#### Memorandum of Understanding

**WASH Cluster Co-Lead Arrangements – Yemen**

1. **INTRODUCTION**

Under the global leadership of the Emergency Relief Coordinator (ERC), in 2005 the Inter-Agency Standing committee (IASC) adopted the ‘Cluster Approach’ to address the gaps and increase the effectiveness of humanitarian response in situations of internal displacement, complex emergencies and natural disaster. The aim of the cluster approach at the global level is to strengthen system-wide preparedness and coordination by ensuring predictable leadership and accountability in all main sectors or areas of humanitarian response. At the country level the cluster approach aims to strengthen partnerships, predictability and accountability of international humanitarian action, by improving prioritization and clearly defining the roles and responsibilities of humanitarian organizations. Globally, UNICEF has been designated as the lead agency for WASH Cluster.

In support of the Government of Yemen, the UN activated the WASH Cluster in Yemen in 2009, and in July 2015 the emergency was activated to Level 3 status due to the worsening humanitarian situation. With that activation the UNICEF assumed responsibilities for leading and coordinating the child protection responses in the country. In Yemen UNICEF leads and XXX Co-Leads the WASH Cluster. This Memorandum of Understanding (MoU) outlines the modalities for the Co-Lead Arrangement between UNICEF and XXX.

#### TIME FRAME

The timeframe of this MoU is 24 months, from September 1st, 2017 until August 31st, 2019. The agreement may be extended with the consent of both co-lead agencies, or revised as necessary to ensure that the structure and responsibilities are adaptive and responsive to the changing external context.

#### AIM OF THE WASH Cluster

The aim of the WASH in Yemen is to ensure a well-coordinated, strategic, adequate, coherent and effective WASH response in accordance with the Principles of Partnership.

As outlined in the IASC Reference Module for Cluster at the country level the WASH Cluster lead and co-lead agencies are accountable to the leadership to the Humanitarian Coordinator in Yemen, for facilitating a well-coordinated, coherent and strategic response to WASH issues and insuring the following core functions:

1. Support service delivery in WASH by ensuring provision of water, sanitation, and hygiene services, driven by the Humanitarian Response Plan objectives and by developing a mechanisms to eliminate duplication;
2. Inform the HC/HCT’s strategic decision-making by preparing needs assessments and analysis of gaps, formulating priorities and identifying solutions in the child protection;
3. Plan and implement WASH Cluster strategies by developing response plans, applying common standards and guidelines and clarifying funding requirements;
4. Monitor and evaluate performance in the WASH response by monitoring and reporting on activities and needs, measuring progress against the WASH strategy and agreed results, and recommending corrective action where necessary;
5. Build national capacity in WASH including in issues related to preparedness and contingency planning;
6. Support robust advocacy by identifying child protection concerns, contributing key information and messages to the HC and the HCT, and advocating on behalf of the cluster, cluster members, and affected people.

The WASH cluster at national level is active since 2010. UNICEF is leading the cluster and has assigned a dedicated international WASH Cluster coordinator. The co-chair of the cluster is the head of the Emergency Unit of the General Authority for Rural Water Supply Projects (GARWSP EU). The cluster is further supported by a dedicated Information Management Officer (IMO) who is assisting data compilation and analysis and feeding back IM products such as geographic priority maps to the cluster members.

The national cluster has a Strategic Advisory Group (SAG) which is comprised of several cluster members that represent the overall makeup of WASH cluster partners. The SAG deals with strategic issues related to the cluster and may be delegated to resolve issues which cannot be adequately addressed by all cluster members in the regular cluster meetings. The WASH cluster also has several Technical Working Groups (TWGs) which work for fixed periods according to TORs. The TWGs produce specific outputs such as recommendations and guidelines for more complicated technical issues which require more extensive deliberation and follow up.

All sub national clusters are supported part time by information management officers (national consultants through IMMAP) who are responsible for both clusters and UNICEF programs at the hubs. This means they have limited time available to support the cluster and most information management responsibilities are therefore assigned to the national level IMO. However, more and more information management tasks are required to support the increased coordination role at the hub level. A recent example is mapping of ongoing IDP response at hub level rather than national level. The pressure on IMOs at hub level should be monitored regularly to avoid problems in their workload.

Clusters at sub national level are based in the UN Hubs and cover the same governorates.

**Sana’a**: Amanat Al Asimah, Sana’a, Amran, Marib, Dhamar, and Al Bayda.

**Sa’ada**: Sa’ada and Al Jawf

**Hodeidah**: Hajjah, Al Hudaydah, Raymah, and Al Mahwit

**Ibb**: Taiz and Ibb

**Aden**: Aden, Lahj, Al Dhale’e, Abyan, Shabwah, Hadramaut, Al Maharah

As of December 2016, the cluster has 137 partners at national and subnational levels, the majority are national and international NGOs, as well as water and sanitation authorities, but UN, donors, observers and other sector stakeholders are also very active in the cluster. The majority of WASH emergency response in Yemen is implemented through NGO partners and UNICEF. An average 57 partners regularly attend cluster meetings and 30 partners regularly submit reports. Cluster coordination meetings for active partners are held monthly, focussing on coordination and technical and strategic discussions. Cluster information meetings for partners who are interested to implement WASH activities (but currently not implementing) are held monthly to build capacity of these partners and inform them of the ongoing WASH response.

#### ROLES AND RESPONSIBILITIES Principles of Partnership

As Co-Lead Agencies of the Child Protection Sub-Cluster UNICEF and Save the Children will work together according to the Principles of Partnership as endorsed by the Global Humanitarian Platform (12 July 2007).

Both agencies will work together to meet the accountabilities of country-level lead agencies as set out in relevant IASC guidance such as the IASC’s “Generic Terms of Reference for Sector/Cluster Leads at the Country Level”. Both Co-lead agencies are accountable, to the Humanitarian Coordinator for the effective functioning of WASH Cluster.

#### Co-lead agencies arrangements: Country Representative and Country Director Responsibilities

In Yemen, UNICEF assumes its responsibilities as designated lead agency for the WASH Cluster. XXX assumes its responsibilities as co-lead agency for the WASH Cluster. With these functions both UNICEF Country Representative and XXX Country Director commit to fulfil their co-leading functions for the cluster. In line with the UNICEF Cluster Coordination Guidance for Country Offices, the UNICEF Representative and the XXX Country Director for Yemen commit to be active and proactive members of the HCT, with responsibilities that include representing the interests of the WASH Cluster, proactively engaging in discussion, analysis and decision-making on the activation and/or de-activation of the WASH Cluster, ensuring high-level decision-making in all the phases of the humanitarian response, including advocating for the WASH Cluster to ensure WASH issues are adequately and effectively integrated within the broader, strategic level of the humanitarian response.

UNICEF Country Representative, together with XXX Country Director are also responsible for alerting the relevant Global WASH Cluster coordinators in case of unmet needs, and begin a process of dialogue at the global level for guidance and support, including resource mobilization. UNICEF Country Representative and XXX Country Director commit to ensure quality and comprehensiveness of the WASH Cluster and ensure the Cluster implement the minimum commitment for partners.

#### Co-coordination arrangements: UN and NGO Co-coordinators Responsibilities

UNICEF coordinates the WASH Cluster through a full-time, dedicated coordinator. XXX co-coordinates the WASH Cluster through a full-time, dedicated co-coordinator. Both UNICEF and XXX coordinator and co-coordinator ensure a coherent, consistent, effective and well-coordinated response with shared, joint responsibilities that include providing strategic direction and guidance to the Cluster. UNICEF Coordinator and XXX Co- coordinator have a joint, shared responsibility for the provision of transparent decision-making and strategic oversight of the work of the Cluster, representing the Cluster at the different coordination bodies including at the ICCG and as appropriate and necessary at the HCT. Both commit to outreach and solicit feedback from NGO members to understand their needs and constraints and promote their capacity building, including those related to local NGOs and government counter-parts. Both coordinators advocate on behalf of the cluster including resource mobilization. The UNICEF Coordinator and XXX Co-coordinator are neutral bodies who represent the interests of the Cluster over the interests of their individual agencies.

#### Staffing and Resourcing

UNICEF agrees to appoint one staff member as Cluster Coordinator for the WASH Cluster in Yemen. XXX agrees to appoint one staff member as Cluster Co-coordinator for the WASH Cluster in Yemen. Both the Cluster Coordinator and Co-Coordinator work in close collaboration with the GARWSP EU at the National level.

The WASH Cluster Coordinator is employed by UNICEF on the terms and conditions of UNICEF or its affiliates’ bodies. UNICEF is responsible for meeting the costs related to the staff. UNICEF is responsible for providing all necessary equipment and transport for their employee to effectively and efficiently perform its functions.

XXX employs a WASH Cluster Co-coordinator. The selected candidate is a counterpart to the UNICEF Cluster Coordinator. The Co-coordinator is employed on the terms and conditions of XXX and XXX will remain responsible for meeting the costs related to this staff.

UNICEF will recruit an information management officer dedicated to the WASH Cluster in the fulfilment of its information management responsibilities.

#### Management and Reporting Lines

The Cluster Coordinator and Co-coordinator will be line-managed by their respective agencies but will retain accountability to both UNICEF and XXX. Head of Agency, or other appropriate designated staff, will hold regular meetings at quarterly intervals to ensure the smooth functioning of the join leadership arrangement and to agree priorities and work plans to guide the work of cluster coordinators.

The WASH Cluster Coordinator and Co-coordinator will jointly take part and lead all stages of the Humanitarian Program Cycle (HPC), accountable to the UN Humanitarian Coordinator for this aspect of strategic planning. The Cluster Coordinator and Co-coordinator will also provide talking points to the Heads of their respective Agencies for the Humanitarian Country Team (HCT) meetings or other relevant stakeholder meetings.

#### Working Practices

To fulfil the joint responsibilities of the WASH Cluster, it is necessary for the Cluster Coordinator and Co-coordinator to work as closely together as required for the effective functioning of the Cluster and according to the Principles of Partnership. To this end, the Cluster Coordinator and Co-coordinator will sit in the UNICEF Office and UNICEF will provide space to facilitate the work of the two coordinators. However, the co-lead agencies will provide the necessary working tools and logistics such as computers, mobile internet device, and transport to facilitate the work of their respective coordinators.

As set out in the “Inter-Agency Standing Committee (IASC) Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response (24 November 2006)”, it is of utmost importance to the cluster approach that the Cluster coordinator and Co-coordinator both act as, and are perceived as, neutral, impartial and fair representatives of the cluster as a whole, rather than as representatives of their particular agency. Both Co-Lead Agencies agree that in exceptional cases, and where no alternative exists, is it viable for the Cluster coordinator and Co-coordinator to also represent their agencies as well as the WASH Cluster. In these circumstances it must be made clear that the Coordinator/Co-coordinator is representing an individual agency’s perspective, rather than the views of the WASH Cluster.

The Cluster Coordinator and Co-coordinator is however, allowed flexibility as may be necessary to maintain close links with his/her agency, including attending agency-specific meetings, as long as this does not interfere with the cluster coordination responsibilities. Cluster responsibilities should normally be given priority over agency priorities.

Detailed responsibilities for cluster coordinators will be reflected in the work-plan.

#### WASH CLUSTER YEMEN TERMS OF REFERENCE AND WORK PLAN

The WASH Cluster implements work plan in Yemen covering a 12-month period and recognizing the likely changes in the external context, will be developed by both co-lead agencies. Both the Terms of Reference and the work plan will be reviewed and updated on a regular basis as humanitarian circumstances in Yemen dictate.

The Cluster Coordinator and Co-coordinator are responsible for the implementation of the agreed work-plan, and are required to collaborate on all main tasks in the work plan; however, some activities may be assigned according to their relative strengths and experience.

#### PROVIDER OF LAST RESORT

As the WASH Cluster lead in Yemen, UNICEF commits to do the utmost to ensure an adequate and appropriate response to child protection services in emergencies throughout Iraq to address critical gaps are met provided there is access and that security allows and adequate funding is available. In the case of lack of access, security or funding, UNICEF through the cluster approach will advocate for the provision of WASH services in the affected areas. XXX as designated co-lead for the WASH Cluster will support and facilitate this process as possible.

#### REVIEW OF THE MoU

The MoU will be reviewed every two years with a view to both performance and impact of the WASH Cluster and the co-leadership arrangement; and may at any time be reviewed by the management of the two Co-Lead Agencies, based on developments in the security situation, humanitarian needs, funding etc.

#### SECURITY

The WASH Cluster Coordinators will at all times follow the security and safety guidelines and procedures of their respective agencies.

#### DISPUTE RESOLUTION

This MoU is based on a mutual commitment to open communications and a desire to see any potential disagreement resolved as quickly as possible.

Issues that cannot be resolved at these meetings will be brought to the attention of the UNICEF Country Representative and XXX Country Director for resolution. In the event that a major disagreement remains after this process, both parties agree to seek reconciliation through the involvement of a mutually acceptable external facilitator.

In the event that a final resolution of issues is not possible, leading to either their agency no longer wishing to remain as co-lead, a written notice period of three months will be given to terminate the MoU in order to allow for due transition processes to take place.

#### ANNEXES

* 1. Terms of Reference for WASH Cluster in Yemen
  2. WASH Cluster Coordination Structure in Yemen
  3. Principles of Partnership, 2007
  4. Inter-Agency Standing Committee, Operational Guidance on the Concept of “Provider of Last Resort”
  5. Inter-Agency Standing Committee (IASC) Guidance Note on Using the cluster Approach to Strengthen Humanitarian Response (24 November 2006)
  6. Reference Module for Cluster Coordination at the Country Level revised – IASC, July 2015
  7. Cluster Coordination Guidance for Country Offices – UNICEF, 2015
  8. Introduction to Humanitarian Action a brief guide for Resident Coordinators

Signed:

UNICEF, Country Representative Date:

XXX, Country Director

Date: