

UNAIDS PCB BUREAU MEETINGS

DATE: Monday, 20 September 2021 and Monday, 27 September 2021

TIME: 12:30-13:30 (Geneva time) and 11:00-12:00 (Geneva time)

VENUE: Virtual (TEAMS meeting)

MEETING DRAFT AGENDA

- 1. Update on the preparations for the October Special Session of the PCB:** *The Bureau will receive an update on the finalization of the 2022-2026 UBRAF from the relevant technical team.*
- 2. Update on the search process for the establishment of the Independent External Oversight Advisory Committee:** *The Secretariat will provide an update on the status of the establishment of the IEOAC with feedback requested on the interview and screening templates.*
- 3. Any other business**

PARTICIPANTS:

PCB Bureau: Dr. Theo-Ben Kandetu and Ms. Xungileni Chitundu (Namibia: representing the Chair); Dr Walaiporn Patcharanarumol, Ms Cha-aim Pachanee and Mr Natee Vichitsorasatra (Thailand: representing the Vice-Chair); Ms Julia Martin (United States of America: representing the Rapporteur); Mr Alexander Pastoors (representing the PCB NGO Delegation); and Mr Andy Seale and Mr Hywel Jones (WHO: representing UNAIDS Cosponsors).

UNAIDS Secretariat: Mr Tim Martineau, Deputy Executive Director, a.i.; Mr Morten Ussing, Director, Governance and Multilateral Affairs; Ms Samia Lounnas, Senior Governance Advisor, Governance and Multilateral Affairs; Ms Pauliina Nykanen-Rettaroli, Governance Advisor, Governance and Multilateral Affairs; and Ms Maggie Lemons, Governance Officer, Governance and Multilateral Affairs

Summary of meeting held on 20 September 2021

- 1. Update on the preparations for the October Special Session of the PCB:** *The Bureau will receive an update and provide guidance on the preparations for the upcoming PCB meeting, including reviewing proposed agenda items.*

The Chair welcomed Bureau members to the meeting by recalling the upcoming schedule for the PCB Special Session to take place on Wednesday, 6 October 2021. In addition, a pre-meeting on the agenda items would take place on Wednesday, 29 September 2021. A consultation on decision points with the PCB members would be held on Friday, 1 October 2021.

The Chair welcomed George Farhat, Director, Finance, Planning and Accountability, UNAIDS Secretariat and Marie-Odile Emond, Senior Advisor, Finance, Planning and Accountability, UNAIDS to present the 2022-2026 Unified Budget, Results and Accountability Framework and the biennial 2022-2023 workplan and budget.

The Secretariat recalled that a zero draft of the framework had been submitted to the PCB at its 48th meeting held 29 June – 2 July 2021. Building on feedback meeting, a working group had been established to support the finalization of the framework. Through the 2022-2026 UBRAF, the Joint Programme will operationalize its contribution to the implementation of the Global AIDS Strategy 2021-2026, using an inequality lens and supporting countries and communities to reach the 2025 global AIDS targets. In this new era and cycle, key changes and areas of focus for Joint Programme's intensified work are :

- Tackling inequalities to ensure equitable access to HIV services and support
- Fostering leadership and supporting innovative approaches for more inclusive HIV services
- Championing the empowerment of communities and people living with HIV
- Strengthening community-led responses
- Strengthening societal enablers through more robust social, institutional and structural capacities of countries and communities for social protection
- Improving enabling legal environments, eliminating stigma and discrimination and promoting gender equality in the HIV response
- Advancing the increased availability and financing of the global response to achieve the 2025 targets
- Increasing joint efforts for mobilizing resources and strategically allocating them for maximum impact
- Strengthening accountability, monitoring and reporting for transparency and course corrections and further prioritization

The UBRAF is the central, comprehensive instrument strategically guiding and framing the work of the Joint Programme, setting priorities, creating top-line guidance and plans to accomplish the four operational-level goals:

- i. Set and operationalize a consistent, prioritized workplan at different levels that aligns the work of the Joint Programme with the Global AIDS Strategy and the SDGs
- ii. Provide the framework for differentiated approaches at the regional and country levels to reflect differences in local contexts
- iii. Lay out the processes the Joint Programme will use to provide effective, strategic support to countries; and
- iv. Provide the basis for investments in the Joint Programme, its resources allocation, performance monitoring, reporting and accountability

The complete UBRAF package is composed of three main documents:

- The overall strategic framework
- The biennial workplan and budgets (2022-2023, 2024-2025, and 2026)
- The UBRAF performance indicators, which will be aligned to the framework and informed by the Global AIDS Monitoring Indicators

As agreed during the June PCB meeting, the first 2 documents are submitted for review and approval at the PCB Special Session in October 2021.

The UBRAF working group is composed of a wide range of relevant experts suggested by by PCB member states and civil society as well as representatives of the cosponsors and UNAIDS Secretariat, all nominated by the Executive Director. The group, chaired by Dr. Jesper Sundewall, provided advice, guidance and feedback along the UBRAF development process, including advising on key components and the alignment of the UBRAF with the Global AIDS Strategy. So far, the Working Group has met 4 times and reviewed several versions of the draft documents following the 48th PCB meeting. The notes for the meeting are [published online](#).

Following the Zero draft of the 2022-2026 UBRAF (high-level framework) provided at the 48th PCB meeting, the final draft of the UBRAF, developed through a joint planning process across the Joint programme taking not account the PCB feedback and UBRAF Working Group guidance, includes improved alignment with the 2025 targets, Global AIDS Strategy, and Political Declaration; a clearer and simplified theory of change; greater clarity on the Joint Programme's results (3 outcome and 10 outputs) and clearly articulate a results chain (actions – outputs – impact); an updated division of labour aligned with the Global AIDS strategy and UBRAF results; more detailed section on accountability through the UBRAF as part of UNAIDS broader accountability system and summary of the Joint Programme's regional priorities for the next five years.

Following the recommendation of the Independent Evaluation of the UN system response to HIV/AIDS, 2016-20219, an more fully articulated theory of change in included (summary visual in the main text and details in annex) that informed the outputs, outcomes to contribute and that are fully aligned with the Global AIDS strategy. The UBRAF also includes a set of assumptions and risk mitigation and management measures to support the delivery of these outcomes under a variety of contexts.

In accordance with the Global AIDS Strategy 2021-2026, the 2022-2026 UBRAF includes regional priorities to provide tangible directions for the Joint Programme in each of the six regions given the differentiated epidemic, contexts, and need for tailored support.

The UBRAF also articulates the accountability of the Joint Programme to the PCB, Member States, people living with HIV, civil society, other stakeholders of the global HIV community. It was expected that the indicators for monitoring the Joint Programme's performance against the 2022-2026 UBRAF framework would be submitted to the PCB at the 49th PCB meeting in December 2021. However, given the timing of the Special Session and need to first adopt of the UBRAF framework and 2022-2023 Workplan & Budget, to allow for full and appropriate consultations, consideration and review, especially with and by PCB members to a set of quality and meaningful key performance indicators to measure the Joint Programme's performance and to inform annual reporting, the Secretariat proposed to delay this submission of the proposed UBRAF indicators to the 50th PCB meeting to be held in June 2022 (noting the first reporting on 2022 implementation to the PCB will be in June 2023).

The Secretariat provided an update on the 2022-2023 biennial workplan and budget, which will also be submitted for approval at the Special Session of the PCB. The Joint Programme will aim for a budget of US\$ 210 million annually (US \$64 million for the Cosponsors and US\$ 146 million for the Secretariat) or US\$420 million for the 2022-2023 biennium. This budget includes a total of US\$ 33 million annual core funds allocated to the cosponsors and US\$ 31 million allocated for the country envelopes. The biennium workplan and budget includes a budget breakdown by results areas (UBRAF output), organization (Cosponsors and Secretariat), regions and SGDS.

The Secretariat concluded by stressing the critical momentum and opportunity the for the Joint Programme, countries and communities to get the HIV response back on track. The 2022-2026 UBRAF served as a critical moment to mobilize and strategically allocate essential resources for

the HIV response to achieve maximum impact, efficient joint planning and implementation, and channel resources to address key gaps. Fully funding the UNAIDS budget for 2022-2026 will be a critical investment for the successful implementation of the Global AIDS Strategy. The documents would be posted on the PCB webpage shortly.

The representative of the CCO underlined the work and collaboration of the Joint Programme over the preceding months to consider the Joint Programme's contribution and partnership and to develop, on this basis, a strong UBRAF to deliver on the Global AIDS Strategy 2021-2026.

The PCB Bureau thanked the Secretariat and CCO representative for the update on the UBRAF 2022-2026 framework and 2022-2023 workplan and budget. They looked forward to seeing the posted documents. Recognizing the importance of a consultative process to develop the indicators for the 2022-2026 UBRAF framework and that reporting on this UBRAF framework would begin in 2023, the Bureau expressed support for further consideration of delaying this agenda item to the 50th PCB meeting in June 2022. They stressed the importance of measurability and clarity in the Joint Programme's contribution to the Global AIDS Strategy 2021-2026 and of developing output indicators that are clearly linked to the deliverables of the biennium workplan and budget.

2. Update on the search process for the establishment of the Independent External Oversight Advisory Committee: *The Secretariat will provide an update on the status of the establishment of the IEOAC with feedback requested on the interview and screening templates.*

The Secretariat provided the update on the establishment of the Independent External Oversight Advisory Committee (IEOAC). The external search firm had provided a number of deliverables, including a candidate pack, the placement of advertisements, and an applicant screening tool. The firm had begun a targeted search process and had contacted over 80 individuals. Advertisements in the Economist and Jeune Afrique had received an encouraging response.

In advance of the meeting, Bureau members received a background document, developed by the external search firm, that laid out the planned assessment process for potential candidates, including potential interview questions. The external search firm will be responsible for conducting interview for a long list of candidates and then providing a short list to the selection panel.

The Bureau thanked the Secretariat for the update and provided guidance on ensuring that interview questions allow for appropriate diversity of experience and alignment with key values of UNAIDS.

In the terms of reference for the IEOAC, the Executive Director is requested to "constitute a selection panel; decisions of the selection panel will be made by consensus; if consensus cannot be reached, the issue will be referred to the PCB Bureau." The selection panel will consider the shortlist of candidates given by Oxford HR and provide a final list of recommended members for consideration by the PCB Bureau. If the PCB Bureau is in full agreement, then they refer the list to the PCB for final consideration and approval.

The Terms of Reference do not provide clear direction on the composition of the selection panel.

The Secretariat had reviewed two potential options with legal counsel:

- Option 1: Establish a selection panel of 3-5 experts from existing cosponsor oversight committees.
- Option 2: Establish a selection panel of 10-12 members nominated by each constituency of the PCB (5 regional groups of MS represented, cosponsors, and the NGO Delegation) as well as members of the Secretariat.

The PCB Bureau recognized the merit of both options and the importance of timely composition of the selection panel. Bureau members proposed considering a hybrid option in which expert nominations are solicited from constituencies, valuing both expertise and broad ownership in the establishment of the oversight committee.

Finally, in evaluation the applicants, the external search firm had raised a variety of questions related to potential conflicts of interest. The Terms of Reference (ToR) of the Independent External Oversight Advisory Committee (IEOAC) state that members of the committee shall remain independent and free of any real or perceived conflict of interest. The ToR further state, in paragraph 15, that members shall:

- a) not engage in activity that could pose a conflict of interest that could impair their independence with UNAIDS;
- b) not currently be, or have been within the three years prior to appointment to the IEOAC, employed or engaged in any capacity by the UNAIDS Secretariat or have an immediate family member working for, or having a contractual relationship with, the UNAIDS Secretariat; nor shall the member have been an applicant for employment at the UNAIDS Secretariat within the same time period;
- c) not currently be, or have been within the three years prior to appointment to the IEOAC, member of a delegation to the UNAIDS PCB nor have an immediate family member serving as a member of a delegation to the PCB;
- d) not currently be, or have been within the three years prior to appointment to the IEOAC, an employee of a member of the United Nations Panel of External Auditors or a member of the Joint Inspection Unit; and
- e) not be eligible for any senior employment with the UNAIDS Secretariat for three years immediately following the last day of their tenure on the IEOAC.

To further elucidate activities that “could pose a conflict of interest that could impair their independence with UNAIDS”, a series of potential scenarios was proposed to the Bureau for their input, including individuals serving on boards of organizations or working for organizations with a close link/relationship to the Joint Programme, serving on technical advisory committees of organization closely related to the work of UNAIDS, and individuals with a contractual relationship with the cosponsors.

The PCB Bureau noted that working or contractual relationships with cosponsors or organizations with financial relationships with UNAIDS could likely pose a conflict of interest but underscored the importance of not overly restricting the pool of potential members in most other cases.

3. Any other business

The Secretariat recalled the Bureau discussion and approval of the extension of term limits for active members of the Evaluation Advisory Committee at its meeting on [15 July 2021](#). Further to that meeting, the PCB Bureau therefore, in accordance with the terms of reference of the Expert Advisory Committee, requested to invite nominations for experts for Eastern Europe to join the Committee. Member States are encouraged to agree on nominations within their regional group. The role of the PCB Bureau is to ensure that the expert appointed to the Committee has the required technical expertise and that the Committee continues to be geographically representative and gender balanced.

The remaining six other members of the Advisory Committee (listed below) confirmed their interest in continuing to serve on the Committee for another two-year period 2022-2023.

- Ms. Elizabeth Moreira dos Santos, Independent expert (Latin America and the Caribbean)
- Mr. Raymond Yekeye, Programme Director, National AIDS Council, Zimbabwe (Africa)

- Mr. Zunyou Wu, Chief Epidemiologist, Chinese Centre for Disease Control and Prevention (Asia-Pacific)
- Mr. Till Bärnighausen, Director Heidelberg Institute of Global Health (Western European & Other States)
- Ms. San Patten, Independent Expert, Canada (NGO Delegation of UNAIDS Board)
- Mr. Marco Segone, Director, Evaluation Office, UNFPA (Cosponsor Evaluation Group)
- To be nominated and confirmed: Technical expert on evaluation (Eastern Europe)

The Bureau agreed to send a communication to PCB members and permanent missions requesting nominations from the relevant geographic region. The final list of members would be submitted to the PCB for final confirmation.

The PCB Chair thanked participants for their engagement in the meeting.

Summary of meeting held on 27 September 2021

1. Preparations for the upcoming Special Session of the PCB

The PCB Bureau reconvened on Monday, 27 September 2021 to discuss final preparations for the upcoming Special Session of the PCB. The PCB Chair recalled that, further to clearance from the PCB Bureau, the report of the 48th meeting of the Programme Coordinating Board ([UNAIDS/PCB \(48\)/21.21](#)) was posted on the PCB webpage on 31 August 2021 in accordance with the provisions of the PCB Modus Operandi.

On Friday, 24 September 2021, the PCB Chair received a Note Verbale from a Member State with comments on the report. The Bureau convened to review the comments and, on this basis, agreed to issue a revised version of the report. In determining to issue a revised report, the PCB Bureau stressed the importance of ensuring that the report is a balanced and fair summary of the content of the meeting. The revised version of the report was posted on Tuesday, 28 September 2021.

Further to the receipt of the comments, the Chair also requested the independent PCB Legal Counsel to provide a written statement on the difference between taking note of the report of a meeting and adopting the report of a meeting. The Chair took the opportunity to recall that the role of the Legal counsel in an international organization is to provide oral or written legal advice at the request of the institutional bodies of the organization. In UNAIDS, the request for legal advice may therefore come from the PCB, the Chair, the Bureau, the CCO or the Executive Director. A PCB member alone is not entitled to request legal opinions from the Legal counsel. The Chair recalled that, due a technical issue, the Legal Counsel was not online for the close of the 48th PCB meeting, at which a legal question had been raised. Given this unique circumstance, the PCB Chair had requested the PCB Legal Counsel to provide this opinion of the difference between taking note of the report of a meeting and adopting the report of a meeting following the 48th PCB meeting. The Chair determined to exceptionally provide a written statement from the Legal Counsel (annex 1) as this intervention would not be reflected in the Report of the meeting (as would traditionally be the case on legal issues raised during the course of the PCB meeting).

Annex 1

UNAIDS PCB Legal Counsel

Legal Advice Nr. 11 – 27/09/2021

Questions from the PCB Chair regarding the adoption of the report of the 48th PCB Session

The PCB Chair has raised the following question after receiving comments from a PCB member on the Draft Report of the 48th PCB Session: What is the difference between *Taking Note* of a report and *adopting a report*?

"Adopts" means that the PCB approves the document and its content is endorsed by the Board. After adoption the content is considered as a PCB decision and cannot be modified.

"Takes note" means that the document is considered as a piece of information taken into consideration by the Board but its content is not endorsed. It remains an information document and cannot be referred to as a PCB decision.

Luc Derepas

PCB Legal Counsel

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