



PROGRAMME COORDINATING BOARD

Fourteenth meeting
Geneva, 26-27 June 2003

Provisional agenda item: 5.1

Partnership agreement between UNAIDS and the Global Fund to Fight AIDS, Tuberculosis and Malaria

Executive Summary

In response to the decision of the Programme Coordinating Board at its 13th meeting, UNAIDS continued to develop a partnership agreement with the Global Fund to Fight AIDS, Tuberculosis and Malaria.

This paper outlines the processes undertaken since the PCB's meeting, which resulted in the development of the Memorandum of Understanding presented in Annex 1. At the request of the Global Fund Board, the Memorandum of Understanding has been reviewed by the Global Fund Governance and Partnerships Committee, which accepted it without changes. The Memorandum of Understanding will be presented to the 6th meeting of the Global Fund Board on 5–6 June 2003 for acknowledgement. The PCB will be informed of the outcome of that Board's action.

Action required at this meeting

The Programme Coordinating Board is asked to approve the Memorandum of Understanding.

Background

1. At its 12th meeting in Geneva in May 2002, the PCB agreed that UNAIDS and the Global Fund should “work in consultation to develop, for consideration by the PCB at its next meeting, a partnership agreement that would set out areas of complementary activity and provide a sound foundation for a continuing strong, mutually reinforcing relationship. This agreement, which would include a resource mobilization strategy, would clarify their respective roles, indicate the cost implications for UNAIDS, and demonstrate effective synergies”. It was subsequently decided to prepare as a separate document the resource analysis and mobilization strategy.
2. At its 13th meeting, the PCB reviewed an update of the status of development of the agreement, as well as the proposed principles and areas it would cover. The PCB “urged the Programme to continue these discussions, with a view to developing a partnership agreement that provides an enabling framework within which the Secretariat and Cosponsors can further develop their collaboration with the Global Fund, particularly at country level”.

Progress with agreement

3. Following the December PCB meeting, the UNAIDS Secretariat pursued discussions with the Global Fund Secretariat and concluded a Memorandum of Understanding, with the input of its Cosponsors. This Memorandum of Understanding was subsequently presented to the Board of the Global Fund at its 4th meeting in January 2003, for acknowledgement and endorsement.
4. The Global Fund Board took note of the agreement with satisfaction. It tasked the Fund’s Governance and Partnerships Committee to examine and comment on all partnership arrangements negotiated by the Fund’s Secretariat, including the Memorandum of Understanding with UNAIDS, and present them to its next Board meeting for acknowledgement.
5. The Global Fund Governance and Partnerships Committee met on 2–3 April 2003 and decided to recommend the Memorandum of Understanding with UNAIDS, without amendments, to its Board for acknowledgement in June 2003.
6. Throughout the process of developing the Memorandum of Understanding, UNAIDS and the Global Fund have continued to strengthen their partnership by working in close collaboration at global and country levels to assist countries in accessing the Fund.

The Memorandum of Understanding

7. The purpose of the Memorandum of Understanding is to formalize the collaborative and complementary relationship between UNAIDS (Secretariat and Cosponsors) and the Global Fund, to outline a framework for cooperation in particular areas, and to reflect the establishment of the Fund as a financing institution that provides a new opportunity to scale up action against HIV/AIDS and that relies on existing international mechanisms to support its core processes.

8. As the attached Memorandum of Understanding indicates, collaboration between UNAIDS and the Global Fund is based on the following underlying principles:
 - UNAIDS to be a key provider of strategic leadership, knowledge, policy advice and technical expertise on HIV/AIDS to support the Global Fund in all its operations.
 - UNAIDS to use its extensive partnership network to promote the goals and principles of the Global Fund.
 - UNAIDS and the Global Fund to work in a complementary way to support mutual goals and objectives and to avoid duplication of effort.
 - UNAIDS and the Global Fund to respect the principles of national ownership and country leadership and support the goals of national capacity-building and scaling-up of country-level responses to HIV/AIDS.
 - The key principles of independence, reciprocity, transparency and flexibility will be respected.
9. The areas of cooperation identified in the Memorandum of Understanding relate to action at both the global and country levels, and cover:
 - **strategic analysis and policy advice**, based on UNAIDS' role as a prime source of advice and data on the HIV/AIDS epidemic, on country situations and on effective interventions;
 - the **technical support throughout the proposal cycle** provided by UNAIDS (including advice on needs, strategies and programmes, support for countries in developing and implementing proposals, support for Country Coordinating Mechanisms and facilitation of the technical review process);
 - the **monitoring and evaluation** framework for the Fund, at country level and globally; and
 - **resource mobilization and advocacy**, with UNAIDS and the Global Fund working in a complementary way to achieve the commitment and level of resources needed to address the HIV/AIDS epidemic.
10. The Memorandum of Understanding provides a framework for ongoing collaboration in these areas and formalizes current ad hoc cooperation. It also includes a mechanism for monitoring and assessing the collaboration.
11. The PCB is requested to approve the Memorandum of Understanding with the Global Fund.

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ANNEX I

MEMORANDUM OF UNDERSTANDING BETWEEN UNAIDS AND THE GLOBAL FUND

VERSION: 22 JANUARY 2003

Background

As the leading advocate for worldwide action against HIV/AIDS, UNAIDS' mission is to lead, strengthen and support an expanded response to the HIV/AIDS pandemic aimed at preventing the transmission of HIV, providing care and support for those infected and affected by the disease, reducing the vulnerability of individuals and communities to HIV/AIDS and alleviating the socioeconomic and human impact of the epidemic. UNAIDS' role is to catalyse, coordinate and strengthen action to combat the HIV/AIDS epidemic, engaging the efforts of many sectors of society and drawing on the respective mandates and comparative advantages of its Cosponsors.

The Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") is an independent, public-private partnership that will be a leading financing mechanism for public health and development interventions in developing countries. Its purpose is to attract significant new resources and innovatively manage and disburse funds to make a substantial impact in the fight against HIV/AIDS, tuberculosis and malaria among communities of greatest need. The Global Fund is committed to an accountable, results-driven approach and efficient and transparent disbursement mechanisms. Its structure and mandate defer responsibilities for implementation to local grantees and international partners.

UNAIDS is a joint and cosponsored programme of eight cosponsoring agencies (UNICEF, UNDP, UNFPA, UNDCP, UNESCO, WHO, World Bank, ILO) and a Secretariat, which advocates and mobilises support for a significantly expanded response to the HIV/AIDS pandemic. The Global Fund represents an opportunity to raise and channel the substantial additional resources that are urgently needed for a scaled-up response. Both parties support country leadership and country ownership of HIV/AIDS programmes, and partnership involving governments, civil society, the private sector, communities living and affected by HIV/AIDS as well as international agencies.

Purpose

Through this Memorandum of Understanding, the Global Fund Secretariat and UNAIDS set forth their mutual intention to collaborate to strengthen the global response to the HIV/AIDS epidemic and to accelerate progress towards impact on the epidemic. In recognition of their complementary strengths and shared commitment, UNAIDS and the Global Fund Secretariat plan to cooperate in a working relationship

(“partnership”) based on common principles, agreed objectives and clear terms of partnership review and management.

Under this Memorandum of Understanding, UNAIDS, operating through its Secretariat and enlisting the collaboration of the eight Cosponsoring agencies, will be engaged in collaboration with the Global Fund and come under the umbrella of this partnership. The engagement of UNAIDS Cosponsoring agencies with the Global Fund Secretariat, however, is not limited to the provisions of the present Memorandum of Understanding.

This Memorandum of Understanding provides a framework for cooperation that enhances the roles of both the Global Fund Secretariat and UNAIDS and which opens the way for more detailed relationships to be pursued between the parties for specific activities and purposes. This Memorandum of Understanding articulates objectives for cooperation in core activity areas, drawing on the complementary functions of UNAIDS and the Global Fund Secretariat.

Partnership Framework

The Global Fund Secretariat and UNAIDS hereby record their intention to cooperate on HIV/AIDS programs as follows:

A. Principles of Cooperation

The partnership between UNAIDS and the Global Fund Secretariat (the “Partners”) shall be based on the following principles:

1. The Partners will work in a complementary way to support mutual goals and agreed objectives, to avoid duplication of effort and to capture synergies. The Global Fund will channel additional funds for HIV/AIDS prevention, care, treatment, support and impact alleviation. UNAIDS will provide strategic knowledge, policy advice and technical expertise on HIV/AIDS to maximize countries’ access to these funds and, where needed, to support the Fund’s disbursement and management of resources to country partners.
2. The Partners will respect the principles of national ownership and country leadership and will support the goals of capacity building and expansion of local responses to HIV/AIDS. The Partners will also operate within and strengthen existing national HIV/AIDS systems, plans and strategic frameworks.
3. The Partners will work together to support innovative processes and programs that are effective and efficient in the fight against HIV/AIDS, recognising the comparative advantages of the Global Fund Secretariat, the UNAIDS Secretariat and the Secretariats of each Cosponsor.
4. The Partners will work together to develop and to support public/private partnerships at the global, regional and country level, affirming the mutual responsibilities of governments, civil society and the private sector. The Partners will endeavour to expand the involvement of civil society (including

non-governmental organizations, faith-based organizations and communities living with HIV/AIDS) and the private sector in the response to HIV/AIDS.

5. The Partners affirm the need for transparency and open communication in their collaboration and in the management of this partnership.
6. The policies and procedures of both Partners will be respected in the collaboration undertaken within the framework of this Memorandum of Understanding. The fulfilment of the commitments herein is subject to the availability of adequate resources by each Partner.

B. Objectives of Cooperation

Collaboration between the Partners will call upon the expertise of the Global Fund Secretariat, the UNAIDS Secretariat and each UNAIDS cosponsoring agency and will cover, but is not exclusive to, the core areas of strategic analysis and policy advice, technical support across the proposal process, monitoring and evaluation and resource mobilisation and advocacy. Respecting in-country mechanisms, the partnership will have effects at both global and at country levels.

Strategic Analysis and Policy Advice

A core function of UNAIDS is to gather, analyse and disseminate information on the evolving HIV/AIDS epidemic and the responses to it, including epidemiological data collection and analysis, needs assessment and country readiness information. This information is made available to help various partners, including the Global Fund, map appropriate strategies for their own organizations and feeds into the development of appropriate policies and approaches for a coordinated response to the HIV/AIDS epidemic. In developing its strategy for attracting, managing and disbursing additional resources for HIV/AIDS, the Global Fund will draw and build on the strategic analysis undertaken by UNAIDS.

- At the country level, UNAIDS, as part of its ongoing support for national responses to HIV/AIDS, will support Country Coordinating Mechanisms (CCMs) and national partners to understand and to apply Global Fund policies, in a manner consistent with national plans and priorities and strategic frameworks. The Global Fund Secretariat will ensure that UNAIDS participates in the development of these policies and that UNAIDS is fully aware of when and in what situations they are expected to be applied.
- The implementation of programs with Global Fund resources will yield data regarding the successes and challenges of HIV/AIDS interventions. The Global Fund Secretariat will seek to facilitate and encourage the sharing of these successes and challenges, which will contribute to UNAIDS' ongoing efforts to assist countries in identifying and sharing best practices.
- At the global level, UNAIDS will provide broad support to the development of Global Fund policies through its participation on the Board of the Global Fund¹,

¹ Ex officio, non-voting Board seats are occupied by representatives of UNAIDS, WHO and the World Bank.

including committee work, and through ongoing consultation with the Secretariat particularly in relation to the proposals process, including grant implementation and monitoring and evaluation.

- New funds to fight HIV/AIDS must complement existing resource investments by country and international sources. The Global Fund is committed to building additionality in its investments. UNAIDS will continue to map current HIV/AIDS investment and make available to the Global Fund information that may assist the Global Fund, in assessing the additionality of its funding.
- The Global Fund aims to achieve maximum impact in communities of greatest need through its resource investments. UNAIDS will provide strategic advice to the Global Fund to help operationalise this goal. Moreover, tools developed by the Global Fund to achieve this goal will benefit from resources made available by UNAIDS, including analytical methods and epidemiological data.

Technical Support across the Proposals Process

The central operation of the Global Fund Secretariat is the ongoing administration of the process of proposal submission and review, fund disbursement and grant monitoring and evaluation (the “proposals process”). Technical and disease-specific considerations underlie this core function. The Global Fund Secretariat will look to UNAIDS as its important chief partner in all aspects of this programmatic cycle associated with HIV/AIDS proposals.

A core function of UNAIDS is to support countries in their response to the HIV/AIDS epidemic. Therefore, through its partnerships and coordination mechanisms at country level, including UN Theme Groups on HIV/AIDS, it will provide support for the formation and operation of CCMs. This support will be consistent with policy guidelines and frameworks established by the Global Fund, affirming the central importance of CCMs throughout proposal development and grant implementation, reinforcing existing poverty reduction, health and development programs (including sector wide approaches and poverty reduction strategy papers) and facilitating the engagement of civil society and the private sector.

- Responsive to country needs and requests, UNAIDS will assist CCMs in the development of HIV/AIDS proposals to the Global Fund, in the context of guidelines, criteria and timelines established by the Global Fund. Resources for this assistance may be made available through UNAIDS’ Programme Acceleration Funds and/or other Cosponsor facilities, which can be applied to improve capacity and catalyse efforts at the local level to improve proposal quality.
- Beyond proposal development, countries require support to accelerate the disbursement of Global Fund resources and for the implementation of funded programs. Responsive to country requests, UNAIDS will facilitate the implementation of programs supported by the Global Fund, including access to relevant and appropriate global mechanisms, such as reliable procurement services. This assistance will be consistent with the proposals and workplans approved by the Global Fund, which focus on agreed outputs by grantees (including Principal Recipients, or “PRs”, and their sub-recipients).

- At the global level, providing substantive support to the Global Fund's technical review process is an important element of UNAIDS' partnership with the Global Fund. Specifically, UNAIDS will support the selection and operation of the Technical Review Panel, and will work with the Global Fund to explore ways for the Panel to draw effectively on the institutional technical and contextual knowledge of UNAIDS and for UNAIDS to provide reliable objective and strategic information to assist in reviews. This strategic information can include epidemiological data, best practice material and information available through Country Response Information System. In this process, UNAIDS will respect at all times the independence and objectivity of the technical review process and the procedures specified by the Global Fund.
- A high quality proposals process depends on effective and consistent communication with countries and other stakeholders. The Global Fund Secretariat will lead efforts to communicate information, advice and guidance necessary to countries seeking to access Global Fund resources. UNAIDS will support these efforts by channelling and disseminating information about the Fund's policies and processes to national and other partners, including the broader UN system and civil society organisations.

Monitoring and Evaluation

Monitoring HIV/AIDS strategies and programmes to ensure that they are effective in reducing the epidemic and its impact is a central element in the mandate of UNAIDS. Equally, reporting and evaluating the results of the programs it supports is a fundamental component of the Global Fund's mandate. Having developed a monitoring and evaluation framework specifically tailored to measuring progress in addressing the AIDS epidemic, UNAIDS is well positioned to support the Global Fund's monitoring and evaluation needs and will work with the Fund to establish the best ways of providing that support at country level and globally.

In country, CCMs have a central role in the implementation of programs supported by the Global Fund, including the monitoring and evaluation of these programs. PRs, which are drawn from CCMs, are responsible for providing specific progress reports to the Global Fund through the CCM. UNAIDS will support CCMs and PRs to fulfill this function, as part of its overall support for country-driven monitoring and evaluation processes and consistent with its objective of building national capacity to monitor performance and to use this information effectively.

- Complementing its upfront review of proposals, the Global Fund must review ongoing progress of grant recipients, both centrally and through Local Fund Agents (or "LFAs"), who represent the Global Fund Secretariat in country and receive reports from PRs, ensuring that they represent a fair and complete record of program progress and that they demonstrate linkages between program results and financial expenditure. UNAIDS will support countries to provide the information required by the Global Fund Secretariat.
- Globally, the Global Fund acknowledges the responsibility and expertise of UNAIDS in monitoring and evaluation in relation to HIV/AIDS and will draw on this support in the ongoing development of its own monitoring and evaluation framework. Through participation in the UNAIDS Monitoring and Evaluation

Reference Group, which advises on harmonised approaches to HIV/AIDS monitoring and evaluation among stakeholders, the Global Fund Secretariat can access this expertise and draw on UNAIDS for assistance in determining appropriate indicators, methodologies and quality assurance mechanisms.

- The Global Fund is committed to providing ongoing resources to recipients on the basis of demonstrated results. UNAIDS will support countries to provide the information and data needed for the assessment of performance.
- In evaluating its own performance at the aggregate level, including its overall contributions to global HIV/AIDS resource flows and the achievement of clear, measurable and sustainable results in the fight against HIV/AIDS, the Global Fund will use data provided by UNAIDS, including information on existing country and international resources and the additionality of the Global Fund to the overall fight against HIV/AIDS.

Resource Mobilization and Advocacy

Resource mobilization is a core activity of the Global Fund as well as UNAIDS. Both Partners must play strong roles in achieving substantially increased funding for HIV/AIDS efforts. The Global Fund represents a major opportunity to mobilize new and additional resources to contribute to global resource targets, and the expertise and experience of UNAIDS in international advocacy will be integral to that effort.

- At the country level, UNAIDS will assist national partners to determine their overall resource requirements, including the specific costs of interventions and funding gaps. The Global Fund, in turn, is committed to providing resources to help fill funding gaps, on the basis of technically sound and operationally ready proposals.
- Both Partners are committed to ensuring that Global Fund resources are additional to other sources of financing and will work together to define and to promote the ways in which the Global Fund's resources and mechanisms are distinctive and additional.
- At the global level, both Partners will coordinate cost estimates related to HIV/AIDS and the tracking of resource flows. The Global Fund is responsible for defining its resource requirements to support the proposals it receives and reviews. UNAIDS leads efforts to develop international cost estimates for a scaled-up response to HIV/AIDS, to which the resources of the Global Fund will be an important contribution. These mutual estimates will be updated on at least an annual basis.
- Advocating for increased resources for HIV/AIDS is a responsibility of both Partners. In its advocacy for increased resources, UNAIDS will acknowledge the needs of the Global Fund and encourage investment in the Fund from a variety of sources. The Global Fund will define a resource mobilisation strategy for HIV/AIDS that is complementary to the global resource mobilisation strategy of UNAIDS. The Global Fund's overall resource mobilization messages will emphasize its innovative nature, as well as its position among a number of important channels for resources to fight HIV/AIDS.

- The resource mobilization and advocacy efforts of the Partners will be linked. The global communications networks of each partner will be available to the other through clear and effective links.

C. Review and Management of Cooperation

The cooperation specified in this Memorandum of Understanding will be reviewed regularly and may be supplemented by more detailed arrangements and agreements in relation to particular activities.

The overall collaboration will be pursued through monthly meetings of UNAIDS and Global Fund Secretariat staff, including representatives from the relevant departments of each Partner. Periodically, these meetings will be chaired by the Executive Directors of the Partners, who will also meet on an annual basis to formally review the partnership framework and to specify areas of collaboration that need to be strengthened or changed.

Both partners will communicate and share information in advance of arrangements they make that have direct implications for or directly impact on the other partner and to make those arrangements in keeping with the provisions of this Memorandum of Understanding.

Both partners will nominate coordination focal points, who will serve as the main channels of communication and information in relation to this Memorandum of Understanding. For collaboration on country specific activities, both the Global Fund Secretariat and UNAIDS will specify appropriate contacts that can provide current knowledge about the country in question and channel and coordinate communications in respect of every country awarded or applying for an HIV/AIDS grant from the Global Fund.

A representative of UNAIDS is a non-voting Member of the Global Fund Board. The Global Fund Secretariat will be invited to send a representative to attend all meetings of the UNAIDS Programme Coordinating Board (PCB) as an observer and to participate, as such, in discussions on the Global Fund.

Effective Period

This Memorandum of Understanding will be valid from the date of signature by both Partners until 31 January 2004, by which time the partnership framework will be evaluated and revised as appropriate by the Partners.

Signed:

Peter Piot
Executive Director
UNAIDS

Richard G.A. Feachem
Executive Director
The Global Fund

Date: _____

Date: _____