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19 May 2003

## **PROGRAMME COORDINATING BOARD**

**Fourteenth meeting**  
**Geneva, 26–27 June 2003**

*Provisional agenda item 4:*

### **Report of the PCB Working Group on UNAIDS Governance**

An open-ended PCB Working Group on UNAIDS Governance was established by the UNAIDS Programme Coordinating Board at its 13<sup>th</sup> meeting in Lisbon, 11–12 December 2002. The report of this working group, as submitted by the Co-Chairs, is attached herewith.

#### **Action required at this meeting**

The PCB is requested to review the attached report and propose recommendations for approval.



## PCB Working Group on UNAIDS Governance

### Report to the PCB 19 May 2003

#### I. Introduction

1. The open-ended Working Group on UNAIDS Governance (WG) was established by the Programme Coordinating Board (PCB) at its thirteenth meeting in Lisbon on 11–12 December 2002 with Senegal and Switzerland as Co-Chairs. The objective of the WG is to prepare a report for the PCB that includes “a set of governance-related recommendations designed to facilitate the achievement of the UNAIDS mandate through more effective and efficient governance”. The recommendations were “to address UNAIDS governance-related issues, including:
  - a. roles, responsibilities, authorities and accountabilities;
  - b. PCB membership;
  - c. PCB methods of work;
  - d. relationships with other governing bodies, especially those of the Cosponsors; and
  - e. the relationship between the CCO and the Secretariat.”

The working methods of the WG were to be elaborated by the Co-Chairs, in consultation with WG members.

#### II. Consultative process

2. In their 17 January 2003 letter, the Co-Chairs invited members and observers of the PCB to participate in the WG, and proposed methods of work based on the principles of informality, inclusiveness and flexibility. Channels for consultation to ensure broad participation in the deliberations of the WG were e-mail, fax, informal meetings (including visits to Cosponsor headquarters) and two consultative meetings of the WG.
3. The Co-Chairs’ Concept Paper of 7 February 2003 set out their views for fulfilling the terms of reference for the WG. It outlined the scope of work for the WG and the concepts and terminology for its deliberations. The Co-Chairs also requested participants’ views on the topics and issues to be addressed in the Issues Paper.
4. Co-Chairs reported to participants in their letter of 4 March 2003 on comments received on the Concept Paper, either through meetings or written comments, as well as on suggested topics for substantive questions to be addressed by the WG.

5. The Issues Paper on UNAIDS Governance, distributed on 1 April 2003 to facilitate deliberations at the First Consultative Meeting of the WG (CM1) on 10–11 April 2003 in Geneva, was based on information collected during the consultations held in February and March.
6. The Co-Chairs reported on the outcome of CM1 in their letter of 21 April 2003. The Draft Report from the WG to the PCB was circulated on 1 May 2003, with a letter of invitation and agenda for the Second Consultative Meeting (CM2), held on 12 May 2003 in Geneva.
7. At CM2, there was not sufficient time to approve the report, as foreseen in the original workplan and schedule. Therefore, as agreed in the meeting, the Draft Report was revised and circulated on a ‘no objections’ basis to WG participants on 14 May 2003, with a request that comments be submitted by 16 May 2003, and finalized for submission to the PCB on 19 May 2003.

### III. Conclusions of the consultative meetings

8. In its deliberations on the assessment of UNAIDS governance with regard to future challenges, the CM1 identified a number of areas to be addressed for more effective and efficient governance in achieving the UNAIDS mandate. These included the need for UNAIDS to adapt to the changing global context; greater clarity of the respective roles of the PCB and the Committee of Cosponsoring Organizations (CCO); PCB composition/representation; coordination between PCB and Cosponsor governing bodies; better understanding and use of instruments for feedback between country and global levels; and accountability of the component bodies of UNAIDS governance and their constituents.
9. In deliberations on scenarios for change and on practical recommendations, the CM1 identified a number of directions for future governance of UNAIDS, as well as specific suggestions to address some of the areas noted in paragraph 8, which may need clarification and/or change.
10. In summary, CMI did not see a need to change the UNAIDS mandate given in ECOSOC Resolution 1994/24. Governance arrangements should lead to more inclusiveness and participation of actors in the expanded response in policy discussions. Roles/responsibilities should be clarified in relation to governance functions, and a distinction should be made between decision-making and policy development functions. UNAIDS governance structures are valid, but there needs to be improvement in their workings, including better coordination. A number of accountability questions need to be clarified, and accountability overall strengthened, including through better monitoring, evaluation and reporting at country and global levels. A number of operational governance instruments exist that provide a good framework for accountability (e.g., Unified Budget and Workplan (UBW), the UNGASS Declaration of Commitment on HIV/AIDS, and the UN System Strategic Plan (UNSSP)). On country-level governance, CM1 favoured an evolution to a partnership forum, while retaining the UN Theme Group as an instrument for UN system coordination.
11. CMI adopted the following summary of the basis for proceeding to preparation of the draft Report of the WG to the PCB: there is a consensus for change; there is sufficient material from the CM1 to provide directions for future governance and practical recommendations to the PCB; the recommendations should be based on the principles of more inclusiveness and interaction among constituents through fostering dialogue and increased participation of actors; and some specific recommendations can be made on the improvement of tools, mechanisms and working methods of UNAIDS governance arrangements.

12. CM2 was mainly attended by Geneva-based representatives, as foreseen in the workplan. Participants noted the need to provide concrete and action-oriented recommendations that would serve to conclude PCB deliberations on the Five-Year Evaluation of UNAIDS. In reviewing the recommendations, they proposed separating the ideas contained in them into principles and recommendations, and to recall the relevant ECOSOC and other governance documents for frame of reference. Due to shortage of time, CM2 was unable to finish its work and adopt the Draft Report. It was agreed that the Co-Chairs would circulate, on 14 May 2003, a final version of the Report to the PCB on a 'no objections' basis, noting where there was consensus on ideas contained in the recommendations and taking into account the discussion on each, and where there was partial or no agreement. Comments were to be submitted by 16 May 2003. The Report would be submitted to the PCB on 19 May 2003.

#### IV. Context and principles for recommendations

13. The results and recommendations from the WG represent the final step in concluding PCB consideration of the Report of the Five-Year Evaluation of UNAIDS, and are complementary to those decisions on some of the Actions taken by the PCB at its 13<sup>th</sup> meeting on 11–12 December 2002 in Lisbon.

14. The **general context** for the principles noted in paragraph 15 and the recommendations in Section V include ECOSOC Resolution 1994/24, which constitutes the basis for UNAIDS, and which the Working Group has agreed does not need revision. Other governance instruments that provide the basis for the principles and recommendations include subsequent ECOSOC resolutions that provide further definition and refinement of the provisions of ECOSOC Resolution 1994/24, such as Resolution 1995/2, the Memorandum of Understanding of the Cosponsors, and the PCB *modus operandi*. In addition, the WG noted programme reference instruments to which the principles and recommendations relate, including the UNGASS Declaration of Commitment on HIV/AIDS, the UNSSP and the UBW.

15. The following **principles** are based on the instruments noted in paragraph 14, and the deliberations of the Working Group at CM2 on 12 May 2003:

- Continuous review and updating of roles and responsibilities of governance and management structures (PCB, CCO, Executive Director/Secretariat), and constituents (Member States, cosponsoring agencies, NGOs), to reflect the changing context of the Joint and Cosponsored Programme on HIV/AIDS and the new actors in the expanded response;
- Fostering more coherence in positions of Member States in fighting the HIV/AIDS epidemic throughout the UN system and, in particular, between PCB and cosponsoring organizations;
- Inclusion of actors in the expanded response in policy development through, *inter alia*, better information and consultation mechanisms, extension of partnership relations, regular review of non-Member State and NGO lists for issuing invitations as observers to PCB meetings;

- Regular examination and review by the PCB of its working methods, including with regard to recognition of the implications of the decisions in Lisbon to focus on country-level activities, and to provide greater scope for analytical and strategic deliberations;
- The need to consider and contain transaction costs in introducing new working methods for the PCB.

## V. Recommendations

16. The recommendations are divided into two parts: i) those where there was agreement on the idea, and the text revised to reflect the discussions at CM2; and ii) those where there was partial agreement, either on the idea or some of its provisions.

17. Some recommendations were deleted and/or the ideas captured in the principles noted in paragraph 15.

### PART I: AGREED RECOMMENDATIONS

#### **Recommendation 1:**

The PCB schedules on its agenda for the 15<sup>th</sup> meeting, a strategic discussion on the future challenges for UNAIDS of an internationally coordinated expanded response.

The *objective* of the meeting [**discussion**] would be to assess the strategic position of UNAIDS in the current and future global context, and foster a common vision of future challenges shared by actors in the expanded response.

#### **Recommendation 2:**

The PCB includes on its agenda for its 15<sup>th</sup> meeting an experimental thematic round-table discussion with senior-level representation on an issue of strategic importance for the future of UNAIDS, as an ad hoc event to be assessed for future periodic discussions of a similar nature.

The *objective* of the round tables is to test ways and means of engaging constituents at senior levels in strategic thinking on substantive issues facing UNAIDS and fostering greater interaction between PCB constituents.

#### **Recommendation 3:**

The PCB establishes a Bureau composed of the PCB Chair, Vice-Chair, Rapporteur, CCO Chair, NGO representative, and other members, as designated by the PCB, and supported by the UNAIDS Secretariat. The composition of the Bureau should reflect appropriate balances [delete and replace by, “**In selecting these additional members, the PCB will ensure an appropriate balance, taking into account the profiles of the Bureau, *stricto sensu*.**”] The functions of the Bureau are to assist the PCB Chair in his/her functions; to approve final versions of Decisions, Recommendations and Conclusions and PCB Meeting Reports; to deal with routine administrative matters, including between PCB meetings; to prepare agenda and other items for PCB meetings;

and to carry out specific ad hoc tasks, as requested by the PCB. The working methods of the Bureau should include optimal use of modern communication technologies to minimize costs.

The *objective* of a Bureau is more effective and efficient PCB meetings, increased participation of constituents in setting PCB agendas, and clear procedures on PCB decision-making between meetings.

#### **Recommendation 4:**

The PCB examines measures for representation of the PCB in selective governing body sessions of Cosponsor agencies for agenda items of special importance to PCB concerns, and considers reciprocal representation of members of cosponsoring governing bodies at the PCB, where appropriate.

The *objective* is more systematic communication and information exchange through more formal links between the PCB and cosponsoring organization governing bodies.

#### **Recommendation 5:**

The PCB requests [**will seek the endorsement of**] the Secretary-General (as a complement to Action 9 on reporting on implementation of the UN-County Team Implementation Support Plan (UN-ISP)) to devote a specific section or annex of the Resident Coordinator's Annual Report on UNAIDS Theme Group Activities. The specific section/annex should comment on the relationships between the Resident Coordinator, Theme Group Chair and UNAIDS Country Coordinator, as well as collaboration with bilateral and multilateral agencies outside the UN system, and includes provision in its meetings for systematic review of selective reports of particular interest.

#### **Recommendation 6:**

The PCB considers ways of improving [**to foster improved**] reporting from Member States and NGOs [**making use of existing mechanisms, where possible, to reduce transaction costs and avoid duplication**], as additional measures to the ongoing monitoring activities of the Programme through the Secretariat and Cosponsors. Such measures could include inviting Member States and/or NGOs to report against specified criteria on a regular basis on their own situation/action, a more intense in-depth report from regions/countries on a rotational basis, and occasional presentations by Theme Groups at the PCB.

#### **Recommendation 7:**

The PCB sets as a regular agenda item a rotational, case-by-case review of information and insights from selected programme-country and NGO constituents on their country and/or regional situations and actions with regard to UNAIDS. In addition, the PCB considers devoting a future thematic PCB for such reviews.

The *objective* of Recommendations 5, 6 and 7 is to develop additional tools for more effective monitoring by the PCB on programme development and implementation at country level through information from both UN and non-UN sources. The objective is consistent with the decision taken by the PCB at its 13<sup>th</sup> meeting in Lisbon for a shift in emphasis to country level.

**Recommendation 8:**

PCB requests systematic reporting from the Secretariat on actions taken on the Decisions, Recommendations and Conclusions.

The *objective* is systematic follow-up on PCB outputs.

**Recommendation 9:**

The PCB reviews the biennial report by the Executive Director to ECOSOC, with particular attention to matters that relate to fulfilling the PCB mandate from ECOSOC.

The *objective* is to enhance the accountability of the PCB to ECOSOC.

**PART II: PARTIALLY AGREED RECOMMENDATIONS****Recommendation 10:**

The PCB updates its statement of functions, as set out in the PCB *modus operandi*, distinguishing between those functions that pertain to PCB Member States (decision-making) and those that pertain to Cosponsors and NGOs (policy development), and adapts its working methods accordingly, including, where appropriate, the establishment of standing agenda items, time-bound task forces or ad hoc committees for specific reviews by different constituents on particular issues.

The *objective* of the clarification is to make PCB meetings more effective and efficient, and provide opportunities for more in-depth discussion by constituents on items of specific interest.

**Recommendation 11:** The PCB requests the CCO and UNAIDS Secretariat to provide options for Cosponsor participation in the PCB to better reflect their secretariat functions [**to take measures to define Cosponsor participation in the PCB as part of the UNAIDS Secretariat**] for consideration at its 15<sup>th</sup> meeting in June 2004.

The *objective* of the redefinition is to clarify roles and responsibilities according to governance functions, and to support greater interaction of other constituents with individual cosponsoring agencies.

**Recommendation 12:** The PCB establishes an ad hoc task force to review [replace by ‘**reviews**’ (Co-Chair proposal)] the composition, representation, selection and rotation for Member States and civil society in the PCB, taking into account the changing regional dimensions of the epidemic, disease prevalence, and the broader array of civil society actors at global and regional levels involved in the expanded response.

The *objective* of the review is to ensure that the composition and balance of the PCB represents the actors in the current and changing environment of UNAIDS and the expanded response.