

TERMS OF RESPONSIBILITIES (TOR)

Between Area Focal Agencies (AFA) and Operational Partners (OPs)

Approved by SAG on 30th of April, 2024

WASH SECTOR, COX'S BAZAR



Acronyms

AFA	- Area Focal Agency (3 UN Funded Area (IOM, UNHCR & UNICEF))
AOR	- Area of Responsibility
CFA	- Camp Focal Agency
CFP	- Camp Focal Point
FSTP	- Faecal Sludge Treatment Plant
INGO	- International Non-Government Organization
IP	- Implementing Partner (UN Funded (IOM/UNHCR/UNICEF) Partners)
OP	- Operational Partner (Non-UN funded/Own funded Partners)
NFI	- Non-Food Item
NGO	- Non-Government Organization
O&M	- Operation & maintenance
PF	- Pooled Fund
TOR	- Terms of Responsible
UN	- United Nations
WASH	- Water, Sanitation, Hygiene

1. Background

After the violence against Rohingya community in Rakhine State, Myanmar began in August 2017, 33 camps have been created in Ukhiya and Teknaf (Cox's Bazar district, Bangladesh) with 930.000 people (August 2023). After this massive influx, a critical humanitarian crisis emerged and a government-led comprehensive response to that crisis started to develop involving UN agencies, and a high number of INGOs and NGOs.

After 6 years of the influx, the emergency context has changed and stepped into protracted crisis phase. Many components of WASH response in Rohingya context have changed (e.g.: less need for WASH infrastructures but more for O&M), and a constant descent of budget has been one of the prominent changes. Historically, most of the budget (84% in 2023) was going through UN agencies who were working in partnership with NGOs.

As budget is decreasing (especially amongst UN agencies), to align to rationalization efforts and since many NGOs have now good experience, expertise but also their own budget, it was agreed from mid-2023 within WASH sector, that more NNGOs/INGOs could take increasing responsibilities within defined areas of the camps under their own budget under the approach called "rationalization 2.0".

Therefore, the definition of roles and responsibilities of AFA¹ and Operational Partners (OPs)² of WASH actors seemed crucial for a good collaboration from 2024.

2. Introduction

The purpose of this Terms of Responsibilities (TOR) is to provide a clear outline of the revised roles and responsibilities of key stakeholders involved in the Water, Sanitation, and Hygiene (WASH) sector and particularly to define role of Area Focal Agencies (AFA) and Operational Partners (National NGOs and International NGOs) to enhance the efficiency and effectiveness of WASH operations, ensuring a more coordinated approach among different agencies, and maximizing the impact of WASH interventions for long term.

3. Objectives

The primary objectives of those ToR are:

- To define clear areas of work (block/camps) per actors from 2024.
- To define responsibilities for the AFA in camps where they are not directly supporting financially the WASH actors.
- To empower NGOs with good expertise and their own budget while defining their main responsibilities.
- To enhance coordination and collaboration among stakeholders.
- To improve the overall equity and quality of WASH services to Rohingya communities aligning with the decreasing budget.

¹ Area Focal Agencies (AFA)- 3 UN Funded Area (IOM, UNHCR & UNICEF)

² Operational Partners (OPs)- Non-UN funded/Own funded Partners

4. Scope of Work

The scope of rationalization effort includes the definition of roles and responsibilities of the following stakeholders:

- Roles of Area Focal Agencies (AFA)³:

Contingency stock: AFA are responsible for storing contingency stock for their working area according to most likely scenario.

WASH NFI Supply: AFA will purchase WASH materials and equipment (Soap, Menstrual Hygiene Management kit etc.) and deliver them timely and according to WASH sector standards to IPs at field level. Supply is encouraged to be provided by AFA for cost efficient reasons (bigger volume, smaller prices for supply and transport) as well as harmonization and equity amongst the camps. However, some flexibility is existing based on agreement between AFA and no-UN actors (refer below).

Gap filling and planning: AFA are in charge of planning phasing out or scaling down of OPs in their working area in coordination with sector coordination team. If gap is identified, AFA are in charge in their AoR to act as “gap filler” on short to medium-term, however if no long-term solutions are found, WASH sector will apply “Last resort provider” as per below definition.

As per IASC definition, where there are critical gaps in humanitarian response, it is the responsibility of cluster leads (UNICEF for WASH) to call on all relevant humanitarian partners to address these gaps. If this fails, then depending on the urgency, the cluster lead as ‘provider of last resort’ may need to commit itself to filling the gap. If, however, funds are not forthcoming for these activities, the cluster lead cannot be expected to implement these activities but should continue to work with the Humanitarian Coordinator and donors to mobilize the necessary resources.

Field coordination: AFA will assist the Camp Focal Agency (CFA) to appoint Camp Focal Points (CFPs) per camp. The roles and responsibilities of CFPs remain unchanged according to the [CFP TOR](#) and its related to field coordination.

Monitoring: AFA are accountable for the monitoring the WASH interventions within their respective AoR assuring quality, neutrality, and report to WASH Sector. This include areas where IPs are AFA partners and no-AFA actors. However, AFA should lead and implement yearly or semestrial monitoring tools (e.g.: HH survey; sweep infrastructures survey...) while IPs are responsible for daily/routine monitoring (e.g.: water quality survey; water-logbook; MRFs logbook, Complaints Feedback Mechanism, O&M ...)

Ensuring WASH Standards: AFA will ensure that WASH minimum standards are maintained in the AOR by all the actors working in their AoR (UN actors, IPs, OPs, contractors....) through field visit and capacity building.

Large-scale infrastructures: AFAs (UNICEF, UNHCR & IOM) in collaboration with WASH sector team are responsible for advocating (to ADB/WB/development actors) or planning large-scale WASH infrastructures, for example, water surface reservoir, mega-Faecal Sludge Treatment Plants (FSTP), Water Networks, Sanitary Landfills etc.

Capacity building: AFAs need to build capacities of the NGOs working in their specific area (e.g.: training, field support, advice...) in collaboration with sector (regardless of whether NGOs are direct IP or OPs).

Emergency response: In case of an emergency, the repartition of responsibilities remains the same, meaning AFA will concentrate on major infrastructures and family hygiene kits. Support from AFA and the sector for rapid assessments can be provided. AFA will conduct rapid assessments of main damaged infrastructures (MRFs, FSTP, Water-networks...) and support IPs for an overview of the damaged.

³ Area Focal Agencies (AFA)- 3 UN Funded Area (IOM, UNHCR & UNICEF)

- Roles of Operation Partners (OPs)⁴:

Operation and Maintenance: OPs are responsible for the operation and maintenance of all the existing WASH infrastructures (both small scale and large-scale) and WASH services within their respective area of work.

Distribution of supply: OPs should manage/take the lead of the distribution of WASH supplies (provided by AFA) to beneficiaries. In terms of distribution, OPs should apply/align with the distribution system as managed by AFA. Bilateral agreement between AFA and OPs on WASH supply is encouraged.

Hygiene Promotion & Community Engagement: OPs will actively engage with communities to promote hygiene practices and raise awareness in their respective blocks or camp. The hygiene promotion and community engagement will be done with the support of Rohingya community volunteers. They should follow recommended approaches by sector.

Constructing small-scale infrastructures: OPs will be in charge of constructing small-scale WASH infrastructures (e.g.: latrines, bathing cubicles...) according to gaps identified (by CiC, AFA, sector or IPs) and harmonized sector design.

Support AFA in purchasing NFI: WASH NFIs is the responsibility of AFA. However, in some rare cases, both AFA and OPs can have agreement that IPs with extra fund and capacity could support purchase of WASH NFIs according to WASH sector standards.

Monitoring: IPs should maintain good and transparent communication with AFAs, and they should report to WASH Sector and to their respective AFA using existing tools from both AFA and sector. IPs are responsible for daily/routine monitoring (e.g.: water quality survey; water-logbook; MRFs logbook, Complaints Feedback Mechanism, O&M ...).

Emergency response: In case of an emergency, the repartition of responsibilities remains the same, meaning that OPs must maintain emergency response capacity (including budget, trained staff...) for emergency repairs on small-scale infrastructures (e.g., emergency latrines, quick hand-pump repairs...). IPs will also conduct rapid assessments and communicate damage and needs to AFA and the sector.

- Specificity case of Pooled Fund

BRAC is accountable for the partners selected as IPs for the Pooled fund. Coordination at camp level, quality assurance and reporting will be organized by BRAC. For communication, BRAC has appointed a WASH Manager for the Pooled Fund partners who could act as a focal point on behalf of Pooled Fund IPs.

When/If Pooled Fund partners have good technical and reporting capacities, they could start reporting directly to AFA and sector.

Above the rules and regulation for OPs will also be applicable for Pooled fund partners.

- Specificity case of no-JRP actors

This applies to a limited number of actors with higher level of neutrality towards coordination mechanism. Those actors may have special agreements with AFA (e.g.: they provide their own WASH NFIs supply) however, they are in charge of assuring WASH services as per standards as well as coordinated with AFA and sector on monitoring and reporting. If no JRP actors are facing challenges (fund crisis) in the supply and NFI, then it should go to the AFA responsibility of providing the

⁴ Operational Partners (OPs)- Non-UN funded/Own funded Partners

NFIs supply. In this regard, there should be a prior communication to allow AFA to accommodate the request and prepare themselves for the supply.

If no special agreement is decided between AFA and no-JRP actors, then those ToR apply also to no-JRP actors.

5. Duration and Timeline

The implementation of those ToR will be effective from 1st of January 2024 and valid until further revision. Positioning of partners at camps/blocks level should be reviewed yearly through JRP planning which could lead to the revision of those ToR on a yearly basis.

6. Communication and reporting

OPs are encouraged to provide monthly written reports to AFA per camp (or working area). Communication should be regular, especially to transparently report on issues and challenges faced. AFA also needs to communicate with OPs, mostly regarding supply and distribution (e.g., soap, MHM kits), and/or planning and advocating for major infrastructures. AFA is also encouraged to consult with IPs when planning major changes or infrastructures.

To ensure proper planning regarding funding gaps, any actors with funding shortage should have written communication at least 3 months in advance, with informal notification preferably given 6 months prior. This is true whether it's AFA informing IP and OPs or whether it's an AFA informing OPs. WASH sector team should always be looped in those communication and support decisions to cover any gaps.

In case of failure or conflict in the communication mechanism, if the issue cannot be resolved between agencies, the WASH sector could convene with partners to find a consensus or determine the best way forward.

7. Geographical positioning of partners

As part of JRP, the positioning of the partners (including AFAs and NGOs) is valid only for one year as per most recent "WASH sector operational presence map" (refer to: <https://rohingyaresponse.org/sectors/coxs-bazar/wash/>)