

Annex 8 Governance of UNAIDS**Evaluation Question**

This evaluation should involve a review of the governance and accountability structures of UNAIDS (Program Coordinating Board (PCB), Committee of Cosponsoring Organizations (CCO) and the Unified Budget and Workplan (UBW), and its relationships with the Cosponsors and other UN bodies on a wide range of issues, especially given the organization's expansion, the entry of new partners into the field, and the growing range of activities being undertaken. The evaluation should consider the progress on recommendations of the Global Task Team (GTT), review and the Review of NGO/Civil Society Participation in the Programme Coordinating Board.

1 Introduction

1.1 UNAIDS was established, on 1st January 1996, in response to a 1994 resolution¹ of the UN's Economic and Social Council (ECOSOC) as the successor to the WHO Global Programme on AIDS (GPA). This followed an external review in 1992 which concluded that improved collaboration among UN agencies at country level was needed, if better support were to be provided to governments. UNAIDS remains a unique institution within the UN but is only one of a number of approaches that have been adopted to coordinate the work of the UN as a whole.

1.2 Starting with six cosponsoring UN agencies (UNICEF, UNDP, UNFPA, UNESCO, WHO and the World Bank) and a small secretariat, the institution has subsequently expanded to include a further four UN agencies – with the addition of UNODC in 1999, ILO in 2002, WFP in 2003, and UNHCR in 2004. UN agencies need to meet a number of criteria, last updated in 2004, to become and remain a cosponsor.²

1.3 UNAIDS is best understood as an institution (see Box 1), not as an organisation, which has implications for understanding how it can be expected to work. Principally, as well as looking at the internal processes within each organisation – in this case the secretariat and the ten cosponsors – it means a need to understand the formal and informal rules and conventions that dictate how these organisations relate to each other and how these rules are enforced.

Box 1: What are institutions and organisations?

Management literature has not yet settled on standard definitions of the terms 'institution' and 'organisation'. This is because the definitions depend upon which theoretical perspective you use.

For an **institution**, this paper takes the definition of an institution used by the World Bank's 'Institutions Matter' work.³

Institutions are the humanly devised constraints, or set of relational contracts that guide public officials' activities. They are made up of formal constraints (e.g. rules, laws, constitutions),

¹ ECOSOC (1994) Joint and co-sponsored United Nations programme on Human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Resolution 1994/24, 44th plenary meeting, 26 July 1994

² See http://data.unaids.org/Governance/PCB03/pcb_15_04_08_en.pdf

³ <http://www1.worldbank.org/publicsector/civilservice/wps2427.pdf>

informal constraints (e.g. norms of behaviour, conventions, codes of conduct), and their enforcement characteristics. For public officials, formal rules are laid down in their code of conduct and operation manuals, in the budget documents, and in the many decrees, directives and instructions through which policy is conveyed. The informal rules are what the officials collectively understand as appropriate behaviour, 'how we do things around here'. For example, not vigorously implementing the minister's newly announced scheme might result in a transfer to a position in a remote and inaccessible area. Institutions provide the incentives that provoke or prohibit certain actions. The institutional environment shapes the expectations of public officials.

An **organisation** is a social arrangement which pursues collective goals, which controls its own performance, and which has a boundary separating it from its environment. The ten cosponsor agencies and the secretariat would be defined as separate organisations.

1.4 ECOSOC retains formal governing responsibility in relation to UNAIDS at a broad oversight level; one of many governance responsibilities in relation to the UN system as a whole. Every other year, ECOSOC receives an update from the UNAIDS Secretariat Executive Director, delivered on behalf of the UN Secretary-General, on the activities of UNAIDS and passes a substantive resolution on the global fight against HIV/AIDS. But, *de facto*, the oversight role has been delegated to the Programme Coordination Board (PCB) under the ECOSOC resolution: “*In exercising this governance role, the board will have ultimate responsibility for all policy and budgetary matters. It will also review and decide upon the planning and execution of the programme*” (ECOSOC 1994/24). The PCB is unique among UN governing bodies as it includes representation from not only the member states but also the NGO sector and the cosponsor agencies that belong to it. Therefore, in terms of representation, the PCB is more like the governing boards of some of the partnership-based institutions that have been subsequently established, such as the Global Fund UNITAID, than a conventional UN agency.

1.5 To date, no formal mechanism exists linking the work and decisions of the PCB with the work and deliberations of the governing bodies of the 10 cosponsor agencies. At a strategic level, the primary link between the PCB and the ten cosponsors is supposed to be through the Committee of Cosponsoring Organisations (CCO), the only Standing Committee of the PCB, which comprises the executive heads of the cosponsor agencies or their designated representatives. In practice, the main interaction is through the cosponsors’ global coordinators, who are the ones who attend PCB meetings.

1.6 UNAIDS is headed by an Executive Director, at Under-Secretary General level. However, the Executive Director has no direct authority over the activities of the cosponsors, which each remain accountable to their own governing boards and senior management. During the evaluation period, programme activities and budgets have been developed and presented via the biennial Unified Workplan and Budget (UBW), which are endorsed by the CCO and PCB.

1.7 A number of significant organisational changes have occurred during the evaluation period (2003-2008). These have included:

- The development in the role of the cosponsor global coordinators.
- A rapid increase in the number of headquarters and regionally-based professional staff dedicated to HIV across the cosponsor agencies.
- The growth in the number of staff employed in the secretariat from around 250 in 2002 to approximately 1,000 in 2008.
- The decentralisation of functions within the secretariat and the growth of representation at regional level; as of early 2008, in addition to its Geneva headquarters, the secretariat

maintained 3 liaison offices, had 7 regional support teams and a presence in 84 programme countries.

- In 2005, a significant change in UNAIDS' approach, with greater emphasis placed on supporting governments at the country level. Whilst it uses broadly the same organisational approach as outlined in UN guidance for joint programming and coordination more generally, UNAIDS is unique in terms of the level of resourcing invested in developing and sustaining country level coordination mechanisms – principally through establishment of joint teams and the appointment of UNAIDS Country Coordinators (UCCs).

1.8 All of these changes have taken place within the context of ongoing broader UN reform, which has particularly focused upon enhancing UN coordination at the country level.

2 Relationship to ECOSOC and the General Assembly

UNGASS – review of the epidemic, not of UNAIDS

2.1 In 2000, the UN's General Assembly agreed to a general session on AIDS in 2001. Thereafter, General Assembly sessions discussing AIDS have been held annually, with the most significant meetings being held in 2001 and 2006. These United Nations General Assembly Special Sessions (UNGASS) have not dealt directly with the governance or performance of UNAIDS, as the focus of the Special Sessions is on the commitment of the member states and the status of the epidemic, rather than the performance of UN agencies and their contribution to addressing the epidemic. However, the UNGASS process has created a significant task for the secretariat, which provides much of the support required to organise the UNGASS sessions. The development and use of UNGASS indicators has also directly affected the context within which UNAIDS operates, as they set out commitments of the member states. The indicators have also (i) been used in the UNAIDS results framework and therefore potentially have affected the focus of UNAIDS and (ii) have influenced the division of labour in the area of monitoring between the secretariat and WHO.

2.2 UNAIDS was established under an ECOSOC resolution and ECOSOC still retains formal governing responsibility in relation to UNAIDS. As noted in section 1, that function is exercised at a broad oversight level and this role has been delegated to the PCB. However, as discussed in Box 2, the extent to which ECOSOC, and by extension the PCB, can exercise a governance role in relation to the UNAIDS' cosponsors is limited. This reflects the way in which the UN was established. For what are the ExCom agencies – UNDP, UNICEF, UNFPA and WFP – the executive boards are subject to the authority of ECOSOC and are expected to bring to the Council's attention issues requiring its guidance. ECOSOC's role relative to what are termed the specialised agencies,⁴ as mandated under the founding UN Charter, is more limited, to the coordination of the activities of the specialised agencies through consultation. Therefore, unlike for the ExCom agencies, it has no role in developing and approving specific guidance to the governing boards or management of the specialised agencies. This role remains entirely with the governing boards of the specialised agencies. Neither ECOSOC nor the PCB can therefore direct the specialised agencies in what they should do and this highlights the importance of having an

⁴ The term "specialised agencies" refers in this document to those agencies mentioned in article 57 of the UN Charter that have been brought into relationship with the UN under agreements approved by the General Assembly.

effective mechanism for ensuring that PCB decisions are considered and acted upon by the governing boards of the individual cosponsors.

Box 2: Could ECOSOC take a more active role in directing the work and priorities of the ten cosponsors based on the annual update presented by the UNAIDS Executive Director on behalf of the Secretary-General?

Owing to the relationship between ECOSOC and governance of the specialised agencies a more active role is not possible. Six of the ten cosponsor agencies – WHO, UNHCR, UNESCO, UNODC, World Bank and ILO – are defined as specialised agencies. The rest are classified as Programmes and Funds.

In 1945, the framers of the UN Charter did not give the ECOSOC enforcement powers. Rather, ECOSOC was mandated to provide *coordination* and *guidance* to the UN system including for implementing the policy guidance of the General Assembly established in the triennial comprehensive policy review. The possibility of ECOSOC issuing specific guidance to the individual cosponsor agencies is circumscribed by the approach adopted when the UN was founded. A functional approach, rather than a federalist one, was seen as more pragmatic for solving the problem of joint international action and national autonomy and sovereignty. Consequently, the UN system came to be organised in loose fashion with independent intergovernmental specialised agencies.

Under this approach, the detailed functioning of the relationship of specialised agencies with the UN is defined by the terms of special agreements established with ECOSOC and subsequently approved by the General Assembly. The relationship is therefore a contractual rather than hierarchical one. Article 63 of the UN Charter stipulates that ECOSOC may coordinate the activities of the specialised agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to Members of the United Nations, while Article 64 authorises ECOSOC to take appropriate action to obtain regular reports from the specialised agencies. However, the special agreements between ECOSOC and the specialised agencies do not include a role for ECOSOC in developing and approving specific guidance to the boards or management of the specialised agencies and there is no evidence that the specialised agencies and their governing boards would consider revision of this relationship.

2.3 The reality is that even for the ExCom agencies, the governing bodies of the cosponsors have the main responsibility for the effective implementation of policy guidance from the General Assembly.

3 The PCB

Description and background

3.1 Governance and oversight of UNAIDS has been delegated by ECOSOC to the PCB under paragraph 17 of the 1994 ECOSOC resolution⁵ which states that:

“... In exercising its governance role, the board will have ultimate responsibility for all policy and budgetary matters. It will also review and decide upon the planning and execution of the programme. Its detailed responsibilities and meeting schedule will be

⁵ ECOSOC (1994) Joint and co-sponsored United Nations programme on Human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). Resolution 1994/24, 44th plenary meeting, 26 July 1994

specified in a document containing its terms of reference, which is currently being prepared.”

3.2 While the 1994 mandate sets out the basics of the role and responsibilities of the PCB, these are elaborated in what is termed the Governing Board’s *modus operandi*. This is a document that is drafted and amended by the PCB itself.⁶ During the evaluation period, the 1999 version of the *modus operandi* was in force, but a revised version was endorsed at the December 2008 PCB meeting.⁷ The membership, purpose, roles and responsibilities of the PCB elaborated in the 1999 version of the *modus operandi* are as follows:

Purpose

4. The PCB acts as the governing body on all programmatic issues concerning policy, strategy, finance, monitoring and evaluation of UNAIDS.

Functions

5. In order to carry out its functions the PCB shall be kept informed of all aspects of the development of UNAIDS and take into account, in matters of strategy and technical policy, the reports and recommendations of the Committee of Cosponsoring Organisations (CCO) and the Executive Director, and appropriate reports and recommendations from UNAIDS scientific and technical advisory committees established by the Executive Director. The functions of the PCB are:

- (i) To establish broad policies and priorities for the Joint Programme, taking into account the provisions of General Assembly resolution 47/199;*
- (ii) To review and decide upon the planning and execution of the Joint Programme. For this purpose, it shall be kept informed of all aspects of the development of the Joint Programme and consider reports and recommendations submitted to it by the CCO and the Executive Director;*
- (iii) To review and approve the plan of action and budget for each financial period, prepared by the Executive Director and reviewed by the CCO;*
- (iv) To review proposals of the Executive Director and approve arrangements for the financing of the Joint Programme;*
- (v) To review longer term plans of action and their financial implications;*
- (vi) To review audited financial reports submitted by the Joint Programme;*
- (vii) To make recommendations to the Cosponsoring Organisations regarding their activities in support of the Joint Programme, including those of mainstreaming; and*
- (viii) To review periodic reports that will evaluate the progress of the Joint Programme towards the achievement of its goals.*

6. Annual reports submitted to the PCB on the work of the Joint Programme, together with any comments as the PCB may wish to make, shall be made available to the governing bodies of each of the Cosponsoring Organisations and ECOSOC.

Composition

7. The membership of the PCB comprises 22 Member States, elected from among the Member States of the Cosponsoring Organisations, with the following regional distribution:

- *Western European and others 7 seats,*

⁶ These paragraphs are drawn from the 1999 version of the *modus operandi* for the Executive Board which was operational throughout the evaluation period. A revised version of the *modus operandi* was agreed at the December 2008 PCB meeting but changed none of the content related to specifying the composition of the membership, or the purpose, roles and responsibilities of the PCB.

⁷ This revision was triggered as part of reforms in the operation of the PCB discussed at the June 2007 meeting.

- Africa 5 seats,
- Asia and Pacific 5 seats,
- Latin America and the Caribbean 3 seats,
- Eastern European/Commonwealth of Independent States 2 seats.

8. The term of membership of these 22 members shall be three years. The initial terms of members shall vary in order to achieve a staggering of membership. After the initial elections, approximately one third of the membership shall be replaced annually.

9. Each of the cosponsors shall have full rights of participation in the PCB but without the right to vote (see the terms of reference of the CCO in Annex 1 of this *modus operandi*).

10. Five non-governmental organisations (NGOs), three from developing countries and two from the developed countries or countries with economies in transition, shall be invited to participate in meetings of the PCB but without the right to take part in the formal decision-making process and without the right to vote (ECOSOC resolution 1995/2 refers).

11. The selection of the five non-governmental organisations would be determined by the NGOs themselves from among those either in consultative status with ECOSOC or in relationship with one of the cosponsoring organisations or on the roster of NGOs dealing with matters pertaining to HIV/AIDS. The PCB shall formally approve the NGOs nominated. The terms of office of the selected NGOs shall not exceed three years.

3.3 However, one of the key aspects of how the PCB operates is not defined in the *modus operandi*. This is the practice of the PCB issuing decisions reflecting a consensus amongst the participants and deliberately not voting on issues.

3.4 The ECOSOC resolution establishing UNAIDS' governance also makes no mention of the secretariat. Further, the PCB's *modus operandi* neither describes what the role of the secretariat, as distinct from the Executive Director, should be nor defines the role of the PCB in monitoring the performance of the secretariat. The *modus operandi* only states that '*The Secretariat comprises the Executive Director and such technical and administrative staff as the Programme may require*'. Following practice elsewhere across the UN, the Executive Director's performance is not assessed by the PCB and the Executive Director is technically accountable to the Secretary-General, although no formal performance system is used for assessing performance at this level of the UN. As such, there is a gap in defining formal responsibility for tracking performance of the secretariat, as opposed to UNAIDS as a whole, although both the PCB and CCO have potential influence through their role in approving the overall budget of UNAIDS.

Board participants' experience and background

3.5 In strict terms, defined as having voting rights, as described above under composition, there are 22 PCB board members, drawn from the member states. Actual delegates are drawn both from mission offices based in Geneva and from government ministries based in member states.⁸ Each constituency can choose how to manage its internal affairs, including consultation. For example, Sweden belongs to a constituency with Switzerland, Austria and Iceland, whose place on the PCB has been held by Switzerland since 1 July 2007. In practice, representation alternates between Sweden and Switzerland and before and during meetings Sweden's

⁸ Some comments received have indicated that increasingly, barring 2 or 3 cases, member-state delegations are not headed at ministerial level, unlike at the WHA for example, where normally the Health Ministers attend. This reduces the scope for policy dialogue on oversight functions of the PCB.

constituency coordinates with the constituency containing Denmark, Finland and Norway, making joint speeches and statements.⁹

3.6 There are a large number of others who participate in PCB meetings, but have varying degrees of opportunity to directly participate in board discussions, and hence voice and influence. The most significant other participants are:

- The secretariat's Executive Director, who, *ex officio*, is the Secretary of the PCB.
- The secretariat, which not only provides logistical and administrative support to the PCB but also brings draft policy guidance and other substantive material to the PCB for consideration.
- All ten of the cosponsors, who may directly participate in the PCB meetings.
- Representatives from five NGO organisations that act as the NGO Delegation.

3.7 In addition, a significant number of people participate as observers and, when invited to do so by the chair, may participate in PCB deliberations on matters of particular concern to them.

3.8 Looking at the background and experience of participants from these four key constituencies,¹⁰ Table 1 shows that a significant proportion (half of the respondents in the PCB survey) has participated in the PCB over a period longer than the three-year membership rotation period. While this might be expected for secretariat and cosponsor respondents, it also applies to the member state and NGO participants. Therefore, participants have significant experience of how the PCB operates.

Table 1: Participation in PCB meetings by constituency¹¹

| No. of PCB meetings attended | % of constituency respondents | | | | |
|------------------------------|-------------------------------|-----------|-------------|---------------|-------|
| | Member state | Cosponsor | Secretariat | Civil society | Total |
| 0 | 2 | 0 | 0 | 0 | 2 |
| 1-2 | 18 | 5 | 0 | 5 | 28 |
| 3-5 | 19 | 2 | 5 | 10 | 36 |
| 6-10 | 9 | 10 | 8 | 7 | 34 |
| 11 plus | 4 | 4 | 3 | 2 | 13 |
| Number of responses | 52 | 21 | 16 | 24 | 113 |

Source: Evaluation PCB survey

3.9 Over 75 per cent of respondents to the PCB survey across these four constituencies agreed or strongly agreed with the statements that '*The secretariat has provided me with excellent orientation materials*' and '*I have received excellent support from my organisation and others in helping me to fulfil my role relative to the PCB*'. Disagreement on the quality of orientation material provided by the secretariat was concentrated amongst the cosponsor global coordinators and focal points (7 of 14 responses) and NGO Delegates (4 out of 11 responses). Dissatisfaction with support from their own organisation was most prominent among member state

⁹ Government of Sweden (2008) Swedish Assessment of Multilateral Organisations – The United Nations Joint Programme on HIV/AIDS. October 2008.

¹⁰ Note, the population surveyed was based on the listing for the December 2008 PCB meeting, and therefore represents a snapshot of 'current' members. Whether the experience of the membership has changed significantly over the evaluation period was not therefore examined.

¹¹ The two PCB survey respondents from non-cosponsor UN agencies have been excluded from this table, as have three other respondents that chose not to answer this question.

representatives based in the Geneva missions. With respect to the professional background of PCB participants, Table 2 suggests a PCB membership with either a civil society/foreign service/donor management background or a relevant technical background.

Table 2: Background of PCB participants by constituency

| Background | Number of constituency respondents | | | | | Total |
|-----------------------------|------------------------------------|-----------|-------------|---------------|--------|-------|
| | Member state | Cosponsor | Secretariat | Civil society | Others | |
| Technical (related to HIV) | 14 | 19 | 14 | 4 | 1 | 52 |
| Foreign Service or Diplomat | 29 | 1 | 1 | 0 | 0 | 31 |
| Donor Agency | 7 | 0 | 0 | 2 | 1 | 10 |
| Civil Society | 0 | 0 | 0 | 17 | 0 | 17 |
| Number of responses | 50 | 20 | 15 | 23 | 2 | 110 |

Source: PCB Survey

3.10 But responses to the survey also suggest that outside of the member-state participants, other participants have little experience of how other governing boards in the inter-governmental system operate. For instance, none of the NGO respondents had experience of the working of other inter-governmental governing boards; only one had experience of how the Global Fund's Executive Board operates, although several have experience of boards operating in the civil society sector. A limited number of cosponsor respondents report experience with their own governing board's working but generally they have little experience of the operation of other boards, either within the UN system or more widely. Secretariat staff also have little direct experience of how other governing boards operate, excepting that of the Global Fund, where three secretariat staff reported some experience.

3.11 Looking specifically at participants from the member states, respondents (see Table 3) reported experience of working in a wide range of other governing boards, with most experience being with either WHO or the Global Fund.

Table 3: Percentage of member state respondents with experience of other governing boards

| Governing Board | Percentage of member state participants in the PCB with experience of other boards | | | |
|-----------------------------------|--|-----------------------------|----------------------------|----------------|
| | Geneva based staff (n=28) | Heads of Delegations (n=14) | Other HQ based staff (n=8) | Overall (n=50) |
| UN Boards | | | | |
| WHO | 79% | 21% | 39% | 56% |
| ExCom agencies ¹² | 0% | 7% | 13% | 4% |
| Other specialised UN agencies | 19% | 14% | 0% | 14% |
| Partnerships | | | | |
| Global Fund | 29% | 21% | 13% | 24% |
| GAVI | 11% | 7% | 13% | 10% |
| UNITAID | 4% | 21% | 0% | 8% |
| Other international Boards | | | | |
| Other | 4% | 50% | 62% | 26% |

¹² Executive Boards of UNDP, UNICEF, UNFPA and WFP.

Source: PCB Survey

3.12 In summary, participants in the PCB in general have engaged with the Board over an extended period of time, are well briefed, and often have strong relevant professional backgrounds. However, except for the member states, first-hand experience of how other UN governing boards operate is limited, and even within the member state representatives, experience is mainly with how the World Health Assembly and WHO Executive Board operate.

Views on the role and comparative advantage of UNAIDS

3.13 Central to the concept of UNAIDS is the view that the UN has a comparative advantage relative to other organisations and institutions involved in responding to the epidemic and that this can be delivered more effectively through a joint programme of UN support. Respondents to the PCB survey were asked to explain what they thought the comparative advantage of UNAIDS was and 82 people provided their opinion. Overall, there was no strong view on the particular single comparative advantage of UNAIDS, but common themes in the responses included:

- UNAIDS' role in coordinating the response of the ten agencies to the epidemic and by implication increasing the coherence of the UN's response at country level; this theme was common in responses from all constituencies.
- The role of UNAIDS in advocacy; this was also found in responses across the constituencies.
- The role of UNAIDS as a forum in which a wide range of stakeholders could discuss and reach consensus; this was also a theme in responses across all constituencies.
- The role of the UN through UNAIDS in setting the needed normative standards.
- UNAIDS as a model of UN reform; this was particularly highlighted in responses from the cosponsors and the member states.

Board meetings

3.14 The PCB *modus operandi* states that PCB meetings will be held twice a year in principle. However, the second session in odd years will be held only when there is a substantive need and if sufficient resources are available. Between 2003 and 2008, two meetings were held in four of the six years,¹³ while only one meeting was held in 2003 and 2005. Practice has therefore followed that specified in the *modus operandi*.

3.15 The original *modus operandi* also states that it is the responsibility of the Executive Director of UNAIDS, in consultation with the Chair of the PCB and the CCO, to prepare a provisional agenda for each PCB meeting. Since June 2004, when it was established, the Executive Director has consulted primarily with the PCB Bureau¹⁴ in preparing the provisional agenda, although this was only formalised in the December 2008 revision of the *modus operandi*.

3.16 PCB members believe that the setting of the agenda has been managed in an efficient and effective manner. Evidence supporting this finding includes that the Bureau's role in setting of

¹³ In 2008, a third 'extraordinary meeting' was also organised, specifically to discuss the search and recruitment of a new Executive Director.

¹⁴ The Bureau includes the Chair, the Vice-Chair and the Rapporteur of the PCB, one Cosponsor representative and one representative of nongovernmental organizations and people living with HIV. It is supported by the Secretariat.

the agenda was not amended after the 2006 review of the Bureau's functioning and the 2008 revision of the PCB's *modus operandi* does not change the established approach. In addition, responses from the PCB survey on how to enhance the efficiency and effectiveness of the Bureau do not identify the setting of the agenda as an area for future improvement.

3.17 Two changes in the organisation of PCB meetings have been introduced during the evaluation period, both of which deal with strengthening its role in reviewing and discussing policy guidance. The use of thematic round tables or panel discussions on issues of strategic importance in the response to HIV and the role of UNAIDS were introduced into PCB meetings from the June 2004 meeting onwards. This was in practice a movement to formalise and regularise the *ad hoc* process adopted for discussing such issues in some previous meetings. However, introduction of such practice did not lead to extension in the length of PCB meetings, beyond the standard two days.

3.18 As of the June 2008 PCB meeting, a 'Thematic Segment' was introduced, although not as part of the main PCB meeting, operating under different rules from those applied during the main meeting. These 'Thematic Segments', which take place the day before the PCB meeting, are intended to:

- Foster dialogue, facilitate shared learning and promote mutual accountability among different actors, thus strengthening global coordination on HIV.
- Bring broad-based, multi-stakeholder policy debates on key emerging themes to bear more directly on the operations of the Joint United Nations Programme on HIV/AIDS.
- Bring the vast expertise and know-how developed within the Joint Programme to bear more directly on the work of a wide range of actors in the response.

3.19 In the PCB survey, 99 respondents expressed an opinion on whether the current length of meetings is adequate, or whether there should be longer or shorter meetings. In response, 80 per cent thought that the current three day format was correct, 14 per cent thought meetings were too short while 6 per cent thought that meetings were too long. Opinions appeared consistent across all constituencies except the global coordinators/focal points, where a third of those responding thought PCB meetings were too long and a significant minority wanted fewer, shorter meetings.

Board efficiency and effectiveness

3.20 The *modus operandi* sets out eight functions of the PCB, as shown below:

- (i) To establish broad policies and priorities for the Joint Programme, taking into account the provisions of General Assembly resolution 47/199;
- (ii) To review and decide upon the planning and execution of the Joint Programme. For this purpose, it shall be kept informed of all aspects of the development of the Joint Programme and consider reports and recommendations submitted to it by the CCO and the Executive Director;
- (iii) To review and approve the plan of action and budget for each financial period, prepared by the Executive Director and reviewed by the CCO;
- (iv) To review proposals of the Executive Director and approve arrangements for the financing of the Joint Programme;
- (v) To review longer term plans of action and their financial implications;
- (vi) To review audited financial reports submitted by the Joint Programme;

- (vii) To make recommendations to the Cosponsoring Organizations regarding their activities in support of the Joint Programme, including those of mainstreaming; and
- (viii) To review periodic reports that will evaluate the progress of the Joint Programme towards the achievement of its goals.

3.21 Looking across the eight functions:

- Review of audited financial reports, function (vi), has been fulfilled with an interim (for the first year of every biennium) and an audited (including certification of the auditor) report for each biennial budget. Reports are an agenda item, but practice has been for the PCB to just note the reports and then move on.
- Making recommendations to the cosponsoring organisations (function vii) has been a significant challenge to the PCB. This has mainly been operationalised around the GTT recommendations, where the PCB urged "*the board members of the UNAIDS cosponsors*" to bring these recommendations to their boards for endorsement. Review of PCB documentation also shows little evidence of the PCB making direct recommendations to the CCO.
- This evaluation will be the second opportunity for the PCB to fulfil function (viii); although the first Five-Year Evaluation was not directly reviewed by the PCB as an agenda item. Review of the agenda of PCB meetings shows no other examples of programmatic level evaluations being discussed as an agenda item.
- Effectively functions (i) through (v) are all discharged through discussion of the UBW, a tool that was not developed until four years after these functions were defined and agreed in 1996.

3.22 Responses to the PCB survey were overwhelmingly consistent that the major function of the PCB should be "*To establish broad policies and priorities for the Joint Programme, taking into account the provisions of General Assembly resolution 47/199*". Of the 93 people answering this question, two-thirds judged that this was the primary function of the PCB. Other important functions highlighted were:

Function (ii) To review and decide upon the planning and execution of the Joint Programme. For this purpose, it shall be kept informed of all aspects of the development of the Joint Programme and consider reports and recommendations submitted to it by the CCO and the Executive Director (function 2). Seen as the primary function of the PCB by a further 20 per cent of respondents; and

Function (iii) To review and approve the plan of action and budget for each financial period, prepared by the Executive Director and reviewed by the CCO (function 3). Seen as the primary function of the PCB by a further 9 per cent of respondents.

3.23 Review of the eight functions shows that the role of the PCB is focused on oversight of what the joint programme commits to do but the functions are defined only in the broadest of terms, so allowing considerable latitude for the PCB to define how it chooses to deliver against these functions. The conclusion therefore would be that as long as the main role of UNAIDS is to ensure a better coordinated and more coherent programme of UN support, there should be little need to revise these broad functions. This conclusion would support the view of the PCB expressed in 2003 in response to the Five-Year Evaluation's recommendation that the ECOSOC mandate be revised, which was "*did not see any need to make changes to the ECOSOC resolutions through which UNAIDS was created. PCB members expressed the view that the ECOSOC resolutions allowed the PCB to review and update its roles and responsibilities concerning governance to reflect the changing context of UNAIDS and the new actors in the*

expanded response”.

3.24 PCB agenda, documents presented to the PCB, and a record of all decisions, conclusions and recommendations can all be found on the website of the PCB. Review of this documentation suggests two main routes for the PCB to fulfil these oversight functions:

- Through endorsement of broad policy documents, such as the GTT and the Prevention Policy Paper;¹⁵ and
- Through discussion of the UBW, although the UBW was initially designed as a tool for fundraising rather than oversight.

3.25 Of note is that the finding that both the views of the PCB participants and review of what the PCB has actually engaged with over the evaluation period suggest a Board that has focused primarily on future actions and plans of UNAIDS, with comparatively less focus on review of performance and implications for future plans. Evidence includes that, until 2008, performance reports have never been anything other than information notes and not part of the formal PCB agenda and introduction of the third day thematic segment.

3.26 Review of the agenda of the PCB meetings also shows the growth of a function that was not originally specified. The *modus operandi* states that the PCB should be informed “*of all aspects of the development of UNAIDS ... the reports and recommendations of the CCO and the Executive Director, and appropriate reports and recommendations from UNAIDS scientific and technical advisory committees established by the Executive Director*”. The key here is that the *modus operandi* states that PCB should be informed, but review of PCB agenda and minutes suggest that discussion of such work has increasingly become an example of micro-management by the PCB.

Initiatives to enhance PCB effectiveness – 2002-2008

3.27 The Five-Year Evaluation in 2002 made six specific recommendations relevant to the operation of the PCB. Two main sets of responses were developed in response to these recommendations.

- First, those outlined in the Management Response to the Evaluation, which included actions which the secretariat suggested and which were discussed at the December 2002 PCB meeting.
- Second, in the recommendations made by the PCB Working Group on UNAIDS Governance and discussed at the June 2003 PCB meeting.¹⁶ It should be noted that at least one of those involved with this exercise has reported that it was instigated because key PCB constituencies did not accept the key recommendations of the Five-Year Evaluation of UNAIDS in the area of governance.

3.28 Further changes, aimed at enhancing the efficiency and effectiveness of the PCB, were initiated in 2007 in response to a paper discussed at the June 2007 Board meeting, *UNAIDS role in strengthening global coordination on AIDS and development of the Programme Coordinating*

¹⁵ Note that the Prevention Policy Paper was one example where the PCB actually strengthened what was proposed in draft document.

¹⁶ UNAIDS/PCB (2003) Report of the PCB Working Group on UNAIDS Governance. Fourteenth meeting, Provisional agenda item 4, Geneva, 26–27 June 2003. Paragraph 10.

*Board.*¹⁷ The role of NGOs and other constituencies in the PCB has also been discussed in the context of the 2006 Review of the NGO/Civil Society Participation in the PCB. Progress, as of December 2008, against the recommendations made in these various reports is summarised below in Table 4.

Table 4: Progress, as of December 2008, in implementing recommendations on the operation of the PCB during 2003-2008

| Initiative | Number of recommendations | | |
|---|---------------------------|--------------------|-----------------|
| | Fully implemented | Partly implemented | Not implemented |
| 2002 Five-Year Evaluation of UNAIDS ¹⁸ | 1 | 2 | 3 |
| Management Response to the 2002 Evaluation ¹⁹ | 4 | 0 | 0 |
| 2003 PCB Working Group on UNAIDS Governance ²⁰ | 3 | 0 | 6 |
| 2006 Review of NGO/Civil Society Participation ²¹ | 32 | 33 | 13 |
| 2007 UNAIDS role in strengthening global coordination on AIDS and development of the Programme Coordinating Board ²² | 9 | 6 | 3 |

3.29 Review of reaction to, and implementation, of recommendations made in this area show a number of broad findings.

- Not all recommendations are discussed at PCB meetings.
- Recommendations that would require the member states to propose at ECOSOC a change in the objectives of UNAIDS, the composition of the PCB or voting rights have not been discussed within the PCB. For example, the 2002 evaluation recommended that the ECOSOC objectives be replaced by a single goal supported by specific roles. The view of the member states in 2003 was that there was sufficient scope within present objectives for the programme to adapt to the changing context, and there is no evidence from the PCB survey to indicate that the views of member states have changed in the meantime.
- Both the 2002 evaluation and the 2006 Review of NGO/Civil Society Participation in the Programme Coordinating Board recommended that the NGO Delegation be given voting rights. The recommendations of the PCB Working Group on UNAIDS Governance to the PCB meeting June 2003 also included a recommendation from some members of the task force that *“the PCB establishes an ad hoc task force to review ... 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”*. This has been the subject of ongoing discussion and

¹⁷ UNAIDS/PCB (2007) Decisions, Recommendations and Conclusions. 20th Meeting of the UNAIDS Programme Coordinating Board. FINAL Rev. Geneva, Switzerland, 25-27 June 2007. Paragraph 10.

¹⁸ Based on analysis of evaluation question (c): The response to the Five Year Evaluation of UNAIDS

¹⁹ Based on review of PCB documentation and analysis provided by Secretariat.

²⁰ Based on review of PCB documentation and analysis provided by Secretariat against the 9 agreed recommendations.

²¹ Based on analysis provided by NGO Delegation's Communication Facility and Secretariat.

²² Based on review of PCB documentation and analysis provided by Secretariat.

has been raised and discussed within PCB meetings, but never as an agenda item of the PCB or reflected in the PCB's record of decisions and recommendations.

- One recommendation has been made, in the 2002 evaluation, about the role of the CCO in the PCB and overall functioning of UNAIDS. This triggered a review of the CCO's operation in 2005, but the recommendations were not implemented by the CCO.
- For decisions requiring implementation by the secretariat or NGO Delegation's Communication Facility, action has almost always been taken.

3.30 The recommendations taken forward have therefore been focused on the operational aspects of how the PCB has functioned, and in particular on how to enhance coordination and participation both between and during PCB meetings and monitoring follow-up on Board decisions.

3.31 Establishment of the PCB Bureau and regularisation of thematic roundtables were the significant changes triggered by the 2003 recommendations. Recommendations to enhance the capacity of the NGO Delegation to both prepare and engage in PCB meetings and engage more systematically with their own constituency have been the main output of the 2006 Review of NGO/Civil Society Participation in the PCB. The 2007 PCB review has also triggered a significant number of actions aimed at (i) enhancing the role of the PCB as a 'policy' forum and (ii) enhancing voice within the PCB meetings.

Transparency and access to information

3.32 The PCB has a serious and important role to play in executive decision making. That role depends on the quality of information that the Board is provided with, on what the secretariat and cosponsors are either planning to do or what they have done.²³ Between 2003 and 2008, the biennial UBWs and supporting results frameworks, have been the main documents used for communicating to the PCB what these organisations intended to do.

3.34 Regular and systematic review of what has been done, by whom, and the results delivered, has been less developed during the evaluation period, despite this being a consistent request from the PCB. Both the Executive Director and the Chair of the cosponsors have presented annual reports to the PCB, but these have not been systematic reports of performance against the UBW. The cosponsors do not report individually to the PCB. An annual performance monitoring report has also been prepared and shared with the PCB, for information, in each year since 2001. However, the first systematic performance report against a UBW results framework and workplan to be discussed as an agenda item of the PCB was the report against the 2006-2007 UBW at the December 2008 PCB, at the very end of the evaluation period. The secretariat and cosponsors, in 2009, are also developing the first mid-term report against the UBW.

3.35 The veracity of information provided to the PCB is both sensitive and difficult to demonstrate, in a system in which nobody is clearly accountable for ensuring the quality of the information and where information is drawn from multiple agencies. Interviews with cosponsors and the secretariat reveal that there are no agreed rules for how work presented to the PCB will be quality checked, and quality control is challenging in a context where each individual agency has its own quality control system and is autonomous. It is therefore hardly surprising that, on

²³ This annex does not discuss material presented to the PCB which deals with the epidemic or description of funding trends, as the focus of this analysis is on the PCB's role in the governance of UNAIDS.

occasion, this ambiguity has been a source of tension.²⁴ Tables 5 and 6 report the assessments of PCB survey respondents of the quality of information provided to the PCB.

Table 5: Rating of quality of information provided to the PCB by percentage

| Question | Constituency | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|--|----------------------|----------------|-------|----------|-------------------|------------|
| Owing to the pressure of meetings, PCB members have to trust the secretariat on the quality of material provided | Member state (n=43) | 14% | 67% | 14% | 5% | 0% |
| | Cosponsor (n=17) | 6% | 58% | 18% | 12% | 6% |
| | Secretariat (n=14) | 21% | 50% | 21% | 8% | 0% |
| | Civil society (n=23) | 0% | 65% | 22% | 4% | 9% |
| | Other (n=2) | 0% | 100% | 0% | 0% | 0% |
| | Total (n=99) | 10% | 64% | 17% | 6% | 3% |
| Reports provided by the secretariat and cosponsors to the PCB always have adequate supporting evidence for the case being made | Member state (n=43) | 2% | 37% | 49% | 0% | 12% |
| | Cosponsor (n=17) | 0% | 41% | 47% | 0% | 12% |
| | Secretariat (n=14) | 8% | 42% | 50% | 0% | 0% |
| | Civil society (n=23) | 0% | 26% | 48% | 13% | 13% |
| | Other (n=1) | 100% | 0% | 0% | 0% | 0% |
| | Total (n=98) | 3% | 36% | 48% | 3% | 10% |

Source: PCB Survey

3.36 Table 5 suggest that, while the majority of respondents may agree on the need to trust the secretariat on the quality of material provided, approximately half have reservations on whether enough supporting evidence is presented in the documentation. Table 6 below, which should be interpreted with care, as the individual responses depend upon the respondents' expectations and these will vary, suggests that concerns focus on a lack of clarity over what the cosponsors plan to do; what they have actually achieved; and, in particular, the degree to which what they do is based on a documented comparative advantage of one cosponsor relative to the other cosponsors and the secretariat. Some of these concerns were also highlighted in a recent assessment of UNAIDS by the Government of Sweden, which stated that: *"So far, reporting from UNAIDS has been unable to give an account of the relationship between results and resources used. However, one deficiency of the new strategic framework is that the cosponsoring organisations' own actions to address HIV and AIDS at country level, which are almost five times larger than the scope of the UNAIDS Budget and Workplan, are not included"*.²⁵

²⁴ For example, UNDP was the lead for development of the gender policy paper discussed at the December 2008 PCB meeting, but the secretariat's gender person had to sign it off before it was sent to the PCB. On the other hand, the secretariat submits what are *de facto* policy documents to the PCB that are not signed off by the cosponsors. The most significant example of this was the management response to the GTT recommendations, which was reportedly drafted by the secretariat without consultation with the cosponsors.

²⁵ Government of Sweden (2008) Swedish Assessment of Multilateral Organisations – The United Nations Joint Programme on HIV/AIDS. October 2008.

Table 6: Rating of quality of information provided to the PCB²⁶

| | Very Unsatisfactory | Unsatisfactory | Satisfactory | Very Satisfactory | Don't know |
|---|---------------------|----------------|--------------|-------------------|------------|
| The work plans of the secretariat (N=99) | 3% | 11% | 72% | 11% | 3% |
| The work plans of cosponsors (N=99) | 10% | 39% | 40% | 6% | 4% |
| Performance and results delivered by the secretariat (N=99) | 2% | 24% | 59% | 10% | 5% |
| Performance and results delivered by Cosponsors (N=99) | 11% | 51% | 28% | 2% | 8% |
| The comparative advantage of the Secretariat relative to the cosponsors (N=97) | 4% | 34% | 42% | 6% | 13% |
| The comparative advantage of the cosponsors relative to each other and the Secretariat (N=99) | 7% | 59% | 16% | 2% | 16% |
| Follow-up of Board decisions (N=98) | 5% | 21% | 58% | 12% | 3% |

Source: PCB Survey

3.37 Given that the same reporting systems and documents are used by both the secretariat and the cosponsors, the focus on shortcomings in the reporting of the cosponsors relative to the secretariat is perhaps surprising. However, it may be that these opinions reflect the more frequent and intensive interaction between key PCB constituencies and the secretariat, when compared with the cosponsors. This obviously allows greater opportunities for PCB members to discuss the work of the secretariat relative to the cosponsors.

3.38 It should also be noted that control of the quality of evidence reported by individual agencies for country level activities is often beyond the influence of the global coordinators and others. First, because internal reporting systems are developed and managed by others within the organisations; normally to meet the demands of that organisation's governing board. And, as a recent evaluation of Results-Based Management in UNDP found "*The main gap, however, relates to timely and credible measurement and reporting of development results, currently not handled satisfactorily either through the ROAR or through outcome and country-programme evaluation*".²⁷ Second, because the global coordinators are not the line managers of agency staff at country level, which circumscribes their ability to directly gather data on what is (i) planned and (ii) delivered.

²⁶ As the results don't vary significantly by constituency, results are not disaggregated. Individual responses by constituency can be seen in the annex of responses to the PCB survey.

²⁷ UNDP (2007) Evaluation of Results Based Management at UNDP. UNDP Evaluation Office. December 2007. Page 36, Section 3.3.6.

Voice – Participation of the NGO delegation and the cosponsors

3.39 It is often assumed that a board that operates based on consensus, rather than voting power, gives more voice to those with less voting power and so ensures a peaceable and constructive atmosphere within institutions; a positive contribution to good governance. The fact that the PCB has never had a formal vote, despite the option for member states to vote, suggests that this is the view of many of the PCB participants over the evaluation period.

3.40 Responses to the PCB survey (see Table 7), suggest that while there is broad agreement that not voting increases voice, this opinion is not unanimous. However, responses from civil society respondents do not significantly diverge from those of other respondents, even though this has been the constituency that has been most vocal in advocating for a shift in voting rights. The inference is that this position therefore is not specifically seen by all within this constituency as an issue of a lack of voice in the working of the PCB.

Table 7: Responses to PCB survey question on whether not voting and deciding by consensus gives more voice to those with no voting power and ensures a peaceable and constructive atmosphere

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|--------------------------------|----------------|-------|----------|-------------------|------------|
| Overall response (n=99) | 16% | 51% | 19% | 5% | 9% |
| Member state responses (n=43) | 19% | 58% | 19% | 2% | 2% |
| Cosponsor responses (n=17) | 0% | 58% | 24% | 6% | 12% |
| Secretariat responses (n=14) | 21% | 57% | 14% | 7% | 0% |
| Civil society responses (n=23) | 17% | 30% | 22% | 9% | 22% |
| Responses by others (n=2) | 50% | 0% | 0% | 0% | 50% |

Source: PCB Survey

3.41 Studies of the workings of the UN Security Council, which uses a formal voting system for some decisions, but in practice carries out most of its business by informal consultations, suggest that a consensual approach may have downsides as well as positive benefits.²⁸ The process of consultation in the Security Council is largely taken outside the formal sessions, so votes are predetermined and positions agreed in advance. In practice, this means that only a restricted number of members actually participate in the process of real decision making, and because there is no debate to be recorded, the reasoning behind decisions is not open to scrutiny nor is the position taken by each member. Tables 8-10 examine whether there is evidence from the PCB survey to suggest that this is a challenge in the workings of the PCB.

Table 8: The process of consultation is largely taken outside the formal PCB sessions, so positions are agreed in advance and decisions are predetermined

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|-------------------------------|----------------|-------|----------|-------------------|------------|
| Overall response (n=99) | 6% | 47% | 36% | 1% | 9% |
| Member state responses (n=43) | 9% | 44% | 40% | 0% | 7% |
| Cosponsor responses (n=17) | 12% | 64% | 24% | 0% | 0% |

²⁸ Woods, Ngaire (1999) Good Governance in International Organisations. *Good Governance* Vol. 5, No. 1

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|--------------------------------|----------------|-------|----------|-------------------|------------|
| Secretariat responses (n=14) | 0% | 36% | 64% | 0% | 0% |
| Civil society responses (n=23) | 0% | 48% | 22% | 4% | 26% |
| Responses by others (n=2) | 0% | 50% | 50% | 0% | 0% |

Source: PCB Survey

3.42 Table 8 suggests that views are mixed over the degree to which consultation takes place outside of the formal PCB sessions and therefore positions are agreed in advance of the PCB meetings. The divergence in opinions between cosponsor and secretariat respondents is notable, and is consistent with views expressed in interviews within these constituencies.

Table 9: A restricted number of PCB members actually participate in the process of real decision making

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|--------------------------------|----------------|-------|----------|-------------------|------------|
| Overall response (n=99) | 20% | 46% | 22% | 3% | 8% |
| Member state responses (n=43) | 16% | 54% | 23% | 2% | 5% |
| Cosponsor responses (n=17) | 24% | 42% | 24% | 0% | 12% |
| Secretariat responses (n=14) | 36% | 43% | 21% | 0% | 0% |
| Civil society responses (n=23) | 17% | 44% | 22% | 4% | 13% |
| Responses by others (n=2) | 0% | 0% | 0% | 50% | 50% |

Source: PCB Survey

3.43 Responses summarised in Table 9 show a consistent pattern, with two-thirds or more of respondents across all constituencies either strongly agreeing or agreeing that this is the case.

3.44 Lastly, looking at responses in Table 10 as to whether the reasoning behind decisions taken is transparent, we see a divergence in opinions between the secretariat and member states, who broadly think that it is, and the cosponsors and civil society where opinions are more ambivalent. Whilst not explored in detail, it is possible that the responses across constituencies reflect the approach to consultation outside of the PCB meetings adopted. This can be characterised as a 'hub and spoke' model, with the secretariat running separate consultation processes with individual constituencies, but little lateral consultation taking place between the constituencies.

Table 10: The reasoning behind decisions is not open to scrutiny

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|--------------------------------|----------------|-------|----------|-------------------|------------|
| Overall response (n=97) | 8% | 29% | 48% | 2% | 13% |
| Member state responses (n=43) | 12% | 19% | 53% | 0% | 12% |
| Cosponsor responses (n=17) | 0% | 47% | 41% | 0% | 12% |
| Secretariat responses (n=13) | 7% | 21% | 64% | 7% | 0% |
| Civil society responses (n=23) | 9% | 39% | 26% | 4% | 22% |

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|---------------------------|----------------|-------|----------|-------------------|------------|
| Responses by others (n=1) | 0% | 0% | 100% | 0% | 0% |

Source: PCB Survey

3.45 Overall, the evidence presented indicates that the approach adopted within the PCB does share characteristics with that adopted in the UN Security Council and also shares some of the weaknesses found in such an approach.

3.46 Significant investment has gone into ensuring that the main participants have an opportunity to participate in the working and deliberations of the PCB. This includes in the operation of the PCB Bureau (see Box 3), which includes representation from the member states, cosponsors and NGO delegation and which distributes papers to the wider PCB membership by e-mail. However, comments in the PCB survey suggest that some respondents are still wary of the Bureau assuming a more proactive decision-making role between sessions of the PCB.

Box 3: The PCB Bureau

The PCB Bureau was established in 2004, in response to a decision of the 15th meeting of the UNAIDS PCB, which approved the guiding principles, terms of reference and the membership of its Bureau as follows:

(i) Guiding principles: transparency, efficiency of operation and establishment at a minimum cost.

(ii) Terms of reference:

- coordinating the PCB's programme of work for the year;
- facilitating smooth and efficient functioning of the PCB sessions;
- facilitating transparent decision-making at the PCB;
- preparing the PCB agenda, and recommending the allocation of time and the order of discussion items;
- providing guidance on PCB documentation, as needed; and
- additional functions as directed by the PCB.

(iii) Membership: the Chair, the Vice-Chair, the Rapporteur of the PCB, one cosponsor representative and one representative of NGOs and people living with HIV.

Initiatives to enhance the functioning of the Bureau were identified in:

Decisions of the 20th PCB meeting: UNAIDS role in strengthening global coordination on AIDS and development of the Programme Coordinating Board.²⁹ Recommendation (g) states that '*The constituency system for Member States should be strengthened to improve the quality of participation and representation at Board meetings. Recognising that such improvement primarily rests with Member States, the Programme Coordinating Board Bureau will play an active role in this context.*' However, there is no evidence that this recommendation has been acted upon by the member states.

UNAIDS/PCB (2008) Increased involvement of civil society in the Programme Coordinating Board. Document prepared by the PCB NGO Delegation. 23rd Meeting of the UNAIDS Programme Coordinating Board, Geneva, Switzerland, 15-17 December 2008, paragraph 10 requests that '*During, and subsequent to, the Independent Review, the Programme Coordinating Board has clarified or strengthened key aspects of the 'mechanics' of civil society participation in its structures and processes. Examples of these include: Increasing opportunities for the NGO Delegation to meet with key players - such as the Chair, the Vice Chair and the Committee of Cosponsoring Organizations - prior to each Programme Coordinating Board meeting. Confirming an equitable speaking order among the Programme Coordinating Board members, including the NGO Delegation.*' Decisions of the PCB confirming that these recommendations were accepted were made at the 23rd PCB meeting.

²⁹ UNAIDS/PCB (2007) Decisions, Recommendations and Conclusions. 20th Meeting of the UNAIDS Programme Coordinating Board. FINAL Rev. Geneva, Switzerland, 25-27 June 2007. Paragraph 10.

3.47 The secretariat has also increased the level of briefing that it offers to participating constituencies before PCB meetings. This has included briefings with the Friends of UNAIDS,³⁰ more recently with other constituencies such as the Africa constituency, and bilateral meetings with particular member states. The evaluation period has also seen an increase in briefing of the NGO Delegation by the secretariat. However, two points should be noted. First, briefing is carried out by the secretariat. Second, briefing is a bilateral process between the secretariat and a designated constituency and there is little opportunity for interaction between differing constituencies during the briefing process.

3.48 During PCB meetings, working practice is that the 22 members, plus six cosponsor representatives and all five members of the NGO Delegation are seated around the same table, with alternates seated behind, but able to interchange according to agenda items. All material is also available on the PCB website six weeks before any PCB meeting.

3.49 However, there are five main areas where the level of voice remains a significant issue:

- The degree to which participants can participate depends on how the Chair of the PCB chooses to chair the meetings. PCB rules of procedure within the *modus operandi* (2008 update) allow the Chair considerable discretion in how to do this. Although not prescribed in the *modus operandi*, practice has been for member states to speak first, followed by the cosponsors, and then the NGO delegation members. Whether intentional or not, such practice does at least symbolically signal that a hierarchy exists within those participating in PCB meetings. Interviewees also strongly suggested that the skill with which meetings have been chaired has varied significantly and this has had a significant effect on the degree to which participants feel that they have had adequate recognition.
- Management of the Drafting Group. As flagged in the decisions of the PCB at the 23rd meeting (December 2008) in response to the paper on UNAIDS role in strengthening global coordination on AIDS and development of the Programme Coordinating Board³¹ concerns have been raised over ensuring balanced representation in the drafting group and also that the drafting group products should reflect what has been discussed and agreed during Plenary Sessions and not become an opportunity for those present to bring in new issues. The revised *modus operandi* now states that the Chair will play an active role in ensuring balanced representation in the drafting group and that a drafting group will not normally be held in parallel with the plenary. However, it is too soon to assess whether these changes, which rely upon the skill of the Chair, will satisfactorily address concerns raised.
- The CCO agreed at its meeting in March 2004 to limit cosponsors' representation on the PCB to six at any one time, although all ten current cosponsors should attend PCB meetings. This diverges from previous practice, when all cosponsors were 'represented'. While not explicitly stated in the *modus operandi*, cosponsor representatives all stated that there was an unwritten rule that they should not all speak, but nominate one cosponsor to speak on behalf of all, which limits the opportunity for alternative views to be aired at the PCB. Of concern to the cosponsors, was a perception of their lesser voice relative to the secretariat and Executive Director, at the PCB. There is no evidence that practice has changed to address this issue.

³⁰ USA, Norway, Japan, UK, Sweden, Denmark, Canada, France, Germany, Belgium, Switzerland, Australia, Finland, Netherlands, Italy and Ireland.

³¹ UNAIDS/PCB (2007) Decisions, Recommendations and Conclusions. 20th Meeting of the UNAIDS Programme Coordinating Board. FINAL Rev. Geneva, Switzerland, 25-27 June 2007. Paragraph 10.

- Whether participants have sufficient capacity and time to participate fully in the work of the PCB. The 2007 Independent Review of NGO/Civil Society Participation in the Programme Coordinating Board of UNAIDS concluded that *“The NGO Delegation is viewed as having a high profile within all of the core processes of the Board - from the PCB Bureau to the Plenary and Drafting Room. It is also seen as having made many concrete interventions over the years – influencing the outcomes of key debates and decisions, such as those relating to the introduction of treatment programmes, the Global Prevention Strategy and the greater involvement of people living with or affected by HIV or AIDS (GIPA).”* However, the review also found that NGO delegation members are expected to allocate 10 per cent of their time to the PCB, but 25 per cent may be a more realistic estimate of the time required. Yet they work as volunteers, only funded by UNAIDS for expenses, and the resources available to NGOs contrast sharply with those for other delegations to the PCB – which benefit from their institutions’ considerable financial, policy and administrative support. There is no evidence that reforms introduced in response to the 2007 review have directly addressed the issue of time demands on NGO delegation members. Significant investment has been made since 2007 to enhance the overall capacity of the NGO delegation to participate in the work of the PCB, through the establishment of an independent communication and consultation facility (CF) to strengthen NGO participation and country NGO voice in PCB policy dialogue. While the recommendations have been implemented, it is still too early to assess whether these will deliver the anticipated benefits.

3.50 The main aspect of voice that has been raised is whether or not the NGO delegation should be given voting rights on the PCB, although this should not be seen as the NGO delegation advocating for the PCB to vote on issues. Changing the status of the NGO delegation to that of voting members of the PCB was first raised in the Five-Year Evaluation as recommendation 7, but there is no evidence of this recommendation being considered or discussed as a formal PCB agenda item. The rationale for this recommendation was that the non-voting status of NGO participants appeared anachronistic in the context of the governance arrangements for the Global Fund. However, this justification is questionable. As discussed in Box 4, several partnerships now exist where civil society representatives have voting rights on the governing boards. But, these organisations focus on coordinating the activities of a wide range of stakeholders, including some from within the UN. UNAIDS, in contrast, was primarily established to enhanced coordination within, and increased coherence of, the UN’s response to the epidemic. So, as long as UNAIDS remains primarily a joint programme of the UN, it will remain an inter-governmental entity. As the recent experience of the Global Fund illustrates, this means that member states will not set a new precedent by expanding voting rights within an inter-governmental institution to a wider range of stakeholders.

Box 4: Why not voting rights for the PCB NGO delegation when they have such rights with other boards?

Some suggest that as NGOs, and others, have voting rights on the governing boards of the Global Fund, UNITAID and GAVI, they should have the same voting rights on the PCB. However, this rationale is not valid, because it is not comparing like with like.

UNAIDS was established as a joint and cosponsored UN programme on HIV/AIDS. As indicated in the eight functions of the PCB, the role of the PCB is to focus on oversight of this programme and, as indicated in the PCB survey responses, most of those engaged with the PCB see its main role as being to establish broad policies and priorities for the joint programme. So, as long as the primary purpose of UNAIDS, and the PCB, remains delivery of the UN’s joint programme, then in formal terms UNAIDS is an inter-governmental institution. In inter-governmental institutions, the

principle is that voting rights remain with the member states. This was reported as a major reason for the refusal to grant the Global Fund observer status to the General Assembly in 2008.

None of the three organisations – the Global Fund, UNITAID or GAVI – used as examples is a UN institution or is intended mainly to coordinate the UN's response. Rather, these are partnerships, funding and coordinating the inputs and activities of a large number of stakeholders, including some from within the UN. It is also important to note that all joining have agreed to the governance systems established in their original founding documents, but there is no expectation that work falls within the UN's own system of reporting and accountability:

- The Global Fund was established as an independent Swiss Foundation governed by a Board with representatives from donor and recipient governments, the NGO sector, the private sector (including businesses and philanthropic foundations) and affected communities.
- UNITAID is a partnership that is hosted by WHO but does not report to the UN. The purpose of UNITAID does not directly focus on influencing or approving the work programmes of UN agencies.
- GAVI became a Swiss Foundation at the start of 2009. The Board's role is to maintain oversight of what is in the agreed work programme, which extends to a number of organisations that are not part of the UN.

Some, as reported in the Independent Review of NGO/Civil Society Participation in the Programme Coordinating Board of UNAIDS,³² have also pointed to ILO, with its tripartite Board structure, as a model for UNAIDS. However, ILO was established before the UN and should not be seen as a model for wider governance within the UN. It would also raise the challenge of how representative NGO and civil society members were, and their legitimacy, an issue raised in the 2007 Independent Review of NGO/Civil Society Participation and the additional costs.

3.51 The 2007 review of NGO participation in the PCB also recommended giving voting rights to the NGO delegation. No rationale for how this would enhance the effectiveness of the PCB is provided in the review, although the implication is that voting rights would enhance voice and the role of the NGO delegation. The PCB survey responses for this evaluation indicate some support for extending voting rights to the NGO delegation (see Table 11), but a lack of support among member state respondents, which suggests that action in this area is unlikely.

Table 11: The effectiveness of the PCB would be significantly enhanced by giving NGO delegates voting rights

| | Strongly Agree | Agree | Disagree | Strongly Disagree | Don't know |
|--------------------------------|-----------------------|--------------|-----------------|--------------------------|-------------------|
| Overall (n=97) | 7% | 25% | 32% | 21% | 15% |
| Member state responses (n=43) | 0% | 21% | 37% | 33% | 9% |
| Cosponsor responses (n=17) | 0% | 12% | 35% | 29% | 24% |
| Secretariat (n=13) | 8% | 23% | 38% | 0% | 31% |
| Civil society responses (n=23) | 26% | 44% | 17% | 0% | 13% |
| Responses by others (n=1) | 0% | 0% | 0% | 100% | 0% |

Source: PCB Survey

3.52 The added value of civil society participation in the PCB is clearly illustrated in the case

³² S. Middleton-Lee (2007) Independent Review of NGO/Civil Society Participation in the Programme Coordinating Board of UNAIDS. Report presented at the 20th Meeting of the PCB, UNAIDS/PCB(20)/CRP5, June 2007.

of development of the prevention policy paper, as discussed in Box 5.

Box 5: The value of NGO participation in enhancing the effectiveness of the PCB

At the 16th PCB in December 2004, Item 3 was Intensifying HIV Prevention and led off with a presentation entitled HIV Prevention: Foundations for a Strategic Framework, which proposed a process for developing an overall strategy for prevention guidelines at UNAIDS. Discussions on the floor and in the four break-out groups were clearly contentious and, given the resistance of some member states, there was concern the ultimate strategy would be significantly watered down and diminished. The NGO delegation was instrumental in pushing the PCB into committing to the strategy being based on evidence, realities 'on the ground' and input from those affected by HIV and AIDS. These were reflected in the decisions at that meeting:

5.2 requests UNAIDS to take the feedback and inputs provided by PCB members into consideration and engage in further consultations among PCB members, UNAIDS cosponsors and a wide range of other partners, including national governments and civil society, in order to strengthen the strategy;

5.3 requests UNAIDS to ensure that the prevention strategy is clearly based on evidence, integrated with global and national prevention, care and treatment initiatives, and grounded in a human rights approach that specifically addresses the needs of those especially at risk of exposure to HIV, including women and girls, youth, men who have sex with men, injecting and other drug users, sex workers, people living in poverty, prisoners, migrant labourers, people in conflict- and post-conflict situations, refugees and internally displaced persons;

5.4 recommends that the strategy has clear links to sexual and reproductive health programmes as important entry points for HIV prevention;

5.5 recognises that stigma and discrimination are major barriers to effective HIV prevention and encourages UNAIDS to address stigma reduction in the strategy, including by advocating for the adoption, strengthening and enforcement of anti-discrimination measures at country level;

5.6 encourages UNAIDS to include in the strategy a comprehensive, evidence-based approach to HIV prevention, treatment and care among prisoners as well as among injecting and other drug users that includes reducing the transmission of HIV; (*Decisions, Recommendations and Conclusions; 16th PCB, December 2004*).

Three NGO delegates participated in negotiations with member states that took place a month in advance of the June 2005 17th PCB meeting. Contributions to those discussions, as well as to the very intense negotiations that ran parallel during the 17th meeting, clearly and dramatically improved the final document. Aside from general overall improvements in language throughout, specifically the NGO delegation helped win important changes, all of which were hotly contested by some very powerful member states, around:

- male condoms and their prominence as a scientifically successful prevention intervention;
- harm reduction as an overall guiding principle with mention of specific programmes including needle and syringe exchange and substitution therapy;
- mainstreaming human rights throughout the document.

In the end, the position paper to guide UNAIDS' work in prevention was endorsed in whole at the 17th PCB with only a disclaimer in the Decisions, Recommendations and Conclusions that the United States is unable to fund needle and syringe programmes due to national laws and policies.

Source: NGO Delegation

Influencing cosponsor policy and strategy

3.53 Evidence is mixed on the degree to which cosponsors think that policy papers endorsed by the PCB have affected what the agency has proposed to do at the global level. In interviews, global coordinators were split equally between those who could identify policies endorsed by the PCB that had significantly affected what the agency had done and those who could identify no policy that affected what the agency had done.

3.54 The first UBW was developed for the 2000-2001 biennium and the Five-Year Evaluation therefore took place during implementation of the second UBW 2002-2003. When discussing the UBW, the evaluation discusses the UBW as a tool for resource mobilisation, but in terms of a tool for governance, found the following:

6.14 Whilst the OECD donors acknowledge the progress that has been made with budgets and funding, they still report a degree of confusion about purpose and functions of (the) UBW. The presentation is felt to be difficult to absorb, even for somebody familiar, and hard to explain to others. Because the UBW mainly includes global and regional HIV/AIDS activities, not cosponsors regular budgets, in practice that means a major part of multilateral funding for HIV/AIDS at the country level is not included and reflected. There is general agreement on the need for greater clarity on what the UBW is used for and a means to bring country level spending into the picture.

8.26 ... The PCB should fulfil its oversight function by focusing on emerging concerns and prospective guidance for the overall programme rather than going through the UBW and activity report line by line. Review of the latter should be the responsibility of the new management board described above. (para 6.37)

3.55 Major findings on how the PCB has used the UBW to affect what cosponsors and the secretariat do are that:

- Between 2002 and 2008, the PCB has endorsed a number of initiatives and policies, including on Universal Access, CRIS, the ‘Three Ones’ and the GIST. Review of UBWs confirms that such initiatives and policies are then reflected in the narrative and workplan of the subsequent UBW. However, review of PCB documentation shows no evidence of the PCB setting out explicitly the broad policies and priorities for UNAIDS that should be reflected in the UBW under development.
- During the development of an UBW, the secretariat manages an intensive consultation process involving PCB member states, civil society, cosponsors and the secretariat.
- UBWs covering 2004-2005, 2006-2007 and 2008-2009 were presented to the PCB. In each case, the relevant *Report of the UNAIDS PCB* records extensive discussion and the *Report of final PCB decisions, recommendations and conclusions* shows that the UBWs were unanimously endorsed.
- For none of the three draft UBWs did the PCB request a shift in funding between priorities or cosponsors. Interviews with secretariat and cosponsor staff involved in development of the UBW are also consistent that priorities reflected in the UBW are not developed in response to views expressed directly by the PCB.
- The PCB approved all requests by the Executive Director for budget variations presented for the second year of each biennium, without revision.
- An annual performance monitoring report has been prepared and shared with the PCB, for information, since 2001. Review of *Reports of the UNAIDS PCB* and the *Reports of final PCB decisions, recommendations and conclusions* show no evidence of PCB members using evidence drawn from the annual UBW performance monitoring reports.

- The performance monitoring report for 2006-2007, considered at the December 2008 PCB, was the first to be considered as an agenda item discussed in a plenary session.³³ However, there is no evidence of specific PCB decisions made in response to that report aimed specifically at affecting development of the 2010-2011 UBW.

Follow-up of PCB decisions – The example of the GTT

3.56 Ensuring effective follow-through on PCB decisions, and monitoring their impact, has been an ongoing challenge during the evaluation period. This was flagged in recommendation 8 of the PCB Working Group on UNAIDS Governance to the PCB meeting June 2003:

“Requests systematic reporting from the secretariat on actions taken on the Decisions, Recommendations and Conclusions. The objective is systematic follow-up on PCB outputs.”

3.57 In response, the PCB requested that regular reporting from the secretariat on actions taken on PCB decisions be reflected in the annual report of the Executive Director. However, review of PCB documentation shows that:

- The PCB did not clarify which decisions it expected to be covered in the Executive Director reports; and
- No Executive Director report from 2004³⁴ onwards has included a systematic review of progress organised around specified PCB decisions.

3.58 However, the PCB has focused on tracking implementation of the GTT recommendations, as illustrated below in Table 12.

Table 12: Timeline of responses by the PCB in response to the GTT

| PCB meeting | Action taken |
|-------------|--|
| June 2005 | GTT report and recommendations published |
| June 2005 | PCB makes following decisions at June meeting: 7.1 endorses the complete set of recommendations contained in the 14 June final report of the GTT noting the central importance of country ownership; 7.2 requests the UNAIDS Secretariat and cosponsors – and invites the Global Fund – to develop action plans and to implement the GTT recommendations and maintain the momentum created by the GTT, within the specified timeframes; 7.3 urges the governing bodies of cosponsors, the Global Fund, and other multilateral institutions to consider and endorse the GTT recommendations; ³⁵ 7.4 urges all other international partners to consider and, whenever possible, implement the alignment and harmonization arrangements detailed in the GTT recommendations; |

³³ Previous performance reports were provided as information notes but never discussed in plenary.

³⁴ Note that Executive Director's reports were produced until 2006. In 2007 and 2008, this report was replaced by the UNAIDS Annual Report.

³⁵ The GTT recommendations were endorsed by Global Fund Board. The GTT recommendations were not directly discussed and endorsed by the World Bank's Executive Board, which is more a reflection on how such issues are addressed within the World Bank, but instead aspects of these recommendations were integrated into the World Bank's HIV/AIDS Strategy (GHAPA and AFA) implementation, and not as a stand-alone item for Board decision and discussion.

| PCB meeting | Action taken |
|---------------|---|
| | <p>7.5 requests the UNAIDS Secretariat and cosponsors, in cooperation with the Global Fund and other relevant development partners, to report on progress in the implementation of GTT recommendations at a special session in the June 2006 Programme Coordinating Board meeting;</p> <p>7.6 urges UNAIDS to promote the full participation of civil society at the country and global levels in implementing the recommendations of the GTT; and</p> <p>7.7 encourages the UNAIDS Secretariat to lead a rapid and inclusive process - including civil society – ahead of the September 2005 Global Fund Replenishment Conference for the expansion and refocusing of UNAIDS Programme Acceleration Funds so they enable the UN system and others to scale up the provision and facilitation of technical support.</p> |
| June 2006 | <p>Report presented at the June 2006 PCB meeting - Effectiveness of multilateral action on AIDS harmonised support to scaling up the national response – that includes assessment of progress against all GTT recommendations as well as ‘Three Ones’. Report was to the PCB and the secretariat took the lead in drafting. Not all recommendations in the GTT report were discussed in main text of the 2006 report.</p> <p>In the Decisions, Recommendations and Conclusions of the June 2006 PCB meeting, nine recommendations are flagged, that related to:</p> <ol style="list-style-type: none"> 1. Scaling up at country level 2. Strengthening technical support to the national HIV response 3. Improving accountability <p>Areas of GTT recommendations not specifically covered included:</p> <ol style="list-style-type: none"> 1. Recommendations on empowering inclusive national leadership and ownership. Area in which UNDP and World Bank take the lead under division of labour. 2. Recommendations on alignment and harmonisation. Area in which Global Fund and World Bank take the lead. <p>PCB recommended that an independent assessment of GTT implementation at country level be presented at the December 2006 meeting of the PCB. PCB Bureau constituted a GTT Independent Assessment Reference Group to oversee delivery of the independent assessment and present to the PCB.</p> <p>PCB request that members of the PCB and UNAIDS support discussion at the relevant boards (World Bank and the Global Fund) on the findings in the Shakow report on ‘Global Fund - World Bank HIV/AIDS Programmes’ would <i>de facto</i> have addressed above areas of responsibility of the Global Fund and World Bank. The independent assessment of GTT implementation (2007) found that these recommendations had not been fully accepted or taken forward, as of mid-2007.</p> |
| December 2006 | <p>Progress update presented that focuses on the progress on those GTT recommendations under the themes “Alignment and Harmonisation” and “Accountability and Oversight”. Also provides update on follow-up to three decisions from the PCB in June 2006, and especially lays out what will be covered under the Independent Assessment of Global Task Team Implementation at Country Level.</p> <p>Important to note that although several of PCB recommendations are specifically made to heads of cosponsor agencies, these calls were not discussed in subsequent CCO meetings (see minutes for 29th CCO meeting).</p> |

| PCB meeting | Action taken |
|---------------|---|
| June 2007 | <p>Independent assessment of GTT implementation presented to June PCB, six months later than planned. The objectives of the independent assessment focused on country level progress in implementing GTT recommendations concerning: (a) technical support provision to the national AIDS response as brokered by the UN system and (b) harmonisation and alignment of international partners in order to rationalise and simplify the management of development funding by the national counterparts.</p> <p>Report does include mention of some decisions/recommendations made by the PCB, but does not systematically assess progress/influence of PCB decisions. Report does however highlight the limits of influence of the PCB on priorities/workplans of cosponsors.</p> <p>PCB makes three decisions in response to the report:</p> <p style="padding-left: 40px;">13.1 <i>Adopts</i> the recommendations contained in the Report of the Global Task Team Independent Assessment (UNAIDS/PCB(20)/07.9) and <i>acknowledges</i> their cost implications as outlined in the annex to the report;</p> <p style="padding-left: 40px;">13.2 <i>Requests</i> the UNAIDS family to take forward its management response to the recommendations in 13.1; and</p> <p style="padding-left: 40px;">13.3 <i>Requests</i> the PCB Bureau to establish a reference group for oversight and implementation of the recommendations in 13.1. Group established.</p> |
| December 2007 | GIST discussed in oral presentation, but for the first time the GTT not discussed by the PCB. Request that review of GIST be presented at 23 rd PCB meeting, December 2008. Note not subsequently presented at December 2008 meeting. |
| April 2008 | Reference Group for oversight and implementation of the recommendations presents report stating that the UNAIDS Secretariat has drafted a response that has been finalised by the CCO in its meeting in October 2007 and sets out how decisions on how the recommendations from the independent GTT review will be taken forward, under the oversight of the GTT reference group. |
| December 2008 | Review of progress against GTT expected to be presented at the PCB, but not finished in time. |

3.59 Major findings from assessing the GTT as an example of tracking the effectiveness of PCB decisions in influencing what has happened include:

- i. The PCB has persisted in tracking aspects of implementation of the GTT recommendations. This work has been incomplete as there has been little systematic reporting of progress against recommendations relevant to the Global Fund, and to a lesser degree the World Bank, and the implications of Global Fund commitment and delivery against the GTT for the effectiveness of work carried out by UNAIDS.³⁶³⁷ Progress against the GTT recommendations has never been discussed by the World Bank's own Executive Board, except for aspects that were reflected in the World Bank's HIV/AIDS Strategy (GHAPA and AFA) implementation, and not as a stand-alone item for board decision and discussion.

³⁶ The exception was in UNAIDS (2006) Effectiveness of multilateral action on AIDS - Harmonized support to scaling up the national response. Report presented at 18th Meeting of the PCB (June 2006), where progress against all agreed actions was summarised.

³⁷ Getting evidence on implementation against the GTT in 2008 was reportedly a significant challenge for the PCB's Reference Group for oversight and implementation of the recommendations.

- ii. Reporting to the PCB has focused on progress towards implementation of the GTT recommendations and discussion of what has been done. There has been no systematic monitoring of the degree to which PCB decisions, as opposed to GTT recommendations, have (i) been reflected in the work programmes of the cosponsors and secretariat or (ii) the implications, if PCB decisions are not acted upon by either the organisations within UNAIDS or those more widely, including national governments and the Global Fund.
- iii. Many of the recommendations have been interpreted as pointing towards internal reform (which has occurred), but the emphasis of the GTT recommendations on country led/NAC capacity building and increasing government capacity to hold donors to account has been overlooked in most reporting.
- iv. Within the various assessments of GTT recommendations, interpretations differ as to which responses fall against which recommendations. For example the PAF is referred to in the 2009 report of the Reference Group for Oversight and Implementation of the Recommendations of the 2007 Independent Review under Harmonisation and Alignment. However, in the GTT recommendations, this is part of Reforming for a More Effective Multilateral Response. These differences increase the difficulties in mapping a clear linear trajectory for the response over time.
- v. Experience of the Reference Group for Oversight and Implementation of the Recommendations of the 2007 Independent Review highlighted the difficulties that PCB members face in getting other parts of their own governments to comment on performance.
- vi. Reporting has not focused on identifying which cosponsors have delivered on commitments, beyond general discussion of the difficulty for either the secretariat or PCB to hold cosponsor agencies to account (found in the 2007 Independent Review).
- vii. Barring discussion in the October 2007 meeting of the CCO, CCO minutes show no substantive discussion of implementation of the GTT or PCB decisions.

3.60 Overall, the PCB has invested significant time and resources in tracking implementation of the GTT recommendations but this investment has not delivered a clear picture of progress against the recommendations as a whole. With hindsight, monitoring a wide range of recommendations, such as those of the GTT, would have been easier if: (i) the recommendations had been first summarised in a logic framework, which clearly specified responsibilities, expected results and, where feasible, agreement from implementers about what progress they would report, where and when; and (ii) analysis of the risks and assumptions associated with the implementation of the recommendations had been specified.

4 The Committee of Cosponsoring Organisations³⁸

Functioning of the CCO 2003-2008

4.1 According to the PCB *modus operandi*, the CCO is the only Standing Committee of the PCB although the establishment of the CCO in 1994 predates UNAIDS and the PCB. In fact, the CCO had a lead role in the establishment of UNAIDS, in response to the 1994 ECOSOC resolution, and developed from an existing UN Inter-Agency Advisory Group on AIDS. The CCO membership should be comprised of the head of each of the cosponsoring organisations or their designated representatives.

³⁸ A further sub-committee of the PCB has been established to review the 2010-2011 UBW but is not discussed in this evaluation, as it is too soon to review its effectiveness.

4.2 Before 2004, the CCO operated on an *ad hoc* basis, meeting as and when necessary. It was then decided that it should meet on a more regular basis, for half a day before each meeting of the Chief Executives Board (CEB) and that there should also be an informal breakfast meeting. Meetings have subsequently had two segments: a formal session with agenda and minutes attended both by heads of agencies and their staff; and an informal breakfast or dinner session, which allowed free discussion of issues but was unminuted and only involved heads of agency.

4.3 The *modus operandi* states that the CCO has the following functions:

- i. To review work plans and the proposed programme budget for each coming financial period, prepared by the Executive Director and reviewed by such advisory committees as may be established by the Executive Director, in time for presentation each year to the PCB;
- ii. To review technical and financial proposals to the PCB for the financing of the Joint Programme for the coming financial period;
- iii. To review technical and audited financial reports submitted by the Executive Director (including reports by advisory committees established by the Executive Director), and to transmit these with comments as appropriate to the PCB;
- iv. To make recommendations to the PCB;
- v. To review the activities of each cosponsoring organisation for appropriate support of, as well as consistency and coordination with, the activities and strategies of the Joint Programme;
- vi. To report to the PCB on the efforts of the cosponsoring organisations to bring the Joint Programme's policy as well as strategic and technical guidance into the policies and strategies of their respective organisations and to reflect them in activities specific to their mandates; and
- vii. To decide on behalf of the PCB on issues referred to it for this purpose by the PCB.

4.4 Analysis of attendance at CCO meetings, as shown in Table 13 below, suggests consistent attendance at most meetings by the heads of cosponsor agencies, barring the World Bank. In the World Bank's case, attendance by the Senior Vice-President, Human Development Network, was consistent until end 2005, but since then there has been no representation above the level of the global coordinator.

Table 13: Percentage of CCO meetings (n=10) attended by level of cosponsor representative 2003-2008

| Agency | Percentage of CCO meetings attended by whom | | | |
|------------|---|-----------------------|-------|-------------------------|
| | Head of agency | Deputy head of agency | Other | Only global coordinator |
| UNICEF | 90% | 10% | 10% | - |
| UNDP | 60% | 40% | 10% | - |
| UNFPA | 70% | 30% | - | 10% |
| UNODC | 80% | 10% | 10% | 10% |
| ILO | 60% | - | 30% | 10% |
| UNESCO | 80% | - | 20% | 10% |
| WHO | 80% | 10% | 10% | 10% |
| World Bank | - | 60% ³⁹ | - | 30% |
| WFP | 90% | - | - | 10% |

³⁹ For the purposes of analysis a World Bank Managing Director or Senior Vice President is assumed to equate to a deputy Head of Agency in the other cosponsor organisations.

| Agency | Percentage of CCO meetings attended by whom | | | |
|---------------------|---|-----------------------|-------|-------------------------|
| | Head of agency | Deputy head of agency | Other | Only global coordinator |
| UNHCR ⁴⁰ | 70% | 14% | - | 28% |

Source: CCO Minutes

4.5 Formal reports from the Chair of the CCO were presented annually between 2002 and 2006, but there is no evidence of a formal report from the Chair of the CCO to the PCB in either 2007 or 2008, when practice switched to use of an oral briefing. Review of PCB decisions and CCO minutes provide no evidence as to why this decision was taken, or if there was discussion of whether other arrangements needed to be put in place to supplement the oral presentation.

Status of the CCO at the start of the evaluation period

4.6 The functioning of the CCO at the start of the evaluation period in 2002 was described thus by the Five-Year Evaluation of UNAIDS⁴¹:

6.5 There is ambiguity as to what exactly is the role of the CCO today. A statutory endorsement function in regard to the budget and workplan notwithstanding, it is difficult to appreciate the committee's practical importance in ensuring the coherence of the overall UNAIDS programme and their individual agency contributions. It is easier to say what the CCO is not, than what it is.

- *It is not involved in managing the joint parts of the programme; nor does it perform an explicit governance function in regard to UNAIDS Secretariat activities.*
- *It does not have joint immediate authority over cosponsor programmes but only for those activities financed from the UBW.*
- *It is not accountable to the PCB in spite of its status as a standing committee of the Board.*

6.6 Cosponsors consider the CCO to be more of an information forum for loose policy coordination and a testing ground for what the secretariat is proposing before going to the PCB, rather than a decision-making or monitoring body. The CCO provides an opportunity for the UNAIDS partner agencies to learn about each other and to promote greater involvement of cosponsors. Regular rotation of chairpersons has been helpful in this respect.

6.7 For much of its existence (except for the earliest and most recent meetings) the CCO has not fulfilled its role as a forum for joint decision making of cosponsors and secretariat. This has left a vacuum in terms of overall programme strategic management. The relationship between (the) secretariat and individual agency action under the joint programme is not properly managed as envisaged in the MOU. Coordination between the joint programme and the cosponsors' own programmes lacks more explicit executive-level linkage and reinforcement.

Initiatives to enhance CCO effectiveness – 2002-08

4.7 There is no evidence that the recommendation of the Five-Year Evaluation of UNAIDS, that the CCO be reorganised to become a Management Board, was actively considered by either the CCO or the PCB. However, recommendation 3.3 of the GTT, which included the following:

⁴⁰ UNHCR only became a cosponsor in 2004, and therefore is assessed against the 7 CCO meetings that they could have attended.

⁴¹ ITAD and KIT (2002) Five-Year Evaluation of UNAIDS. Final Report. Paragraphs 6.5-6.7.

'The UNAIDS Committee of Cosponsoring Organizations (CCO) will commission an independent review of the functioning of UNAIDS' governance structure, including the CCO, the Unified Budget and Workplan, and UN Theme Groups on HIV/AIDS' was actioned. A review of the functioning of the CCO was commissioned from a management consultancy company in 2005⁴². The final report includes analysis and recommendations that extend far beyond the operation of the CCO itself and the review encompasses UNAIDS as an institution in its entirety. Having taken such an approach, the review identifies a set of recommendations that often call for radical change in the way the UN as a whole works, and in roles and responsibilities, rather than focusing on organisation of the CCO and its relationship to others, such as the PCB.

4.8 Whilst the review's findings were discussed both within the CCO and at the December 2005 PCB meeting, interviewees were consistent that the conclusions and recommendations have not been implemented. The clearest evidence of this is that the recommendations of the review are not reflected in the CCO resolution in response to the report. Furthermore, there is no evidence of further discussion of the recommendations or their implementation in the minutes of CCO and global coordinator meetings from 2006 onwards.

Effectiveness of the CCO

4.9 While the CCO's functions as specified in the *modus operandi* do include review and endorsement of the UBW, they do not include review of results against what was planned and what was then implemented under the UBW. Review of CCO minutes also suggests that, although the heads of the cosponsor agencies were actively engaged in review of the proposed 2004-2005 UBW, their level of engagement in reviewing the 2006-2007 and 2008-2009 UBWs was minor. In both cases, minutes state that the UBW was presented by a representative of the secretariat and unanimously endorsed. There is no evidence that the CCO sees the need to significantly engage in review of the 2010-2011 UBW.

4.10 The CCO does not fully fulfil the functions outlined in the *modus operandi*. Interviews with the global coordinators suggest that such work has increasingly been delegated to them. The gradual disengagement by the heads of agencies over the evaluation period was consistently identified as a major concern by senior staff in the secretariat and most cosponsors. Interviewees state that, from around 2004, as UN reform and other issues such as climate change, and what to do about reforming the UN's gender support became more high profile, heads of agencies became less engaged with HIV. This diminishing level of engagement and a failure to identify a new role seems to have underpinned the decision in June 2007 by the CCO to move away from regular formal meetings.

4.11 Lobbying by both the Executive Director and global coordinators has led to reconsideration of this decision and agreement to have one, rather than the former two, formal meetings per year. However, nine of the ten current global coordinators believe that the main value of the CCO formal meetings is the time it allows them with the most senior people in their organisation. Hence the concern expressed by most over the shift to informal breakfast and dinner meetings, since these meetings do not require the global coordinators to accompany their heads of agency and therefore loses them what is often their only opportunity to:

- Brief their head of agency and demonstrate progress;
- Lobby for HIV as a continued policy priority within the organisation; and

⁴² Boston Consulting Group. 2005. Review of functioning of the UNAIDS Committee of Cosponsoring Organisations. Final Recommendations. Report to UNAIDS CCO. Mimeo. UNAIDS: Geneva.

- Get high-level buy-in to their work at a senior level.

4.12 The key question is the degree to which a CCO that does not fulfil its functions has an adverse effect upon the oversight and governance of UNAIDS. Responses to the PCB survey suggest that most respondents, across all constituencies, see an active and engaged CCO as essential to the effective operation of the PCB.

5 Linkages to cosponsor governing boards

5.1 Table 3 above shows that only a limited number of member state PCB participants have direct experience with other governing boards. This confirms the finding from the Five-Year Evaluation that:

6.34 Since the members of the PCB were also members of the cosponsor agency governing boards, the idea was that they would ensure that the other governing boards mirror the decisions taken by the PCB. Unfortunately, reality is different. Individuals representing the member countries on the cosponsor boards were usually different people, at times reporting to separate ministries or coming from different sections in the same ministry. In addition, statements by members were not systematically followed up and government positions were dependent on who participated.

5.2 Reflecting the concern that accountability with the cosponsor agencies really runs to their own governing boards, strengthening linkages between the work of the PCB and what is discussed by the governing boards of the individual cosponsors has been a major concern. Table 14 below summarises the status around four questions:

- Does a cosponsor's governing board discuss HIV on a regular basis?
- Which governing boards discuss decisions made by the PCB?
- Which governing boards make decisions based on the decisions of the PCB?
- Are the same results indicators for work on HIV found in an agency's own corporate results framework and the UBW results framework?

Table 14: Linkages between the PCB and cosponsor governing boards

| Agency | Discuss HIV on regular basis? | Discuss PCB decisions? ⁴³ | Made decision ⁴⁴ based on decision of the PCB? | Share same results indicators? |
|--------|-------------------------------|--------------------------------------|---|--------------------------------|
| ILO | ✓ | X | X | X |
| UNDP | ✓ | ✓ | X | X |
| UNESCO | ✓ | X | X | X |
| UNFPA | ✓ | ✓ | X | ✓ |

⁴³ Governing bodies of the following agencies have requested regular updates (an informal note) on implementation of the recommendations of the GTT – UNDP, UNICEF, UNFPA, WFP, WHO, UNODC.

⁴⁴ Boards use a range of language when communicating with their organisations, but in practical terms, when the statement starts with 'the Board decides..', this is a signal to the organisation that something should be done.

| Agency | Discuss HIV on regular basis? | Discuss PCB decisions? ⁴³ | Made decision ⁴⁴ based on decision of the PCB? | Share same results indicators? |
|------------|-------------------------------|--------------------------------------|---|--------------------------------|
| UNHCR | ✓ | X | X | X |
| UNICEF | ✓ | ✓ | X | ✓ |
| UNODC | ✓ | ✓ | X | ✓ |
| WFP | ✓ | ✓ | X | ✓ |
| WHO | ✓ | X | X | X |
| World Bank | X | X | X | X ⁴⁵ |

Source: Governing Board documentation

5.3 Building on the evidence presented in Table 14, key findings are that:

- The governing boards of nine out of the ten cosponsor agencies do discuss the work carried out by the agency on HIV on a regular basis. The exception is the World Bank, where the Directors approved the Bank's Global HIV/AIDS Program of Action (2005) and, more recently, the Africa Region's strategy on HIV/AIDS (2006). All World Bank HIV/AIDS Projects are discussed and approved by the Board. A briefing on progress in HIV/AIDS will be presented to the board in September 2009.
- The Executive Boards of UNDP, UNFPA, UNICEF and WFP held a joint meeting in June 2003 to address the recommendations of the Five-Year^E evaluation. Members of the Executive Boards proposed that follow up to the PCB meetings be placed as a regular item on board agendas and this recommendation has been implemented. Interviews suggest that formal reports to these boards are supplemented by further briefing to Missions on specific issues. In practice, members most interested in performance are the Western Europeans and North Americans and major concerns have been around implementation of the division of labour and performance of the joint teams. However, it is important to note that none of these four boards has then made a board decision, based on the information provided.
- UNODC CND Resolution 51/14 (March 2008) requested the Executive Director of UNODC to share relevant decisions of the PCB with the member states at each session of the Commission held in the first half of the year. It is too early to tell how this information will be used. However, UNODC also provides the only concrete example of a PCB decision directly affecting a decision made by a cosponsor governing board. In this case, the PCB's decision was used to add weight to internal lobbying to include HIV in a political declaration, although this lobbying was ultimately unsuccessful.
- Nine out of the ten governing bodies did formally adopt the GTT recommendations, with the World Bank being the exception.
- The governing bodies of ILO, UNHCR, WFP and WHO have discussed specific decisions of the PCB, in particular related to implementation of the GTT recommendations, but this is not a regular agenda item.
- The most direct route to influencing what is done by the cosponsor governing boards would be through using the same results indicators for reporting to the governing boards as are approved by the PCB. At present this happens in the cases of UNICEF, UNFPA and WFP, three of the four ExCom agencies. This would have been impossible for

⁴⁵ For the 2008-09 UBW, in order to enhance alignment of the UBW PMEF with internal reporting requirements, UBW indicators are included in the Bank's internal trust fund reporting systems.

UNDP, the remaining ExCom agency, as the organisation has not had an agreed set of corporate level performance indicators since 2003. Among the specialised agencies, only UNODC uses the same indicators as are found in the UBW when reporting to its Governing Board. ILO expect that there will be greater use of the UBW indicators in their own corporate level results framework for the 2010-2011 biennium.