



UNAIDS PCB Bureau meeting

DATE: Monday 15 May 2023

TIME: 13:30-14:30 (CET)

VENUE: In person at UNAIDS, Geneva, Switzerland, and Virtual Zoom meeting

PARTICIPANTS:

Germany: Representing the PCB Chair: Mr Binod Mahanty, Referent Infectious Diseases, Global Health Policy, German Ministry of Health; Dr Claudia Böhm, Counsellor Global Health, Permanent Mission of Germany in Geneva; Ms Verena Kohlbrenner, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

Kenya: Representing the PCB Vice-Chair: Dr Peace Mutuma, Health Attaché, Permanent Mission of Kenya in Geneva; Ms Ruth Laibon Masha, National Syndemic Diseases Control Council, Nairobi, Kenya.

Brazil: Representing the PCB Rapporteur: Ms Débora Antônia Lobato Cândido, Second Secretary, Permanent Mission of Brazil in Geneva; Ms Fernanda Manara Whately Paiva, Department of HIV/AIDS, Tuberculosis, Viral Hepatitis and STIs, Ministry of Health.

Representing the PCB NGO Delegation: Gaston Devisich, Community Engagement representative, Fundación Huésped, Buenos Aires, Argentina; Cecilia Chung, Senior Director of Strategic Initiatives and Evaluation, Transgender Law Center, USA.

UNODC: Representing the Committee of Cosponsoring Organizations: Mr Ehab Salah, UNAIDS Focal Point, Adviser Prisons and HIV, UNODC Vienna, Austria.

UNAIDS Secretariat: Mr Efraim Gomez, Chief of Staff, Executive Office; Mr Morten Ussing, Director, Governance, Ms Samia Lounnas, Senior Governance Advisor; Ms Adriana Hewson, Governance Officer and Ms Saliha Ozdemir, Governance Assistant.

MEETING AGENDA

1. **Discussion on the letter received by the PCB Chair from the Executive Office of the Secretary-General (EOSG) in follow-up to operational paragraph 18 of the 2021 ECOSOC resolution on the Joint Programme**
2. **Any other business**

Summary of the Meeting

The PCB Chair welcomed participants to the third 2023 PCB Bureau meeting to discuss and agree the way forward in response to the letter received by the PCB Chair from the Executive Office of the Secretary-General in follow-up to operational paragraph 18 of the 2021 ECOSOC resolution on the Joint Programme : *“Requests the Secretary-General to submit a report, after consultation with the PCB, on the establishment of two four-year term limits and performance expectations for the position of UNAIDS Executive Director, in line with the practices of the UN system and as recommended by the JIU”*.

The Chair added under AOB a discussion on a) the dates of the informal consultations on the 2023 ECOSOC resolution during the first week of July; and b) a PCB Bureau meeting towards the end of May for the Chair of the IEOAC to present the recommendations of the 2023 annual report of the IEOAC.

1. Discussion on the letter of the Executive Office of the Secretary-General in follow-up to operational paragraph 18 of the 2021 ECOSOC resolution on the Joint Programme

The Chair of the PCB Bureau recalled to have received and shared with the Bureau a letter from the Executive Office of the Secretary-General (EOSG) in follow-up to the operational paragraph (OP)18 of the 2021 ECOSOC Resolution on the Joint Programme : *Requests the Secretary-General to submit a report, after consultation with the PCB, on the establishment of two four-year term limits and performance expectations for the position of UNAIDS Executive Director, in line with the practices of the UN system and as recommended by the JIU. (See letter in annex1)*

The Chair of the Bureau indicated to have shared a draft response to the EOSG which would be discussed amongst Bureau members.

The Secretariat recalled the context of the EOSG letter by reminding the Bureau members of the process regarding (OP)18 in the 2021 ECOSOC resolution. The Joint Inspection Unit of the United Nations System (JIU) makes recommendations every 5-6 years for each UN organization stemming from cross-cutting thematic or organizational reviews. The JIU provides in general reviews governance and accountability mechanisms of UN organizations.

For reference in paragraphs 77 and 78, the 2019 report of the Joint Inspection Unit on the management and administrative review of UNAIDS

[14112019 UNAIDS PCB45 JIU REP 2019 EN.pdf](#) recommended the following :

77. The term of office of the Executive Director, which is a United Nations Under-Secretary-General position, is not explicitly stated in the Modus Operandi or in other documents that JIU studied for this review.

78. *Term limits for positions appointed by the United Nations Secretary-General are considered a grey area with the prevailing practice being to tie the term to that of the United Nations Secretary-General and/or up to five years. Yet the practice of setting explicit terms has become more prominent in the United Nations system, especially in specialized agencies and some other entities.*

In this same report [14112019 UNAIDS PCB45 JIU REP 2019 EN.pdf](#) , the JIU also recommended that the PCB should engage with the United Nations Secretary-General to consider establishing a term limit for the position of Executive Director for more certainty in succession planning and a compact to provide transparency with regard to performance expectations.

The Secretariat also recalled that there were 7 recommendations from the JIU which were addressed to the PCB worked on by a PCB working group, including regarding the strengthening of the oversight and accountability role of the PCB and the establishment of an Independent External Oversight Committee.

Moreover, the report of the 2009 JIU report (JIU/REP/2009/8) “*Selection and conditions of service of Executive Heads in the United Nations System*”, in paragraphs 72 and 73, concluded that the term limit is an implemented practice in specialized agencies but not in the Funds and Programmes where UNAIDS belongs.

The PCB Chair summarized the proposed elements of the response letter of the PCB Chair, which would be subject of this Bureau meeting as follows:

- Germany reached out to the EOSG to follow-up on (OP)18 in 2021 ECOSOC resolution.
- The proposed response letter from the PCB Chair regrets the decision of the UN Secretary-General on the term-limit for the position of UNAIDS Executive Director.
- The proposed response letter seeks clarifications of the role of the PCB in terms of performance expectations for the function of UNAIDS Executive Director as set out in the PCB's 2021 Report to ECOSOC.

The Chair of the PCB indicated that they would like to send the letter on behalf of the PCB Bureau and hoped to discuss and agree the content during the meeting and sought the support of the Bureau to proceed accordingly.

A Bureau member requested clarification on the role of the PCB Bureau in the process of responding to the letter of the EOSG. The Secretariat clarified that there is no direct formal communication channel between the PCB and the UN Secretary-General. The PCB would therefore, in case of need, relay concerns and information to ECOSOC, its founding UN Body, which then could engage the EOSG. However, the background to the consultation process is the follow-up on a specific OP in an ECOSOC Resolution asking for the Secretary-General to submit a report on term-limit and performance expectations for the function of UNAIDS Executive Director, following consultation with the PCB.

The Secretariat recalled the role of the PCB Bureau in annex 3 of the [Modus Operandi of the Programme Coordinating Board | UNAIDS](#) as follows:

The Programme Coordinating Board (PCB) Bureau is intended to maximize the effectiveness and efficiency of the PCB. Specifically, the PCB Bureau has the responsibility for coordinating the PCB's programme of work for the year, including:

- i. Facilitating the smooth and efficient functioning of PCB sessions;

- ii. Facilitating transparent decision-making at the PCB;
- iii. Preparing the PCB agenda, and recommending the allocation of time to, and the order of, discussion items;
- iv. Providing guidance on PCB documentation, as needed; and
- v. Carrying out additional functions as directed by the PCB.

Finally, the Secretariat recalled that the request for clarification in the draft response letter proposed by the PCB Chair to the EOSG on performance expectations derives from the mandate of the PCB reiterated in annex 4 of the [Modus Operandi of the Programme Coordinating Board | UNAIDS](#)

On the Oversight and Accountability Roles of the Programme Coordinating Board in Paragraph 8: Oversight of the UNAIDS Executive Director: “The Secretary-General holds the oversight role of the UNAIDS Executive Director position whereas the PCB is responsible for the oversight of the UNAIDS Joint Programme. Should matters arise where the PCB finds the UNAIDS Joint Programme mandate or its implementation is placed at risk by the performance of the Executive Director, the PCB may, with consensus of the PCB, raise any issue regarding the actions or performance of the UNAIDS Executive Director with ECOSOC”. The purpose of the draft response letter is to clarify the understanding of the PCB on the oversight of the position of Executive Director to the EOSG.

Another member of the PCB Bureau sought clarification on a paragraph in the proposed response letter that was taking position on a decision by the Secretary-General and not simply seeking clarification. This was found to be outside the mandate of the PCB Bureau. Taking note of the decision would be a possible option in the proposed response letter as redacted by the Chair.

PCB Bureau members suggested that the draft response letter could be sent to the full PCB for their input and recommendations for a better involvement of Member States in this process.

A Bureau members suggested scheduling a call with the EOSG to seek clarification on the role of the PCB in the performance expectations of UNAIDS Executive Director considering also examples from other UN organizations to inform the discussion.

In response to a question from Bureau members, the PCB Chair clarified that they had reached out to the EOSG to follow-up on the 2021 ECOSOC resolution OPs since there had not been any movement and the discussion for the 2023 ECOSOC Resolution on the Joint Programme were rapidly approaching. The Chair also noted that the JIU recommendations to be acted on were from 2019, and the report by the SG is still outstanding.

The Bureau members agreed to have additional days to consult on the options for a way forward regarding the draft letter proposed by the Chair as a response to the letter of the EOSG:

- Option 1: Response letter to be sent by the PCB Chair,
- Option 2: Response letter to be sent on behalf of the PCB Bureau with some changes to the letter in particular not expressing position on the decision made by the UN Secretary-General not to establish term limits for the function of UNAIDS Executive Director.

The Bureau members were requested to provide their feedback on the above-mentioned options by Thursday 18 May COB.

2. Any other business (AOB)

- The PCB Chair informed the PCB Bureau members that likely dates for the informal consultations on the 2023 ECOSOC Resolution during in the first week of July (three half days).
- The Chair also informed the Bureau members that a PCB Bureau meeting will be scheduled towards the end of May for the Chair of the Independent External Oversight Advisory Committee (IEOAC) to present and discuss with the PCB Bureau the final recommendations of the 2023 annual report of the IEOAC to the Board. Bureau members proposed 2 June instead.

The Chair closed the meeting, thanking participants for their time and engagement and looks forward to the responses on the letter to the EOSG and to the next meeting of the PCB Bureau on Friday 2nd June 2023 for the Chair of the IEOAC, subject to his availability, to present the final recommendations of the 2023 annual report of the IEOAC.

[Annex 1 follows]

United Nations  Nations Unies

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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL
CABINET DU SECRETAIRE GENERAL

19 April 2023

Excellency,

On behalf of the Secretary-General, I am writing with reference to resolution 2021/26 of the Economic and Social Council (ECOSOC) regarding the establishment of term limits and performance expectations for the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS).

As you know, the United Nations General Assembly recognized that in exercising his authority as Chief Administrative Officer of the Organization, the Secretary-General has flexibility with regard to the appointment of senior leaders. To this end, the General Assembly specified that “the discretionary power of the Secretary-General for the appointment and promotion outside the established procedures should be limited to his Executive Office and the Under-Secretary-General and Assistant Secretary-General levels, as well as Special Envoys at all levels”. (Section II, paragraph 5, of resolution 51/226).

The Secretary-General exercises with great care the discretionary authority that is entrusted to him by the General Assembly and, in line with the current established practice for senior appointments, has decided not to establish term limits for the appointment of the UNAIDS Executive Director.

With regard to the performance expectations of the Executive Director, the Secretary-General is mindful of ECOSOC resolution 1994/24 on the establishment of UNAIDS, which states that the Executive Director “will report directly to the programme coordinating board, which will serve as the governance structure for the programme”. As such, the Secretary-General would be grateful to receive information from the PCB on the exercise of its role in overseeing the performance of the Executive Director.

Her Excellency
Ms. Antje Leendertse
Permanent Representative of Germany
to the United Nations
New York

I would be grateful if this information could be shared with the members of the UNAIDS Programme Coordinating Board for their feedback.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'E. Rattray', with a long horizontal stroke extending to the right.

E. Courtenay Rattray
Chef de Cabinet