

Summary of the PCB Bureau meeting of 15 February 2008

Present: Prangtip Kanchanahattakij (Thailand), David Hohman (USA), Paul Spiegel (UNHCR, representing Cosponsors). Zonnibel Woods (IWHC, representing PCB NGOs) joined by telephone.

UNAIDS Secretariat: As Sy (Director, PER), Paul De Lay (Director, EMP), Helen Frary (Chief, BUR), Eddy Beck (EMP) and Jacek Tyszko (PER/BUR).

Absent: Mamadou Seck (Senegal)

Meeting's agenda:

1. Second Independent Evaluation of UNAIDS
2. Status of preparations for the 22nd PCB meeting
 - 2.1 Draft provisional agenda
 - 2.2 Thematic segment
 - 2.3 PCB Standing Subcommittee
 - 2.4 Vice-Chair
3. Themes for next PCB meetings
4. Other Business

1. Second Independent Evaluation of UNAIDS

Following the PCB Bureau's message to PCB Member States of 8 February concerning options for the Cosponsors involvement in the work of the Oversight Committee for the Second Independent Evaluation of UNAIDS (attached), a number of responses had been received:

Option 1: Japan, New Zealand

Option 2: India, Monaco

Option 3: Denmark, Switzerland, Thailand and the US

While expressing disappointment with the low response by Members (eight out of 22), the PCB Bureau reiterated that the PCB Bureau's message of 8 February had clearly indicated that *"if the number of responses received is less than the quorum, the PCB Bureau will make its decision based on the best available guidance from the responses it receives"* and in light of the necessity to continue the evaluation process, a decision needed to be taken on the basis of what had been received. Thus, after discussions with Cosponsors and NGOs representatives, it decided to support option 3 as a compromise solution.

The Bureau additionally discussed whether it had the authority to change the decision of the Board, particularly since the option was selected with no quorum. It was agreed that the Bureau would use the received responses simply as a guidance to carry out the work and would request the 22nd PCB to decide to revisit the decision and confirm its decision

concerning the Committee membership. The membership of the Oversight Committee was accordingly finalized and the message to the PCB constituencies announcing the list of the said membership was agreed.

Three candidates were considered for the chair of the Committee. The Bureau unanimously agreed to propose this post to Ms Catherine Hodgkin.

The Bureau also had a first exchange of opinions concerning the elements of the terms of reference for the Cosponsors and Secretariat liaison roles with the Oversight Committee and, due to the delay in the establishment of the Committee, revised the timeline for the evaluation process.

2. Preparations for the 22nd PCB

2.1 Draft provisional agenda

The Bureau agreed to include an item on the process for nomination of the UNAIDS Executive Director on the agenda for the 22nd meeting and, following the request from the Secretariat, to postpone the consideration of the status of the implementation of the 2007-2010 UNAIDS Strategic Framework to the 23rd PCB meeting in December 2008. The approach to the agenda item on gender was also discussed.

Because of the late hour the consideration of other items was postponed till the next meeting.

Next meeting:

20 February 2008, 15h00

“Dear Members of the UNAIDS Programme Coordinating Board:

On behalf of the PCB Chair, and as anticipated in our email of February 1, the PCB Bureau met again on February 4 to finalize the proposed membership of the Oversight Committee for the Second Independent Evaluation of UNAIDS. The Bureau also considered a request from the Executive Director, Dr. Peter Piot, to address a possible conflict of interest with respect to the composition of the Committee. This email addresses the possible conflict of interest issue.

Paragraphs 4.7 and 4.8 (a) of the Decisions, Recommendations and Conclusions of the 21st Meeting of the UNAIDS Programme Coordinating Board (http://data.unaids.org/pub/Report/2007/21st_pcb_decisions_en.pdf) state that the PCB

4.7 “*Decides* that an Oversight Committee be created to oversee the Evaluation. This would consist of a balanced cross section of representatives of governments, Cosponsors and civil society, ensuring appropriate participation of persons living with HIV and other stakeholders. ...”

4.8 (a) “*Decides* the Membership of the Oversight Committee should include representatives of donor and recipient countries, UNAIDS stakeholders, including Cosponsors, Member States, civil society, while ensuring appropriate representation of people living with HIV, and relevant independent experts, including representation from the TERG/MERG”.

The Executive Director, by letter of January 31, 2008 (attached), brought to my attention his concerns about the independence of the Oversight Committee if its members included a representative of the Cosponsors, as the UNAIDS cosponsoring organizations are subject to the evaluation. As stated in paragraph 4.3 of the Decisions, Recommendations and Conclusions of the 21st Meeting of the UNAIDS Programme Coordinating Board, the PCB.

“*Agrees* that the Second Independent Evaluation should focus on UNAIDS and its performance as a whole. This includes the Secretariat and the HIV-related work of all 10 Cosponsors”.

In addition, the key questions elaborated in paragraph 4.2 clearly refer to an evaluation of the Joint Programme, including the Secretariat and Cosponsors at all levels.

Given that the need to maintain the independence of the Evaluation has been stressed by all members during the discussions leading up to and during the PCB meeting in December 2007 and that UNAIDS cosponsoring organizations are also subject to the evaluation, the Executive Director believes a potential conflict of interest exists if Cosponsors have full membership of the Oversight Committee. The Executive Director regretted he did not identify this possible conflict of interest earlier, but believes strongly that this issue must be addressed.

During the discussions that ensued, the Bureau asked the representative of the Cosponsors on the Bureau, Dr Paul Spiegel of UNHCR, to consult with all the Global Coordinators (GCs). At the meeting of the PCB Bureau on February 4, Dr Spiegel reported that the GCs believed the PCB had made a deliberate decision at the Board in December to include the Cosponsors on the Oversight Committee. The GCs believe that Cosponsor representation on the Oversight Committee would not constitute a conflict of

interest. Rather, the GCs believe it would be advantageous for the Cosponsor representative to provide an historical perspective and observations on the operational architecture of the Joint Programme.

As there would be only one Cosponsor representative among ten committee members, that representative could assist the evaluation but not unduly direct it. The GCs also noted that during the WHO "3 by 5" evaluation, both WHO and the UNAIDS Secretariat were members of the Oversight Committee and provided valuable guidance to the Evaluation Team, acknowledging that the Evaluation Team had the mandate to provide the final independent evaluation and recommendations.

The NGO observer on the PCB Bureau stated that the civil society delegation had discussed this issue amongst themselves in preparation for the PCB meeting in December 2007. They perceived that there could be a potential conflict of interest with a cosponsor representative being a full member of the Oversight Committee, but did not voice these concerns to the wider meeting at the time. However, with the release of the Executive Director's letter these concerns resurfaced and they agreed with the statement expressed in the letter of the Executive Director.

After extensive discussion the Bureau decided this matter should be taken back to the PCB as a whole to consider the following three options:

- (1) the PCB could re-affirm its decision at the 21st meeting that Cosponsors should be represented on the Oversight Committee
- (2) the PCB could decide, in view of the Executive Director's concerns, that there is a potential conflict of interest and that Cosponsors should not serve on the Oversight Committee
- (3) recognizing the potential positive assistance that could be provided by members of the Joint Programme, the PCB could decide both the Cosponsors and the Secretariat should have a liaison official who would work with the Oversight Committee. The terms of reference for the two liaison officials, who would not be members of the Oversight Committee, would be finalized by the Chair of the Oversight Committee. This option would facilitate the provision of relevant guidance and background information from both the Cosponsors and the Secretariat to the Oversight Committee and the Evaluation Team, while not being subject to a conflict of interest.

It should be noted that the Cosponsors prefer Option 1. The representative on the Bureau for civil society would support Option 2 but could also accept Option 3.

In view of the above information, guidance from PCB members is required for further action. The PCB Bureau thus requests PCB members to decide and indicate which of the three options they prefer, by email to Helen Frary (fraryh@unaids.org) not later than February 14.

If the number of responses received is more than the PCB quorum (15), the PCB Bureau will proceed according to the majority view. If the number of responses received is less than the quorum, the PCB Bureau will make its decision based on the best available guidance from the responses it receives.

PCB Bureau Chair"