The standards will be applied to wastewater treatment facilities nationwide and will be incorporated into the Institutional and Regulatory Framework for Faecal Sludge Management (WHO 2019).

In addition to these regulations and standards, the GoN is in the process of approving the draft **National Standards for WASH in Health Care Facilities (HCF) in Nepal**, which are based on the Public Health Act 2018. The primary objectives of the standards are to “Support related authorities to identify the needs of healthcare facilities and address the identified gaps accordingly; Support to reduce healthcare acquired infections and improve occupational health and safety through better WASH services in health care facilities and effectively deliver people centered quality health care services; Encourage patients and visitors to utilize health care facilities and can learn and practice life-long positive hygiene behaviors and contribute WASH standard in their own communities too,” (GoN 2019d, p.6).

For sanitation, the national standards describe standards for improved toilets and maintenance of toilets in HCFs. Specifically, the standards establish that HCFs “should have adequate functional and accessible improved sanitation facilities for health care workers, support staff, patient and caretakers; HCF improved sanitation facilities should be child, gender and disable friendly,” (GoN 2019d, p.17). Further details are outlined to specify child, gender and disable friendly as well as detailing how toilet facilities should be cleaned and maintained in HCFs.

The 2014 draft National Water Supply and Sanitation Sector Policy recognizes that “The existing regulatory law, [Water Supply Tariff Fixation Commission Act], is realized to be weak to effectively and adequately safeguard consumers’ right in receiving safe and reliable services from service provide at affordable price and at the same time make them aware to use the services responsibly. The jurisdiction of [Water Supply Tariff Fixation Commission Act] over the rural water supply and sanitation services is largely unclear,” (GoN 2014a, p.14). Likewise, the 2014 draft states, “Service regulation and tariff setting: The Government will take concrete steps to strengthen the existing legal regime to protect environment, safeguard consumers’ interest for receiving quality services at affordable price and define roles and responsibilities of stakeholders,” (ibid., p.31). These statements signal that the regulatory frameworks in Nepal will undergo revisions and be strengthened to better suit the needs of the country under the new constitution.

## 4. Financing in policy and planning frameworks

This section reviews the following:

- 2011 Sanitation and Hygiene Master Plan
- 2016 Draft Nepal Water Supply, Sanitation and Hygiene Sector Development Plan (2016 – 2030)

Historically, Nepal’s sanitation sector has operated under a complete ‘subsidy free’ principle, although the poorest of the poor may be supported through local financing mechanisms (Country consultation 2018). The **2011 Sanitation and Hygiene Master Plan** outlines a guiding principle for locally managed financial support mechanisms (GoN 2011, p.16). The principle outlines mechanisms such as reward-recognition, revolving funds, or incentives as ways for communities to establish a community fund to promote sanitation and hygiene (ibid.). These funds are intended to support access of “poor, disadvantaged and marginalized groups to toilets and achieve ODF status in the given area,” (ibid.).

The final sector theme in the draft **SDP** is sector financing, which outlines the key objective “To generate financial resources and draw investment and create market thrust in WASH sector,” with the aim for the sector to be completely financially self-sustained (GoN 2015a, p.116). The main strategies are to improve domestic financial resources and better coordinate and secure external funding, mobilizing resources to support sustainable WASH. As such, the draft SDP states, “Nepal WaSH sector should not always be depending on external supports. The draft SDP document envisages decreasing external support with time and expects to reduce it by half during the 15 year of draft SDP implementation,” (GoN 2015a, p.117). To do so, several strategies are outlined to be explored as options such as developing a microfinancing facility for sanitation infrastructure and a financing debit fund for small to medium utilities (ibid., p.119). The draft SDP also notes that “In the absence of consolidated financial information at the national and district levels, sector financing remains poorly tracked,” (ibid., p.116). The draft SDP also establishes that it is the responsibility of the federal government to “Identify donor partners, agreements and implementation of agreement,” (ibid., p.145).

## 5. Monitoring in policy and planning frameworks

This section reviews the following:

- 2017 Nepal’s Sustainable Development Goals: Status and Roadmap (2016 – 2030)
- 2016 Draft Nepal Water Supply, Sanitation and Hygiene Sector Development Plan (2016 – 2030)

One year into the SDG-era, the National Planning Commission of Nepal published the report **Nepal’s Sustainable Development Goals: Status and Roadmap (2016-2030)**. The report acknowledged that “Data for nearly 100 indicators are not yet available, and the quality of the remainder is uneven. Large investments will, therefore, be required to undertake new surveys,” (GoN 2017c, p.15). The report also solidified Nepal’s own targets in line with the SDGs. Specifically, for sanitation, the National Planning Commission proposed the following targets:

- Improved sanitation to at least 95 percent of households; and
- Enable 98 percent of the population to have access to sanitary latrines (ibid., p.31).

These targets will be monitored and reported on every fifth year through a sub-national survey conducted by the Central Bureau of Statistics every fifth year.

The draft **SDP** calls for the establishment of a central WASH sector management information system (MIS) for all WASH indicators that will be housed at the MoWS and eventually be operated by a regulatory authority (GoN 2015a, p.106). The draft SDP also calls for sector performance reports to be prepared annually and used to assess and adjust sector targets and plans, as needed (ibid., p.107).

Nepal's sanitation sector also conducts annual reviews, with information from monitored indicators. According to the 2018 GLAAS country survey, between 2012 and 2018 the sanitation sector has undergone ten reviews (GLAAS country survey 2018). The latest review resulted in the 2016 sector status report, as well as the development of policy and planning frameworks including the draft SDP, the Total Sanitation Guideline, and the Drinking-Water and Sanitation Bill. The next joint sector review is expected in 2019 and will be aligned to the themes outlined in the draft SDP (Country consultation 2018).

## 6. Looking ahead

In the MDG-era, Nepal made significant progress towards ending OD and improving sanitation across the country. With the national development plan Vision 2100 on the horizon, further progress towards total sanitation under the SDGs are expected. The pending approval of the Drinking-Water and Sanitation Bill into law will have significant institutional implications for the WASH sector and will strengthen regulatory bodies and improve coordination between national and local institutions overseeing sanitation in the country. The draft SDP and pending revisions to the sector policy will streamline priorities and outline strategies for stakeholders and local governments to apply as they work towards ODF and higher levels of service for sanitation. Furthermore, the collaborative efforts of the WASH sector in Nepal has resulted in the ability to identify gaps and address emerging issues, such as FSM with the introduction of the Institutional and Regulatory Framework for Faecal Sludge Management. The establishment of national standards for treating wastewater and the further establishment of a regulatory body for sanitation services are expected to contribute to the quality of sanitation provision in Nepal.

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## Glossary

**Law:** A law is a system of rules that the country recognizes as legally binding. Sometimes laws are called legislation or legislative frameworks.

**National development plan:** A national development plan – sometimes called a vision – is a national long-term social and/or economic development plan. National development plans usually include all sectors covered by government institutions (e.g., education, health, WASH, etc.).

**Policy:** A policy is a key guiding instrument for present and future decisions. Policies are the principle guides to action taken by the government to achieve national, sector, and/or industry-wide goals. In different countries policies will go by another name. Policies are not necessarily enforceable by law.

**Plan:** A plan – sometimes called a strategy – gives effect to decisions based on the policy. Plans are implementable items that establish targets to achieve and provide details on implementing policy or regulation. Plans can assign responsibilities and indicate how the responsible entities will respond to requirements set forth by policy, law, and regulation, the type of training and development that will be provided, and how financial and human resources will be allocated. Plans are not necessarily enforceable by law and may go by another name, depending on the country.

**Regulations and standards:** A regulation – sometimes called a standard – is a rule or directive that implements the mandates/requirements set forth in law. Regulations are developed by an agency or ministry that has been established through legislation or an executive action.