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15 April 2010

26th Meeting of the UNAIDS Programme Coordinating Board
Geneva, Switzerland
22-24 June 2010

**Report of the PCB Task Force on SIE follow-up related to all
aspects of Governance**

Document prepared by the PCB Task Force

Additional documents for this item: none

Action required at this meeting - the Programme Coordinating Board is invited to:
See decision paragraphs 9, 15, 24 and 27

Cost implications for decisions: to be determined and included in Work Stream 8 of the SIE Implementation Plan

INTRODUCTION

1. At its 25th meeting in December 2009 the Programme Coordinating Board decided the following with respect to the creation of a Task Force of the Board to look at issues arising from the Second Independent Evaluation of UNAIDS (SIE):

"4.25 Requests the PCB Bureau in consultation with all relevant stakeholders to establish an inter-sessional, time-bound Task Force by the end of January 2010 with the objective to report to the 26th meeting of the Programme Coordinating Board on issues dealing in a comprehensive way with all aspects related to governance in the follow-up of the Second Independent Evaluation of UNAIDS based on evaluation findings, recommendations, management response and discussions in the Board.

4.26 Agrees that the Task Force:

- will support UNAIDS in the implementation of a comprehensive and coordinated response to the Second Independent Evaluation of UNAIDS, including the development of a prioritized plan for follow-up which is time bound and spells out clearly who should be responsible for doing what, and to support the oversight role of the Programme Coordinating Board, the Task Force should analyze relevant decisions and their interlinkages taken at the 25th Board meeting with a view to ensure their coherence and consistency and report to the 26th meeting of the Programme Coordinating Board;

- should be small and undertake its activities in an open and transparent manner. It should be composed by representatives of Member States, with due respect to geographical representation, civil society, Cosponsors and the Secretariat. The taskforce may draw on additional expertise when needed. The taskforce should be chaired by a Member State and would work in principle on the basis of consensus;

4.28 Further agrees that the budget for the Task Force must be approved by the PCB Bureau before initiating the work of the Task Force;"

2. The Task Force was duly established by the PCB Bureau at its meeting on 27 January with the following membership:

Constituency	Task Force Member
Western European and Others Group	Sweden
Asia	Iran
Africa	Ethiopia
Latin America and the Caribbean	Brazil
Central and Eastern Europe	Poland
PCB NGOs	Ontario HIV Treatment Network
Cosponsors	UNDP

Secretariat	Deputy Executive Director, Management and External Relations
Ex-officio	Netherlands (CHAIR)

3. The Task Force held two face-to-face meetings on 24-25 February and 22-23 March respectively and concluded its discussions and agreement of this report electronically. As part of its agenda at its first meeting the following Terms of Reference was agreed:
 - to report to the 26th meeting of the Programme Coordinating Board on issues dealing in a comprehensive way with all aspects related to governance in the follow-up of the Second Independent Evaluation of UNAIDS based on evaluation findings, recommendations, management response and discussions in the Board;
 - to support UNAIDS in the implementation of a comprehensive and coordinated response to the Second Independent Evaluation of UNAIDS, including the development of a prioritized plan for follow-up which is time bound and spells out clearly who should be responsible for doing what, and to support the oversight role of the Programme Coordinating Board;
 - to analyze relevant decisions and their interlinkages taken at the 25th Board meeting with a view to ensure their coherence and consistency and report to the 26th meeting of the Programme Coordinating Board;
 - the Task Force will normally work through electronic means, however, budgetary provision will be made for two face-to-face meetings;
 - the SIE Implementation Team within the UNAIDS Secretariat will provide administrative and logistical support to the Task Force; and
 - without prejudice to a subsequent decision of the UNAIDS PCB on the continuation of the Task Force, it will be dissolved upon completion of the 26th meeting of the Board.
4. At its first meeting in February 2010 the Task Force identified a number of issues related to subjects within its mandate for further discussion and for consideration as the basis for possible recommendations to the 26th meeting of the Programme Coordinating Board in June 2010. The Chair of, and Secretariat to, the Task Force were requested to consolidate such issues into a paper for consideration at the second meeting of the group. The Task Force also agreed that any recommendations coming from it to the Programme Coordinating Board would need to be focused and action orientated.
5. In addressing issues under the three SIE recommendations related to governance (numbers 15, 16 and 17) discussion in the Task Force followed a more pragmatic approach of considering cross-cutting issues rather than a prescriptive analysis of the individual recommendations. This allowed the group to discuss specific concerns and their inter-linkages rather than to look at issues by recommendation. Following a second round of more detailed discussion the Task Force decided to report to the Programme Coordinating Board with its opinions on the three governance-related recommendations and to include additional narrative and recommendations that go into more detail on the issues contained

in the SIE text. The report also follows the cross-cutting issues that were the basis of discussion.

PROGRAMMATIC AND FINANCIAL ACCOUNTABILITY

6. The Task Force found that its consideration of the Committee of Cosponsoring Organizations (CCO) fell within a broader discussion around issues of programmatic accountability i.e. how to ensure within the Joint Programme a clarity of roles and responsibilities, the visibility of individual agencies, and tools for measuring and reporting results against resources, that are needed to better identify who is responsible for what. A possible tension was seen between the need for Cosponsors to be visible in the delivery of their individual agency mandates, with the emphasis in the Programme Coordinating Board and elsewhere on reporting as a joint and cosponsored programme where contributions of individual agencies are not always reported. Without a transparent view by agency it would be impossible to measure the effectiveness of Cosponsor activities and to ensure that they fall within the overall policy framework set by the Programme Coordinating Board.
7. In this context the annual report of the CCO to the Programme Coordinating Board had a vital role to play and the Task Force agreed that guidance was needed for the CCO on the content of the report. The format of the Report should be changed to include: a main report on the performance of the Joint Programme as a whole with an additional 11 annexes (one per agency plus the Secretariat) using a standard format, that shows; how each partner works and contributes to the results of UNAIDS including figures for resource mobilization, efforts to align indicators; and information on AIDS-related decisions taken at agency board meetings.
8. Also, that greater communication of decisions was needed between the Programme Coordinating Board and the boards of the Cosponsoring agencies to ensure policy harmonization and consistency – as well as to help enable consistency of national positions in different boards. The Task Force also agreed that more time may be needed in Board meetings for consideration of the CCO item to allow participants space to better understand and discuss the diversity and inter-linkages between the various agencies and the Secretariat.
9. Given all of the above **the Programme Coordinating Board Task Force invites the Programme Coordinating Board to agree the following revised text for SIE recommendation 15:**

Requests the UNAIDS Executive Director, Programme Coordinating Board, and all UNAIDS Cosponsor Heads of Agency to revitalise the role of the CCO, with two regular formal CCO meetings per annum, supported by:

- Revision of the CCO modus operandi to reflect the de facto greater role for the global coordinators and to include decision 14.1 from the 15th meeting of the Programme Coordinating Board that: *"14.1 decides that future proposals by UN-system organizations to join the Programme as Cosponsors should be reviewed by the Committee of Cosponsoring Organizations and then submitted to the Programme Coordinating Board for its consideration and approval"*;
- Greater investment by the global coordinators and secretariat in preparing the CCO agenda and background briefing material to ensure that deliberations of the heads of

- agencies are focused on (i) key decisions of the Programme Coordinating Board that need to be discussed with the governing boards of cosponsor agencies and (ii) progress towards the implementation of the new strategy and lessons for division of labour at country level;
- Strengthening accountability within the individual cosponsors by revising the CCO MOU to state that the cosponsors will ensure that the relevant objectives and indicators agreed in UNAIDS global level results frameworks are incorporated in the corporate results framework, or equivalent, of each cosponsor. This work should be closely linked to the evolution and development of the Unified Budget and Workplan;
 - Enhancement of the role of the CCO in agreeing benchmarks for performance and measuring progress against them;
 - Building on the solid progress that has been made to ensure that HIV is part of the regular agenda for cosponsor agencies. The Programme Coordinating Board should work with the Executive Director and cosponsors to ensure, where possible, that these deliberations consistently include discussion of key Board decisions;
 - Guidelines to be prepared by the PCB Bureau on the content of the annual Report of the CCO to the Programme Coordinating Board, based on the need for more strategic reporting; and
 - Attendance of the CCO Chair at Programme Coordinating Board meetings to delivery the annual Report of the CCO.
10. In discussing the issue of financial accountability the Task Force noted – as did the SIE Report – the evolution and development of the UBW and its associated Performance Monitoring and Evaluation Framework. Strengthened mechanisms, that were more transparent, contain harmonized indicators, and hold all stakeholders to account, were needed rather than a new set of instruments. In this regard the Task Force welcomed information in the SIE Implementation Plan Work Stream 5 on the development of the Unified Budget and Workplan into a Unified Budget and Accountability Framework which should measure the results of the entire budget and not just the core element. The Unified Budget and Accountability Framework must enhance the Programme Coordinating Board's ability to govern by providing: an integrated and unified instrument that demonstrated the effectiveness of the Joint Programme as a whole; greater clarity on the use of inter-agency funds; establishment of linkages between funds and outputs/results; and, include country-level indicators and resource spend by country.
11. The Task Force also noted that – although there is only limited scope for the Board to influence the allocation of resources by individual Cosponsors – there was a need for clarity on the principles for resource allocation. Also, a strengthening of the Letter of Agreement between the Secretariat and Cosponsors for the release of funds with respect to accountability.
12. To further enhance governance by the Programme Coordinating Board the Task Force also agreed that performance management reporting to the Board should be supported by country case studies that would demonstrate qualitative impact, rather than simply against budgetary spend. The role of the Unified Budget and Workplan in leveraging country funds was also noted and emphasized.

13. The Task Force noted that the SIE Report had called for greater collaboration at country level and agreed that strong global instruments were needed to help ensure joint working. The Division of Labour only covered a small (core) portion of the Unified Budget and Workplan and results-based management needed to be applied to the whole budget which would require *inter alia* a narrative description of achievements and outcomes in addition to financial results reporting. In this regard the Task Force wished to stress the need for Work Stream 5 to consider the issue of streamlined, harmonized performance indicators as well as an alignment of indicators across the global, regional and country levels.
14. Recognizing the role of the Board not only in agreeing the Unified Budget and Workplan but also in assisting in its development, the Task Force discussed the need for the continuation of an ad hoc subcommittee on the UBW tied to the timeline for the budget process and with a new terms of reference to reflect its ongoing status and scope. Implementation of Work Stream 5 should therefore, include the reinstatement of the subcommittee via a process whereby the terms of reference and structure, as submitted by UNAIDS, are agreed by the PCB Bureau. The work of the subcommittee would be seen as complimentary to the production of the new format and content of the UBW, with particular attention paid to harmonization of indicators and monitoring results.
15. The group also recognized the influence on country programming by donors who can distort efforts to joint programme against pre-defined priorities by ear-marking funds for specific activities, often on a bilateral basis. In this regard **the Programme Coordinating Board Task Force invites the Programme Coordinating Board to:**

Reiterate its commitment to the results of the Global Task Team Assessment which were adopted by the PCB at its 20th meeting in June 2007, in particular that: bilateral partners¹ should fulfil their global commitments to the Rome and Paris Declarations and GTT processes, ensuring that global and country level funding and programming is consistent with these global commitments and supports implementation of the GTT recommendations. Of particular relevance is the need to shift away from funding individual UN agencies and individual programmes to funding Joint Programmes of Support that are consistent with national priorities and the UNAIDS division of labour, and to ensure coordination of technical support provision (GTT recommendation 16);

POLICY COHERENCE AT THE GLOBAL AND COUNTRY LEVELS

16. The Task Force noted that HIV is not always sufficiently discussed at some Cosponsor boards and that there was a need to target those agencies where boards are less attentive to HIV/AIDS. The ability for the Programme Coordinating Board to consider AIDS-related decisions of agency boards and vice-versa would build greater synergy around the issue. Therefore, the Task Force suggested that discussion at agency boards focus on the comparative advantage of that agency in the UN/global AIDS response as well as the HIV implications of broader policy discussions. Stakeholders should be encouraged to promote discussion of relevant issues in different boards where it is not possible for the Programme Coordinating Board to mandate decisions, through mechanisms such as advocacy by Member States' representatives on agency boards (see SIE recommendation 7a²). Such

¹ 'Bilateral partner' in this context refers to a donor government or its funding agency

² Recommendation reads: "7a. Calls upon Member States to ensure the consistency of national positions on AIDS at the Programme Coordinating Board and the governing bodies of Cosponsoring organizations

advocacy should also come from civil society coordinating its lobbying efforts around Cosponsor boards.

17. In noting that coherent policy at the global level was a prerequisite for cohesive action in-country the Task Force reiterated the need for shared information across agency boards and the Programme Coordinating Board, but also that UNAIDS should focus on the risks of, and opportunities for, strategic engagement, such as the potential detrimental effect of an over-emphasis on policy coherence above promoting less formalized procedures and policies that affect real work at the country level.
18. The Task Force proposes the inclusion of country case studies in the Programme Coordinating Board to provide the Board with more information on, and insight into, the work and achievement of UNAIDS in the context of country situations. Such studies would also provide a useful compliment to the reporting through the new Unified Budget and Accountability Framework. A standardized format for the studies should also be produced to enable the Programme Coordinating Board to make comparisons across reports and countries.
19. The Group was mindful of the related scope of Work Stream 3 (Global programmatic mechanisms) on the review of the Division of Labour and the need for flexibility in Joint Teams. The Task Force agreed with the SIE that allocation of resources must be done on the basis of epidemic priorities. Also that countries should be reminded of the need to adhere to all of the “3 Ones” in particular the unified monitoring and evaluation system so that progress can be transparently measured and validated to ensure that it is in line with the national strategic plan. Such information would be vital for inclusion in the country case studies for the Programme Coordinating Board.
20. Work Stream 4 (Delivery at country level) would provide clarity around the (global) strategy for Technical Support, in particular the Secretariat’s role as a broker and coordinator and not as a provider. The Task Force reinforced the importance of a focus on “One UN” at all levels and that the appraisals of staff at country level should include an assessment of their engagement in joint programming. Also that Technical Support is a matter for many other partners outside the UNAIDS family and that broader work on Technical Support must include them.
21. The Task Force reiterates interventions at previous Programme Coordinating Board meetings on the need for, and the Board’s confidence in, a strong UNAIDS Secretariat. It should continue to be the case through a cohesive and robust implementation of all the SIE recommendations and the reform process should not be seen as an opportunity to micro-manage the Joint Programme.

OVERSIGHT OF THE JOINT PROGRAMME

22. There was significant discussion in the Task Force around the need to have clear information on the Executive Director’s vision for UNAIDS. It was noted that his oral statements to the Board were supported by the Annual Report which is a backwards-looking corporate publication that recorded the Joint Programme’s achievements in the previous calendar year and was intended for a wider audience than just the Board. Delegations had

with a view to promoting results-based performance and joint UN programming at country level including harmonization and alignment to national HIV responses.”

a particular interest in the views of the Executive Director and his forward-looking interpretation of upcoming challenges and opportunities. Accordingly the Task Force proposed that the Executive Director be asked to provide a written report in advance of each Programme Coordinating Board meeting, thus facilitating delegations preparations for the Board and ability to engage in dialogue. In making this proposal the Task Force reiterated the authority of the Executive Director to continue to make oral statements to the Programme Coordinating Board without any pre-agreed format or distribution in advance of delivery.

23. While considering the issue of reporting to the Board – and enabling it to fulfil its role of Programme governance – the Task Force also discussed the need for an annual report on the UNAIDS Secretariat human resources at the global, regional and country levels. The Task Force concluded that this was an issue for Work Stream 7 (Organizational Issues) and referred this proposal to that work stream for consideration as part of a forthcoming package of recommendations to the Board around resourcing issues i.e. how to support the governance elements of the new human resource strategy, such as ensuring capacity issues and the need for UNAIDS to be “fit for purpose”. However, the Work Stream must remain mindful of the Executive Director’s authority to manage and allocate staff and that the Board must not use such a report for micro-debate.
24. Given all of the above **the Programme Coordinating Board Task Force invites the Programme Coordinating Board to agree the following revised text for SIE recommendation 16:**
- i. *Recognizing* the need to support a strong Secretariat and avoid micro-management of the Joint Programme, and *taking* effective responsibility for governance of UNAIDS, *agrees* to refocus its work on ensuring:
 - Cosponsor and Secretariat plans for provision of support at country level are based on epidemic priorities, whether generalized or concentrated, and the comparative advantages of the UN;
 - standardised country case studies are included as a regular item at Programme Coordinating Board meetings;
 - decisions of the Executive Director on the allocation of Unified Budget and Workplan money between the 11 organisations (ten cosponsors and Secretariat) are based on epidemic priorities and the comparative advantages of the UN;
 - future plans reflect the previous performance of the Secretariat and Cosponsors;
 - continuation of a standing invitation for all UN and related partners to attend the Programme Coordinating Board for relevant agenda items and the thematic session;
 - commitments made by the 11 organisations on building relevant UN capacity at country level are met and taken into account in considering future roles and funding allocations;
 - that the Secretariat does not assume roles that could be carried out by a Cosponsor; and
 - the efficiency and effectiveness of the Secretariat.

- ii. *Requests* the Executive Director to provide the Programme Coordinating Board with a written report in advance of each Board meeting (as distinct from the Annual Report).

GOVERNANCE-RELATED WORKING METHODS

25. In looking at working methods the Task Force began by identifying a list of issues where members felt that there was scope for improvement or where reforms could resolve problematic areas. As such the result was a detailed list of recommendations replacing SIE recommendation 17 that were grounded in what the Task Force believed, by consensus, to be the reality of the governance mechanisms in the Board. Therefore, reporting on this section of the debate in the Task Force, will take the form of a more detailed recommendation to the Programme Coordinating Board.
26. In making the following proposals the Task Force also first reviewed, as part of its mandate, the effectiveness of the changes made in 2008 to the Modus Operandi of the Programme Coordinating Board. It found that all previously agreed amendments to the Modus Operandi had been included in the revision in 2008 with varying degrees of success. For example decisions of the Board did not always *"include clear language on who is responsible for their implementation, and also a time frame and identified reporting mechanisms"*, as stipulated in the agreed amendment.
27. **The Programme Coordinating Board Task Force invites the Programme Coordinating Board to agree the following:**

Take effective responsibility for oversight of UNAIDS, by revising the working practices of the Programme Coordinating Board to improve the effectiveness of its meetings, issues and changes would include the following:

 - a. **Role of the PCB Chair:** that the role of Chair as a neutral moderator be formalized in a revision to the PCB Modus Operandi as well as greater clarity on roles of Vice Chair and Rapporteur. The role of the Chair to include, inter alia, to encourage participation by Executive Heads in the Programme Coordinating Board, to continue and explore further the current practice of pre- Programme Coordinating Board meetings with PCB NGOs, and to initiate similar meetings with Cosponsors;
 - b. **Capacity building and representation:** provision, by the Secretariat, of greater support to delegations, especially African States (i.e. implementation of decision 9.1³ of the 24th PCB), and that the speaking protocol to remain as Programme Coordinating Board members/participants followed by observers;
 - c. **PCB decisions and decision-making:** building on previous agreement decisions should include costing, source of funds, responsible body and timeline; and that clearer principles for decision-making should be identified;

³ Recommendation reads: *"9.1 Welcomes the effort and pilot initiative to strengthen the meaningful participation of African States in the Programme Coordinating Board and, to the extent possible the Board of the Global Fund to fight AIDS, Tuberculosis and Malaria, including the establishment of an independent communications focal point, and notes the need for indicators to measure the successful implementation of these initiatives before consideration of extension to other regions;"*

- d. **Length of PCB meetings:** Board meetings to remain at three days with the replacement of the thematic segment at the meeting when the draft Unified Budget and Workplan for the following biennium is scheduled for consideration (one in every biennium) with an extended discussion on budgetary and finance matters;
- e. **Drafting group:** strong discouragement of group sessions being run in parallel with Programme Coordinating Board plenaries but retention of the option for parallel working in exceptional situations;
- f. **Thematic segments:** continuation of thematic segments, except in the Board meetings where the draft Unified Budget and Workplan is scheduled for consideration, which where highly valuable and important; shifting the thematic segment to the final day of Board meetings, thus allowing for more time to summarize and feed into discussions at the next meeting, possibly supplemented by documentation prepared by the Secretariat;
- g. **Civil society participation in the PCB:** recognition of the increased coordination and participation of the PCB NGOs in Board meetings; the need to ensure adequate representation of the Middle-East and North Africa and other sub-regions within each geographical region; and that the PCB NGOs work to enhance sub-regional representation considering diversity within regions and limitations such as language barriers;
- h. **PCB Bureau:** strong emphasis on the crucial role of the PCB Bureau in Programme Coordinating Board agenda setting; agreement on the value and continuation of face-to-face meetings; continuation of the role of the Bureau in implementing decisions delegated to it by the Board e.g. the establishment of working groups, recognising that the effectiveness of the Bureau in delivering mandates from the Board is dependent on good (clear) decision making by the Board;
- i. **Inter-sessional working methods:** inter-sessional activities should be encouraged with a view to facilitating and expediting the PCB decision-making process; there is a need to ensure appropriate representation, possibly through an expanded ad hoc Bureau structure for decisions. However, as a general rule, decision making should rest with the Board;
- j. **PCB subcommittee on the UBW:** that the subcommittee continue with a revised terms of reference, including an assessment of budgetary allocations to different cosponsors; and to encourage appropriate and full representation with qualified, engaged and financially-competent participants who have a working knowledge of the UN and preferably UNAIDS, also that the subcommittee would not be a permanent structure but will be convened when relevant to the preparation of the Unified Budget and Workplan;
- k. **Consultation mechanisms:** recognizing the scope for increased formal interactions between different constituencies (e.g. civil society being invited to attend Missions Briefings) a request to the Secretariat to provide more support to consultations for and between constituencies;
- l. **Field Visits:** recognizing that lessons have been learned from the lack of participation in field visits when they have been scheduled with past Programme Coordinating Board meetings outside of Geneva and the positive feedback from the recent pilot visit to Viet Nam suggest that future field visits should have stronger linkages with issues to be

discussed at upcoming Programme Coordinating Board meetings, and that any future linkages to Board meetings held outside Geneva would need to be discussed and agreed by the Board in advance.

28. In making this recommendation the Task Force also noted that a couple of issues remained unresolved by the group, due to the time limitations for consideration of such complex issues, and that they should be flagged to the Programme Coordinating Board for possible further discussion:

- Drafting group: how to ensure representation across all constituencies;
- PCB Bureau: exploration of an expanded role for the Bureau e.g. related to the preparation of draft decisions;
- PCB Chair: preparation of guidelines for the role of the Chair and clarity on the roles of Vice Chair and Rapporteur for inclusion in the Modus Operandi of the Board; and
- Principles and processes for draft decisions and decision-making.

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