

Terms of Reference of the UNAIDS PCB NGO Delegation

A. Introduction and purposes of this document:

This Terms of Reference (ToR) document is intended to inform—in conjunction with the *Call for Nominations*—non-governmental organizations (NGOs) and their representatives considering applying for a seat on the NGO Delegation of the UNAIDS Programme Coordinating Board (PCB). The *Call for Nominations* and subsequent selection of NGO Delegates is undertaken by the current NGO Delegation to the PCB (see *L. The selection process* below). This document specifies the term of office, qualifications and commitments required to serve on the NGO Delegation.

This document is also intended to be used as an operations reference tool for the current NGO Delegation.

This document was produced¹ as a result of decision 9.1 taken at the 20th Meeting (June 2007) of the UNAIDS Programme Coordinating Board arising from the 2006 *Review of NGO and Civil Society participation in the Programme Coordinating Board*².

NOTE: The *UNAIDS PCB NGO Delegation Vision, Mission, Principles and Code* [Annex 1] must also be considered and agreed to by NGOs and their representatives applying for a seat on the NGO Delegation.

B. Definitions for the purposes of this document:

The definitions below are *not* intended to be exhaustive technical definitions, but rather they are intended to be brief, user-friendly definitions to clarify and streamline the terminology used in this document.

NOTE: Terms in **bold** used within the definitions in this section are defined in subsequent definitions within this section.

1. UNAIDS

UNAIDS (the *Joint United Nations Programme on HIV/AIDS*) is the United Nations (UN) body that coordinates the HIV-related work of its ten **Cosponsors** and provides global leadership on HIV policies and issues.

2. Programme Coordinating Board (PCB)

The Programme Coordinating Board (PCB) is the governing body (effectively, the Board of Directors) of UNAIDS that guides, reviews and makes decisions about the policies, priorities, long range plans, and budgets of UNAIDS.

There are 37 seats on the PCB: 22 **Member States**, 10 **Cosponsors**, and 5 **NGOs**.

3. Member States

Member States (i.e. governments) hold 22 seats on the PCB: Western European and Others Group (7 seats); Africa (5 seats); Asia and Pacific (5 seats); Latin America and the Caribbean (3 seats); Eastern European/Commonwealth of Independent States (2 seats). The Member States are selected from among the UN Member States. They serve on the PCB for a term of 3 years on a rotation basis. Only the Member States have the right to vote on the PCB.

¹ This document was contracted and funded by the UNAIDS Secretariat. It was written, based in part upon an existing Terms of Reference, in 2007/2008 by T. Richard Corcoran, consultant and former PCB NGO Delegate (2004-06), with input and support from a steering committee (consisting of PCB NGO Delegates and a representative of the UNAIDS Secretariat) and reviewed by advisors outside the NGO Delegation who were selected by the steering committee.

² See http://data.unaids.org/pub/InformationNote/2007/review_of_ngo_participation_item3.2_en.pdf

4. Cosponsoring Organizations (Cosponsors)

The 10 UN Cosponsoring Organizations (Cosponsors) of UNAIDS (and their areas of work) are: UNHCR (refugees); UNICEF (children); WFP (food); UNDP (development); UNFPA (population); UNODC (drugs and crime); ILO (labour); UNESCO (education, science and culture); WHO (health); and the World Bank (finances). Each holds a continuous seat on the PCB. The Cosponsors do not have voting rights on the PCB.

5. Nongovernmental Organizations (NGOs)

NOTE: This is specifically *not* a definition of the general term *Nongovernmental Organization*, but one relative to the role of NGOs on the PCB.

Nongovernmental organizations (NGOs) hold five (5) seats on the PCB. Eligible NGOs include local, national, regional and international NGOs, networks of people living with HIV (PLHIV Networks), AIDS service organizations (ASOs), community-based organizations (CBOs), AIDS activist organizations, faith-based organizations (FBOs), and networks or coalitions of AIDS organizations. Collectively these are referred to as NGOs. NGOs are further defined as not-for-profit and working *primarily* and actively in the field of HIV (i.e. the main purpose or one of the main purposes of the NGO, association or network is its work in the HIV field).

There is one seat for each of the following five regions: Africa; Asia/Pacific; Europe, Latin America/Caribbean; and North America. These seats are occupied by the 5 **Main Delegates**. Additionally there are 5 **Alternate Delegates** (one from each of the same five regions) that participate in **the Delegation**.

Though technically, it is the NGO (the *organization*, and not the *person* representing the organization) that holds the seat on the PCB, a specific representative of the NGO applies to fill the seat. Due to the challenges and steep learning curve of serving as an NGO Delegate to the PCB, it is intended that this single representative serve for the full term of service. However, if this individual cannot fulfill any part of his or her commitment, the NGO may provide another qualified representative to fulfill the commitment on a temporary basis. Permanent replacement of a Delegate for the remainder of a Delegate's term is subject to approval of the NGO Delegation.

Though technically NGOs do not have "the right to take part in the formal decision-making process"³ of the PCB, in practice NGOs fully participate and are essential, respected stakeholders in decision-making processes. They do not, however, have voting rights.

NGOs normally serve on the PCB for a term of 2 years but may be extended to a maximum term of 3 years. The term of office is further defined below (see *E. Term of office*).

- **NGO Main Delegates (Main Delegates)**

As noted above, the five NGO seats on the PCB are held by the *organizations*. The *person* actually sitting in the seat is the person "delegated" to represent that organization and is known as an NGO Delegate. At formal meetings, the five seats are identified as "NGO Africa", "NGO Asia/Pacific", "NGO Europe", "NGO Latin America/Caribbean", and "NGO North America", a further acknowledgement that the seat is held by the NGO (*organization*) and not the *person*.

By default at formal PCB meetings, the five NGO seats are occupied by the NGO Main Delegates (Main Delegates) from their respective regions. However, the **Alternate Delegate** from that region may occupy the seat when the Main Delegate is absent or whenever it is deemed appropriate by both Delegates from the region or by **the Delegation** to do so (for strategic, logistic or any other reason).

Although officially there are only five seats held by the five Main Delegates, in practice and for ease throughout this document, both "Main Delegate" and "Alternate Delegate" are referred to as "Delegate" unless a distinction is required. Except as otherwise noted, there are no distinctions in practice between the Main and Alternate Delegates in regard to their qualifications, commitments and participation in all aspects of **the Delegation** and the PCB.

³ Economic and Social Council, Resolution 1995/2

- **NGO Alternate Delegates (Alternate Delegates)**

Though there are only five formal NGO seats on the PCB, there are ten Delegates appointed to **the Delegation**: five NGO Main Delegates and five NGO Alternate Delegates (Alternate Delegates). This is to provide enough capacity to carry out the Mission and business of **the Delegation** and to provide overlapping terms of office of the Main and Alternate Delegates from each region in order to ensure the transfer of skills and a smooth transition from Alternate to Main Delegate. It also helps to provide institutional memory for **the Delegation**.

An **incoming Delegate** is usually designated as the Alternate Delegate for their region when his/her term begins and the existing Delegate becomes the Main Delegate for the region. When the Main Delegate's term is completed, the Alternate Delegate usually becomes the Main Delegate.

As noted above, although officially there are only five seats held by the five Main Delegates, in practice and for ease throughout this document, both "Main Delegate" and "Alternate Delegate" are referred to as "Delegate" unless a distinction is required. Except as otherwise noted, there are no distinctions in practice between the Main and Alternate Delegates in regard to their qualifications, commitments and participation in all aspects of **the Delegation** and the PCB.

- **Incoming NGO Delegates (incoming Delegates)**

Incoming NGO Delegates (incoming Delegates) are persons that have submitted a successful application to participate in the Delegation (by mutual agreement between the Delegation and the applicant) but have not yet begun their term of office. This is not a "formal" designation. (See *K. Requirements and requests of the incoming Delegate* below.)

- **Observer NGOs (Observers)**

In addition to the Delegation, Observer NGOs (Observers) attend the formal PCB meetings. They may speak after the PCB members have done so. The Delegation invites the Observers to attend a part of its pre-meetings to collaborate and strategize.

Incoming Delegates in attendance at PCB meetings (See *K. Requirements and requests of the incoming Delegate* below) are considered Observers.

- **NGO Delegations (the Delegation)**

In reality, it could be argued that there are five NGO Delegations: one from each of the five regions and each comprised of the Main Delegate and the Alternate Delegate from that region. Therefore, it may be politically astute to refer to the five seats collectively as the NGO Delegations. For ease and throughout this document, however, the ten NGO Delegates are collectively referred to as the NGO Delegation (the Delegation).

6. Civil society (CS)

Civil society (CS) is defined as the broad array of people working for or with NGOs (as defined above) actively engaged in local, national, regional or global HIV issues. The Delegates represent their respective regional CS on the PCB as its constituency and, more broadly, the Delegation represents CS at large as its constituency.

7. UNAIDS Secretariat (the Secretariat)

The UNAIDS Secretariat (the Secretariat) is comprised of the Executive Director and the technical and administrative staff required to carry out the work of UNAIDS and its governing board, the PCB.

Though the Delegation is largely autonomous (see *C. Statement of autonomy* below) the work of the Delegation is also supported by and in collaboration with the Secretariat, in particular the Civil Society Partnerships Unit and its Partnership Advisor.

8. Communications Facility (CF)

Approved at the 20th PCB meeting (June 2007), the process is underway to contract with “an independent Communication and Consultation Facility and Resource Team to enhance the participation of the NGO Delegation and wider civil society in the PCB”.

NOTE: Throughout this document, the CF is referred to in an anticipatory fashion. Once the CF is in place, some of the procedures and mechanisms outlined here and in other NGO Delegation documents are subject to change and improvement.

C. Statement of autonomy:

Except as limited by the UN Economic and Social Council (ECOSOC) Resolution 1995/2, formal PCB decisions—in particular the Modus Operandi of the Programme Coordinating Board of UNAIDS (rev. June 1999)—and any subsequent decisions that may have been or may be taken, the Delegation operates autonomously and is free to refine and redefine these Terms of Reference as necessary.

D. Mission:

The Mission of the Delegation is:

(Provisional)

To bring to the PCB the perspectives and expertise of people living with, most affected by, and most at risk of, vulnerable to, marginalized by, and affected by HIV and AIDS, as well as civil society and nongovernmental entities actively involved in HIV work, in order to ensure that their human rights, and equitable, gender-sensitive access to comprehensive HIV prevention, treatment, care, and support are reinforced by the policies, programmes, strategies and actions of the PCB and UNAIDS.

NOTE: See the *UNAIDS PCB NGO Delegation Vision, Mission, Principles and Code* [Annex 1] for how the Delegation accomplishes this Mission.

E. Term of office:

The term of office for an NGO is two (2) calendar years.

In the interest of providing overlapping terms of office of the Main and Alternate Delegate from each region, ensuring institutional memory for the Delegation, and/or ensuring the transfer of skills and a smooth transition from Alternate to Main Delegate for each region, the term of office may be extended for one additional calendar year. This is subject to the availability and agreement of both the Delegate and his/her NGO as well as the agreement or decision of the Delegation.

As restricted by the ECOSOC Resolution 1995/2, the term for any Delegate may not exceed three (3) calendar years.

F. Operating language:

Although it may result in an unfortunate exclusivity of much of CS, the operating language of the Delegation is English and it is therefore a key requirement that Delegates are fully able to communicate well in both written and spoken English. Native English speakers on the Delegation are requested to remain mindful and considerate of the challenges that Delegates whose native tongue is not English may face.

NOTE: Formal PCB documents are circulated in both English and French. Additionally, the CF will be able to have up to 1,000 pages of documents translated into selected languages to be agreed to by the Delegation. At formal PCB meetings, simultaneous interpretation is provided in Plenary (the main meeting room) in the following six official UN languages: English, Russian, French, Spanish, Arabic and Chinese. Other languages may be available.

G. Qualifications of the applying NGO:

Though applications to serve on the Delegation are submitted by individuals representing NGOs, it is the NGO itself that holds the seat on the PCB. In order to qualify to hold the seat on the PCB, the applying NGO must:

1. Be actively and principally involved with HIV work in the country and/or region for which the applicant is applying;
2. Maintain a comprehensive understanding of the health, political, and social consequences and needs of the AIDS pandemic, particularly as it relates to the region;
3. Be strongly connected to and actively liaise with national and regional CS networks; and
4. Have extensive experience in national, regional, and/or international policy-making and advocacy.

H. Qualifications of the applying Delegate:

In order to qualify to represent its NGO on the PCB, an applicant for the position of Delegate must:

1. Have permanent residency in and be living and working in a country within the region for which they are applying to represent;
2. Have the ability to communicate effectively in written and spoken English;
3. Have effective skills for writing reports and presentations;
4. Be computer literate;
5. Have easy and regular access to the Internet and email;
6. Have a minimum three years experience in HIV in their region;
7. Have an ability to collaborate well with a diverse group of people from different cultures from around the world;
8. Have the facility to work strategically in a group;
9. Have diplomacy skills;
10. Have some comfort with public speaking; and
11. Have some experience in national, regional, and/or international fora.

I. Commitments of the applying NGO:

It is required that the NGO must state in its letter of recommendation for the applying Delegate that the NGO:

1. Authorizes the applying Delegate to represent the NGO as its Delegate on the PCB;
2. Commits to the *UNAIDS PCB NGO Delegation Mission, Principles and Code of Conduct* [Annex 1];
3. Will support their Delegate for the term of his/her office so that he/she will be able to fulfill the *Commitments of the applying Delegate* (J. below) by confirming that the applicant:
 - Will have adequate office space;
 - Will be freed up from his/her regular duties to be able to dedicate up to 10 hours per work week;
 - Will be additionally freed up from his/her regular duties in order to travel to attend the formal PCB meetings (including pre-meetings and debriefing meetings) and the NGO orientation meetings;
 - Will have adequate access to office equipment and supplies;
 - Will have organizational and administrative support;
4. Will ensure the quality and comprehensiveness of the applying Delegate's participation on the PCB; and
5. Will ensure that, if the Delegate is unable to complete his/her term of office, an equally qualified replacement, if available, will be offered by the NGO to finish the term of office.

J. Commitments of the applying Delegate:

In order to participate as an NGO Delegate to the PCB, it is required that the applying Delegate must commit to:

1. The *UNAIDS PCB NGO Delegation Mission, Principles and Code of Conduct* [Annex 1];
2. Spending up to 10 hours per week performing the duties of Delegate;
3. Broadly and in collaboration with the CF, consulting with, seeking input from, learning about the relevant issues of, and reporting to their national and regional CS;
4. Attending and actively participating in key meetings including but not limited to:
 - Semiannual (two per year) PCB meetings (5 to 6 days each) in Geneva, Switzerland usually in the second quarter and in either a heavily-impacted country or in Geneva, in early to mid December. These meetings include NGO Delegation pre-meetings (2 days), PCB meeting (2 to 3 days), and NGO Delegation debriefing meeting (1 day);
 - Delegation Orientation (2 to 3 days) usually either in January/February at beginning of term of office or connected to the December meeting the month before the beginning of term of office;
5. Attending, actively participating in, and either participating with or representing (and reporting back to) the Delegation at other meetings and consultations (usually 1 to 3 per year) as necessary and when possible. Some examples are: high-level meetings of the UN General Assembly Special Session (UNGASS) in New York, USA; PCB consultations on developing policies; Global Task Team (GTT); the Global Implementation Support Team (GIST); etc.;
6. Actively participating in Delegation conference calls (average 2 per month), usually held at 14:00 Geneva time and lasting for 1 hour;
7. Maintaining timely communications with the Delegation and other PCB bodies via email;
8. Reading, absorbing and being prepared to engage in the issues of all relevant PCB documents in a timely manner;
9. Actively participating and strategizing with the Delegation in the reviewing and planning processes of the PCB and UNAIDS;
10. Actively participating in and chairing a fair share of ad hoc Working Groups (WG) or Steering Committees (SC) as needed. Some examples are: NGO Report WG; Nominations WG; project consultancy hiring SC; etc.;
11. Working in collaboration with the Secretariat; and
12. Participating fully in the work of the CF.

K. Requirements and requests of the incoming Delegates:

Dependent upon the current calendar, the incoming Delegates *may be required* to:

1. Attend an NGO Orientation in December, the month before the beginning of the term of office.

Though not strictly *requirements*, in the interest of the further orientation of incoming Delegates, in advance of the beginning of the term of office, the incoming Delegates may be invited to:

1. Attend the June and/or December PCB meetings as an Observer; and
2. Participate in PCB NGO conference calls.

L. The selection process:

Incoming Delegates are selected through the following process:

1. The current Delegation—facilitated by the CF, supported by the Secretariat, and in consultation with other members of CS—autonomously conducts the selection process;
2. A *Call for Nominations* for the upcoming regional openings is broadly circulated electronically via listservs worldwide and available at www.unaids.org usually in March or April each year;
3. Applications are rated and discussed based upon a number of criteria including sub-regional representation and balance of the Delegation (see *M.* below). Regional Delegates' ratings carry twice the weight for applicants from their respective regions;
4. Telephone interviews are conducted with 2 to 3 short-listed candidates for each regional opening;
5. Once a selection is made, successful applicants are notified via email;

6. Applicant confirms his/her availability, accepts the appointment, and becomes an incoming Delegate; and
7. As required by ECOSOC resolution, incoming NGOs are submitted and formally approved pro forma by the PCB at its next meeting in June or December. Requirements *and requests of the incoming Delegates* (see K. above) may be made in advance of this formal approval.

M. Regional representation and balance considerations:

As *representatives* of civil society, one of the great challenges of the Delegation is to effect changes and improvements to the policies and programs of UNAIDS so that they meet the needs of the people they represent. However, it is unrealistic to expect that any ten individuals can fully represent the full range of civil society involved in HIV work worldwide or that any two Delegates can fully represent their entire region. The Delegation, however, must try to do so to the best of its ability.

While there may be a number of applicants who meet the qualifications and requirements to serve as a Delegate, in the effort to compose the best representation, the Delegation must factor in a number of other representational and balance considerations before making their selections from among the qualified applicants:

1. Sub-regional representation

Within regions, and even within some sub-regions, there is a great diversity of civil society involved in HIV work in terms of language, culture and needs. The Delegation makes every effort to ensure that, *whenever possible*, the Main and Alternate Delegates from the same region meet sub-regional representational balance considerations:

- **Africa:** One Anglophone Delegate and one Francophone Delegate and/or no two Delegates from the same sub-region (Southern Africa, Northern Africa, West Africa, East Africa, Central Africa);
- **Asia & Pacific:** No two Delegates from the same sub-region (Indian sub-continent, Southeast Asia, East Asia, Middle East, Pacific Island countries and territories [PICTs]);
- **Europe:** No two Delegates from the same sub-region (Western/Central Europe and Eastern Europe/Central Asia);
- **Latin America & the Caribbean (LAC):** One Latin/Central America Delegate and one Caribbean Delegate; and
- **North America:** No two Delegates from the same country.

2. HIV status, gender, constituency, and organization balance

Among the ten Delegates, the Delegation makes every effort to ensure that, unless impossible, the entire Delegation meets these overall representational balance considerations in priority order:

- **PLHIV:** In support of the 1994 Paris Declaration and the greater (and meaningful) involvement of people living with HIV/AIDS (GIPA) principle, preference is given to qualified openly declared PLHIV applicants. As a rule, there should be a minimum of 3 PLHIV Delegates;
- **Constituency:** A balance among Delegates who possess the expertise to represent and advocate for specific key constituencies including: men who have sex with men (MSM), people who use drugs, sex workers, and young people;
- **Gender:** A balance of male and female Delegates is also taken into account; and
- **Organizations:** A balance among the Delegates' organization types: networks of PLHIV and PLHIV organizations, AIDS service organizations (ASO), community-based organizations (CBO), faith-based organizations (FBO), development organizations, global networks, etc.

N. Financial support:

1. Unpaid appointment

There is no payment for participating as a Delegate.

2. Support to attend key meetings

Although there is no payment for participation, the costs for Delegates and, when invited, incoming Delegates, to attend key meetings—specifically PCB meetings (including Delegation pre-meeting and debriefing meeting) and Delegation Orientations—are covered as follows:

- **Airfare:** Costs for least expensive business class airfare are paid by UNAIDS. Flight reservations and subsequent bookings (after receiving a travel authorization (TA) from the Secretariat) are the responsibility of the Delegate and must be made through an UNAIDS-authorized travel agency. Any necessary visas are the responsibility of the Delegate; and
- **Per diem/daily subsistence allowance:** Delegates are provided by UNAIDS—either in advance of travel date or soon after arrival—with a daily subsistence allowance in accordance with the WHO rate to adequately cover the cost of meals and hotel accommodation (lodging) for an approved number of meeting days. Hotel bookings are the responsibility of the Delegate.

3. Support to attend other meetings

If Delegates are invited and available to attend other meetings (as outlined in *J. Commitments of the applying Delegate*, 5. above), the costs to attend are covered as outlined in *2. Support to attend key meetings* (in this section above) except that airfare covered is for least expensive economy class.

O. Early termination of term:

The Delegation may terminate an NGO's and/or a Delegate's term early if:

- The qualifications of the NGO or the Delegate as outlined above have been misrepresented;
- The Delegation determines that the commitments of the NGO or the Delegate—as outlined above and as tracked by the Delegation's Accountability Mechanism—are not being adequately kept; or
- A conflict of interest (as spelled out in the *UNAIDS PCB NGO Delegation Mission, Principles and Code* [see Annex 1]) is evidenced or declared on the part of the NGO or the Delegate;
- The NGO ceases its principal involvement in HIV work or it ceases to exist; or
- The Delegate ceases his/her association with the NGO. Another qualified representative of the NGO may be presented and, if approved by the Delegation, serve as Delegate for the remainder of the term of office.