



UNAIDS/PCB(22)/08.5  
2 April 2008

**22<sup>nd</sup> Meeting of the UNAIDS Programme Coordinating Board**  
**Chiang Mai, Thailand**  
**23-25 April 2008**

*Provisional agenda item 3:*

**Second Independent Evaluation of UNAIDS**

**Document prepared by the PCB Bureau**

**Additional documents for this item:** *none*

**Action required at this meeting - the Programme Coordinating Board is invited to:**  
(See decision paragraphs below)

25. decide on the role of the Cosponsors in the Evaluation;
28. decide on the inclusion of two persons who are living with HIV in the Oversight Committee for the Evaluation;
29. decide on the overall size of the Oversight Committee;
30. agree the proposed list of members for the Oversight Committee;
32. agree the revised timeline for the Evaluation;
35. agree the proposed process for inter-sessional decision making by the Programme Coordinating Board with respect to the Second Independent Evaluation of UNAIDS;  
and
36. agree the inter-session decision points between the 22<sup>nd</sup> and 23<sup>rd</sup> Board meetings.

**Cost implications for decisions:** *none. The Programme Coordinating Board agreed the budget for the Second Independent Evaluation of UNAIDS at its 21<sup>st</sup> meeting in December 2007.*

## INTRODUCTION

1. In June 2007, the Executive Director of UNAIDS proposed to the Programme Coordinating Board that a Second Independent Evaluation of UNAIDS, covering the period 2002-2008, should begin in 2008. The Programme Coordinating Board subsequently:

*“5.1 Requests that an independent evaluation of UNAIDS be carried out in order to reassess priorities, determine how to build on achievement and understand how UNAIDS can play a more effective role in the future in strengthening global coordination on HIV/AIDS” and requests the Programme Coordinating Board Bureau to prepare the process and mechanisms, including terms of reference, for the independent evaluation and submit these for approval to the 21<sup>st</sup> PCB (recommendation 5.1).”*

2. As requested above the 21<sup>st</sup> Programme Coordinating Board, held in December 2007, received and agreed the content, structure and scope of the Evaluation. The purpose of the Evaluation being to: *“assess the efficacy, effectiveness and outcomes of UNAIDS (including UNAIDS Secretariat, the PCB and Cosponsors) at the global, regional and country level.”*

3. In considering the appropriate oversight mechanism for the Evaluation the Board agreed the following:

*“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. In order to ensure independence, the Committee Chair should not be a member of the Programme Coordinating Board;”*

4. Further to this decision the Programme Coordinating Board charged the Bureau with establishing the Oversight Committee on the following basis:

*“4.8 d. Membership Selection: Based on nominations received, and taking account of the [above] criteria, the Programme Coordinating Board Bureau will agree the Chair and composition of the Oversight Committee. The Bureau will send out to the PCB the proposed membership of the Oversight Committee for review and approval on a non-objection basis. A vice chair shall be elected by members of the Committee from among its membership. Individual members should not have any conflict of interest and there should be appropriate gender and geographical representation. Committee members should have the time and commitment to participate in all meetings.”*

5. Finally, the timeline for the Evaluation required the Bureau to establish the Oversight Committee by 9 February 2008 (see decision 4.9 from the 21<sup>st</sup> meeting).
6. This paper is intended to report to the Programme Coordinating Board on activities related to the Evaluation since the 21<sup>st</sup> meeting and to invite decision on key areas. The paper is divided into five sections:

- I. A record of the process undertaken by the Programme Coordinating Board Bureau since the last Board meeting;
- II. Criteria for selection of members of the Oversight Committee;
- III. Proposed list of members of the Oversight committee;
- IV. A revised timeline for the Second Independent Evaluation of UNAIDS; and
- V. Inter-session decision making process with respect to the Second Independent Evaluation of UNAIDS

**I. PROCESS UNDERTAKEN BY THE PROGRAMME COORDINATING BOARD BUREAU SINCE THE LAST BOARD MEETING IN THE ESTABLISHMENT OF AN OVERSIGHT COMMITTEE FOR THE SECOND INDEPENDENT EVALUATION OF UNAIDS**

7. With respect to the composition of the Oversight Committee for the Evaluation the Programme Coordinating Board, at its 21<sup>st</sup> meeting, agreed that:

*“4.8 ... the Terms of Reference for the Oversight Committee as follows:*

*a. Membership of the Oversight Committee*

*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”.*

*Further decides that the Oversight Committee should be constituted according to the following criteria:*

- *At least one person from each region and two from Africa*
- *At least two participants who are HIV+*
- *No more than three members of the Programme Coordinating Board*
- *Not less than 40 percent of either gender*
- *Not more than ten members”*

8. The process to be followed in establishing the Oversight Committee was mandated to the Bureau by the Board with the following steps (see decision 4.9 from the 21<sup>st</sup> meeting – shown below, with an additional column indicating the actual dates that actions were completed):

<b>DATE</b>	<b>ACTION</b>	<b>ACTUAL DATE COMPLETED</b>
“21 December 2007	<i>Email sent from Chair of the PCB to all PCB members, observers, five NGO representatives and ten cosponsoring agencies in the 21<sup>st</sup> PCB meeting inviting nominations to the Oversight Committee. Nominations must include full CV and names of two referees demonstrating</i>	21 December 2007

	<i>eligibility against the criteria established in the TOR</i>	
<i>18 January 2008</i>	<i>Deadline for submission of nominations</i>	<i>18 January 2008</i>
<i>18-25 January 2008</i>	<i>Secretariat to collate and verify nominations and establish consolidated matrix of nominations, against criteria, for consideration by PCB Bureau</i>	<i>18-25 January 2008</i>
<i>28 January 2008</i>	<i>PCB Bureau meeting to agree Chair and composition of the Oversight Committee</i>	<i>28 January 2008</i>
<i>1 February 2008</i>	<i>PCB Chair to inform PCB by electronic means of composition of Committee and to invite responses, if any, by 8 February 2008</i>	<i>15 February 2008</i>
<i>8 February 2008</i>	<i>Deadline for comments and silent approval of composition of Oversight Committee</i>	<i>22 February 2008</i>
<i>9 February 2008</i>	<i>Oversight Committee is established"</i>	<i>Incomplete</i>

9. A call for nominations for the Oversight Committee was duly sent by the Programme Coordinating Board Chair on 21 December 2007, and by the deadline of 18 January 2008, 34 nominations had been received. The Bureau met on 28 January and faced difficulty concerning the selection of HIV+ persons: none of the nominees had declared their HIV status. However, one person was known to be openly living with HIV and was duly proposed for membership of the Committee. Following lengthy discussion the Bureau, noting that it was not UNAIDS policy ever to ask an individual to disclose his or her status, decided not to solicit further disclosures of HIV status.
10. On 31 January 2008, the Chair of the Bureau received a letter from the Executive Director of UNAIDS (see Annex I) in which he raised concerns about the independence of the Oversight Committee if its members included a representative of the Cosponsors as Cosponsoring Organizations are subject to the Evaluation. This caused the Bureau to delay circulation of the proposed Committee membership (to 5 February) pending consideration of the letter. The Board was notified of this delay by email.
11. At the Bureau meeting on 4 February, UNHCR, on behalf of the Cosponsors, responded to the letter from the Executive Director saying that the Cosponsors believed that the Programme Coordinating Board had made a deliberate decision at the Board meeting in December to include the Cosponsors on the Oversight Committee. The Cosponsors further believed that their representation on the Committee would not constitute a conflict of interest and that 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.

12. After a full review of the Terms of Reference for the Oversight Committee and taking into account the position of the Cosponsors, the relevant Programme Coordinating Board decisions and comments recorded from the 21<sup>st</sup> meeting of the Board, the Bureau sufficiently shared the Executive Director's concern that it decided to put the issue before the members of the Programme Coordinating Board by consultation through electronic means (email from the Bureau Chair). Board members were asked to state their preference for one of three options:
  - a. *the PCB could re-affirm its decision at the 21<sup>st</sup> meeting that Cosponsors should be represented on the Oversight Committee*
  - b. *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*
  - c. *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.*
13. The electronic communication (email) to Board members also stated that by the given deadline of 14 February: *"If the number of responses received is more than the PCB quorum (15), the PCB Bureau will proceed according to the majority view"; and, "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"*.
14. By the deadline of 14 February, eight responses had been received: 2 for Option I (Japan and New Zealand); 2 for Option II (India and Monaco); and, 4 for Option III (Denmark, Switzerland, Thailand and the United States of America). The PCB NGOs expressed a preference for Option II and the Cosponsors for Option I.
15. While expressing disappointment with the low response from Board Members (eight out of twenty-two), the Programme Coordinating Board Bureau, at its meeting on 15 February, decided to support Option III as a compromise solution.
16. Subsequent to this meeting, the Bureau Chair circulated the same day the list of the proposed membership of the Oversight Committee and began the pre-agreed seven day silent approval process. The message also stated that the Bureau and the Oversight Committee would jointly produce the terms of reference for the two liaison officials (Cosponsor and Secretariat).
17. On 22 February (the deadline for the silent approval process), the Secretariat received an email from the Permanent Mission of Japan in Geneva saying that Japan could not approve the list pending information on the process that had been followed by the Bureau resulting in the exclusion of the Cosponsors from the

Committee. Further to this message which was communicated to all Bureau members, the Chair reported to a Bureau meeting on 26 February on discussions with a representative of the Permanent Mission of Japan, that Japan believed that the Bureau had overruled a decision of the Board which intentionally included the Cosponsors in the Oversight Committee. However, Japan:

- did not insist on stopping the evaluation process;
- did not approve the process because it is inappropriate in their view and thus, maintained their reservations concerning approval of the Committee's composition; and
- requested that the position of Japan be recorded in the official minutes of the PCB Bureau meeting.

18. Following approaches by some Cosponsors to the WHO Legal Counsel, the Bureau met on 28 February to hear the opinion of the Legal Counsel<sup>1</sup> concerning the steps taken by the Bureau in the process of establishing the Oversight Committee and to discuss next steps following the objection by Japan and the Cosponsors.

19. Based on the Modus Operandi of the Programme Coordinating Board, the Bureau's Terms of Reference and the mandate given to it by the 21<sup>st</sup> Board decision, the Legal Counsel questioned the Bureau's authority to reopen the Programme Coordinating Board's decision concerning the Cosponsors' membership in the Committee. In the view of the Legal Counsel, the Bureau should have implemented the original decision of the Board and reported the concerns raised by the Executive Director to the 22<sup>nd</sup> meeting for further consideration, rather than requesting the individual members of the Programme Coordinating Board to reconsider the Board's earlier decision. In his view, the Bureau's message to the Board members of 8 February 2008 had constituted a request for an electronic vote by the members of the Programme Coordinating Board outside a regularly convened meeting which is neither foreseen in the Modus Operandi, nor was it authorized by the Board in this particular case. Moreover, the fact that the Bureau had modified the 21<sup>st</sup> Board's decision concerning the Cosponsors' status on the oversight committee on the basis of only eight responses from Board members to its call for input, further complicated the situation. Finally, the Bureau had proposed a new element - the Secretariat's liaison role with the Oversight Committee, which had not been previously discussed by the Board. Therefore, in the view of the Legal Counsel, the steps the Bureau had taken could be legally questioned.

20. The Bureau discussed the legal opinion and took note of the need to clarify working procedures in the future, bearing in mind the Bureau's role in facilitating inter-sessional work in accordance with its Terms of Reference and Board decisions. It reemphasized that its intention had not been to alter the Programme Coordinating Board decision but rather to seek additional guidance from the Board in order to carry out the task assigned to it by the 21<sup>st</sup> Board meeting. The Bureau noted that, besides the representative of the Cosponsors, only one Board member, Japan, who had expressed a preference in response to the Programme Coordinating Board Bureau's email, had later registered its disagreement with the process.

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<sup>1</sup> WHO also provides legal services to UNAIDS

21. In discussing options for next steps the Legal Counsel offered his views on various possible ways forward and the legal risks that they raised. He shared the view of some members of the Bureau that the suspension of the process might be the most rational solution in view of the issues raised by the process followed so far. In view of the above, and in consideration of the fact that the criterion on the need for two HIV+ members of the Oversight Committee had not been knowingly met, the Bureau decided that
- a. the evaluation process should be suspended immediately;
  - b. a message from the Bureau to Programme Coordinating Board constituencies (member states, Cosponsors and PCB NGOs) explaining the suspension and suggesting a way forward should be sent as soon as possible;
  - c. a paper providing possible solutions on outstanding issues should be drafted and presented by the Bureau to the 22<sup>nd</sup> Programme Coordinating Board meeting; and
  - d. the agenda for the 22<sup>nd</sup> meeting should be revised accordingly and reissued.
22. This decision was communicated to all Board constituencies in an email from the Chair of the Programme Coordinating Board Bureau on 14 March.

## **II. CRITERIA FOR SELECTION OF MEMBERS OF THE OVERSIGHT COMMITTEE**

23. Decisions 4.8 and 4.9 from the 21<sup>st</sup> meeting of the Programme Coordinating Board set out the criteria to be followed in the establishment of an Oversight Committee for the Second Independent Evaluation of UNAIDS:

*“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<sup>2</sup>”.*

*The PCB further decided that the Oversight Committee should be constituted according to the following criteria:*

- *At least one person from each region and two from Africa*
- *At least two participants who are HIV+*
- *No more than three members of the Programme Coordinating Board*
- *Not less than 40 percent of either gender*
- *Not more than ten members*

24. As has been noted above the process for establishment of the Committee reached an impasse when the Programme Coordinating Board Bureau was unable to comply with two of the agreed criteria. Mindful also of the fact that the Board is the client for the Evaluation and that the Oversight Committee will report directly to the Board with

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<sup>2</sup> As none of the 34 nominees that were received for the Oversight Committee were members of the TERG or MERG the Chair of the Committee will become a member of the MERG



no further involvement by the Bureau, the Bureau felt it necessary that the Board should reconsider the exact composition of the Committee. Therefore, this section of the paper proposes options for how these two criteria may be met. A proposed nomination and approval process for both options below is included in Section V.

### **Inclusion of Cosponsors**

25. With respect to the inclusion or not of the Cosponsors in the Oversight Committee **the Programme Coordinating Board is invited to agree one of the following options:**
- a. A reaffirmation of the decision of the Board at its 21<sup>st</sup> meeting that Cosponsors should be represented on the Oversight Committee; or
  - b. That there is a potential conflict of interest and that Cosponsors should not participate in the Oversight Committee; or
  - c. In recognizing the potential positive assistance that could be provided by members of the Joint Programme, the Cosponsors should have a liaison official who would work with, but not be a member of, the Oversight Committee.
26. If the option (a) above is agreed by the Programme Coordinating Board, one additional seat will be added to the Oversight Committee for a representative of the Cosponsors.
27. If the option c above is approved by the Programme Coordinating Board, the terms of reference for the liaison official, would be incorporated into the wider terms of reference for the Oversight Committee, and would be as follows: *“Given the complex architecture of the UN Joint Programme on HIV/AIDS at country, regional and global levels and the diversity among the UN agencies that serve as Cosponsors, it was agreed that a liaison official would work with the Oversight Committee. Its role will be to support the members of the Oversight Committee where required, especially to provide insights into and advice on the structure and operations of the Joint Programme at country, regional and global levels, as well as the UN in general. The Liaison official will not have voting rights. More detailed guidelines for the Liaison official will be drafted by the Oversight Committee, particularly in regard to the role that the Liaison official may play in key tasks, such as the selection of the Evaluation Team bid, ongoing management of the Evaluation, and review of draft reports.”*

### **Inclusion of at least two participants who are living with HIV**

28. With respect to the criterion that two members of the Committee should be HIV+ **the Programme Coordinating Board is invited to agree one of the following options:**
- Recognizes that due process was followed in the call for nominations to the Oversight Committee, regrets that it was not possible to knowingly include two persons who are HIV+, but agrees that UNAIDS policy should not be

compromised in asking potential Committee members to declare their status;  
or

- Invite new nominations for membership of the Oversight Committee from persons who are openly living with HIV (see paragraph 35 below).

### **Overall size of the Oversight Committee**

29. Should the Programme Coordinating Board decide to increase the overall size of the Oversight Committee on the basis of the two criteria discussed above a decision of the Board will be needed to alter the previously agreed criteria that the Committee should have “not more than ten members”. **Therefore, the Programme Coordinating Board is invited to decide that the Oversight Committee should have not more than [10][11][12] members.**

### **III. PROPOSED LIST OF MEMBERS OF THE OVERSIGHT COMMITTEE**

30. Without prejudice to forthcoming decisions of the Programme Coordinating Board at its 22<sup>nd</sup> meeting on changes to the criteria to be followed in the composition of the Oversight Committee for the Second Independent Evaluation of UNAIDS, **the Programme Coordinating Board is invited to agree the following list of Oversight Committee members as proposed by the Bureau:**

- **Edwards Morris Llewelyn** (Guyana), *Monitoring & Evaluation Specialist, Guyana*
- **Giesecke Johan** (Sweden), *Medical Epidemiologist & Public Health Specialist, European Centre for Disease Prevention and Control, Sweden*
- **Hodgkin Catherine** (UK), *Monitoring & Evaluation Specialist, Royal Tropical Institute (KIT), Netherlands - CHAIR*
- **Iwere Ngozi Patricia** (Nigeria), *Civil Society Member, Community Life Project, CLP, Nigeria*
- **Kamarulzaman Adeeba** (Malaysia), *HIV & Infectious Disease Specialist, Department of Medicine, University of Malaya, Malaysia*
- **Nson Henri-Nicolas** (Cameroon), *Monitoring & Evaluation Specialist, Cameroon*
- **Paithankar Pradnya** (India), *Monitoring & Evaluation Specialist, National AIDS Control Organization, New Delhi, India*
- **Phoolcharoen Wiput** (Thailand), *Consultant on Public Health, Thailand*
- **Ross Quiroga Gracia Violeta** (Bolivia), *Community Activist, Consultant, Bolivia*
- **Taskov Hristo** (Bulgaria), *Clinical Immunologist & HIV Specialist, National Centre for Infectious and Parasitic Diseases, Bulgaria*

31. With respect to the criteria agreed by the Programme Coordinating Board (see paragraph 23 above) it should be noted that, of the proposed membership of the

Oversight Committee: 2 are from the Western Europe and Others Group of states; 3 are from Asian states; 2 are from African states; 1 from Eastern European states; 2 from Latin and American and Caribbean states; 1 is openly living with HIV; 2 are PCB members; and, 4 are women.

#### IV. REVISED TIMELINE FOR THE SECOND INDEPENDENT EVALUATION OF UNAIDS

32. Given the delay in the process to date as detailed above **the Programme Coordinating Board is invited to agree the following revised timeline for the Evaluation:**

DATE	MILESTONE/DELIVERABLE	RESPONSIBLE PARTY
PCB 22 <sup>nd</sup> meeting: 23-25 April 2008	PCB meeting to agree on the criteria for membership of Oversight Committee and Oversight Committee established	PCB
26 May 2008	Oversight Committee Chair to arrive for initial briefing	Oversight Committee Chair
27–28 May 2008	Oversight Committee meets; tender for Evaluation Team is finalized, including criteria and methods for evaluating the bids	Oversight Committee
2 June 2008	Tender disseminated: deadline for receipt of bids on 30 June 2008	UNOPS <sup>3</sup>
30 June 2008	Deadline to receive bids	UNOPS/Oversight Committee
30 June – 14 July 2008	UNOPS reviews bids, summarizes and ranks them	UNOPS
14 July 2008	Briefing for Oversight Committee Chair	Oversight Committee Chair
15– 16 July 2008	Oversight Committee meets, reviews bids and makes summary and recommendations for PCB	Oversight Committee
17 July 2008	Recommendation for the successful tender for the Evaluation Team presented to the PCB by the Oversight Committee through the PCB Chair for approval, through electronic means, by the PCB.	PCB Chair

<sup>3</sup> United Nations Office for Project Services, which provides technical and administrative support to other UN programs on a per-project basis, will be used for the dissemination of the tender

25 July 2008	Deadline for responses on recommendation for selection of the Evaluation Team	PCB members
28 July 2008	Notification of winning bid provided to PCB	UNOPS and PCB
18 August 2008	Inception Report with detailed plan of work for the Evaluation Team delivered to the Oversight Committee	Evaluation Team
26 – 27 August 2008	Meeting Oversight Committee and Evaluation Team to review and approve Inception Report	Oversight Committee & Evaluation Team
1 September 2008	Regular bi-weekly reporting to the Oversight Committee on progress, delays and any problems encountered	Oversight Committee & Evaluation Team <sup>4</sup>
PCB 23 <sup>rd</sup> meeting: 15-17 December 2008	Progress report on the Evaluation presented to PCB	PCB and Oversight Committee Chair
1 May 2009	Draft Progress Report on the Evaluation to the Oversight Committee	Evaluation Team
15 May 2009	Feedback on Progress Report from Oversight Committee to Evaluation Team	Oversight Committee
PCB 24 <sup>th</sup> meeting: June 2009	Draft Report of the Second Independent Evaluation presented to the PCB	PCB, Oversight Committee & Evaluation Team
3 August 2009	Draft Final Report presented to Oversight Committee	Evaluation Team
10 August 2009	Feedback from Oversight Committee to Evaluation Team	Oversight Committee
4 September 2009	Final Report presented to Oversight Committee and PCB	Oversight Committee & Evaluation Team
7 September 2009	Final Report forwarded to UNAIDS Secretariat/ Executive Director	PCB
2 October 2009	UNAIDS response to the Evaluation to the PCB with recommendations for decision by the Board	UNAIDS Secretariat/ Executive Director
PCB 25 <sup>th</sup> meeting: December 2009	Report of the Second Independent Evaluation presented and UNAIDS response to the Evaluation discussed at PCB with recommendations for decision by the Board	PCB

<sup>4</sup> These sessions may either involve face-to-face meetings, conference calls or electronic means of reporting

## V. INTER-SESSIONAL DECISION MAKING PROCESS FOR THE SECOND INDEPENDENT EVALUATION OF UNAIDS

33. According to the decision of the 21<sup>st</sup> Programme Coordinating Board meeting (decision 4.8b): *“the Oversight Committee will report directly to the Programme Coordinating Board via the Oversight Committee Chair”*. The Oversight Committee is requested to *“inform the Board of any changes in scope, activities, or budget that may be required due to a change in the agreed evaluation procedures”*.
34. In the light of the issues raised by the Legal Counsel (see paragraph 18 above), two important issues arise when action is required between meetings of the Programme Coordination Board:
- The ECOSOC resolution setting the membership and terms of reference of the Programme Coordinating Board makes it clear that the Board is the only decision-making body with respect to the governance of the Joint Programme. The Board may mandate other bodies e.g. the Bureau to take action on its behalf between its meetings but this cannot extend to changing its decision unless specifically authorized to do so; and
  - Neither the ECOSOC resolution nor the Modus Operandi of the Programme Coordinating Board foresees inter-sessional decision making (by electronic or other means) raising uncertainty as to whether it is permissible or not and under what circumstances and conditions.
35. The original timeline for the Evaluation required the 22<sup>nd</sup> Board meeting to make a number of decisions. Board participants will also be aware that the 22<sup>nd</sup> meeting is being held earlier than normal in 2008 which will cause an extended period between meetings (8 months as opposed 6). A further delay in taking key decisions would impact the overall timeline of the Evaluation pushing it back into 2010. **Therefore, the Programme Coordinating Board is invited to agree, without prejudice to any future decision-making process that the Board may decide to adopt, on the following process with respect to certain decisions related to the Evaluation and shown below:**

### Proposed Process:

- Immediately after the 22<sup>nd</sup> Programme Coordinating Board meeting the Executive Director will send a letter to the Heads of the member delegations of the Board asking them to nominate a named individual plus an alternate who will both receive all communications related to the below decisions. Full contact details including email address and telephone numbers will be required for both named individuals.
- On receipt of all names the Secretariat will send a test email to all 44 individuals (two per member country).
- When a decision point is required, the Chair of the Programme Coordinating Board will send an email communication using the list established by the Secretariat. A notice of receipt of the email will be required and a deadline

set for the receipt by the Chair of the replies to the Chair's proposed decision point.

- If a quorum (15) is reached, in terms of the answers received to the decision point by the established deadline, the responsible body (see table below) will act in accordance with the majority view.
- If a quorum is not reached, then the responsible body has no basis on which to move forward and will revert to the Programme Coordinating Board Chair for decision on further action, if any.
- This process will be reviewed at the 23<sup>rd</sup> Programme Coordinating Board meeting in December 2008 with respect to its effectiveness and its application to further decision points not listed below.

**Proposed Inter-sessional decision point for the period between the 22<sup>nd</sup> and 23<sup>rd</sup> Programme Coordinating Board meetings:**

**36. The Programme Coordinating Board is invited to agree that the following decision point should be subject to an inter-sessional decision process:**

DATE	MILESTONE/DELIVERABLE	RESPONSIBLE PARTY
17 July 2008	Recommendation for the successful tender for the Evaluation Team presented to the PCB by the Oversight Committee through the PCB Chair for approval, through electronic means, by the PCB.	PCB Chair

37. If necessary, the following decision points will also be included for the composition of the Oversight Committee based on the decision made by the Board with respect to the inclusion of a second person living with HIV (paragraph 28) above:

DATE	MILESTONE/DELIVERABLE	RESPONSIBLE PARTY
28 April 2008	Email sent from PCB Chair to all PCB members, observers, five NGO representatives and ten cosponsoring agencies in the 21 <sup>st</sup> PCB meeting inviting nominations to the Oversight Committee.  Nominations must include full CV and names of two referees demonstrating eligibility against the criteria established in the TOR	PCB Chair

12 May 2008	Deadline for submission of nominations	PCB participants
14 May 2008	Secretariat to collate and verify nominations and establish consolidated matrix of nominations, against criteria, for consideration by PCB Bureau. This will be a purely logistical exercise and will not rank nominations in any way.	Secretariat
16 May 2008	PCB Bureau meeting to agree Chair and composition of the Oversight Committee	PCB Bureau
16 May 2008	PCB Chair to inform PCB by electronic means of composition of Committee and to invite responses, if any, by 23 May 2008.	PCB Chair
23 May 2008	Deadline for comments and silent approval of composition of Oversight Committee	PCB members
24 May 2008	Oversight Committee is established	PCB Chair

[Annex I follows]

## ANNEX I

### Letter from the Executive Director of UNAIDS to the Programme Coordinating Board Bureau Chair of 31 January 2008



*Executive Director*

**Reference:** EXO/PP/TM/sh

Ms Prangtip Kanchanahattakij  
First Secretary  
Permanent Mission of Thailand  
5 rue Gustave Moynier  
1202 Geneva

31 January 2008

Dear Ms Prangtip,

I understand that the PCB Bureau is in the process of finalising and making public the Oversight Committee for the Independent Evaluation of UNAIDS. I appreciate that this is an important process, which is very much within the domain of the Bureau and is guided by the PCB decisions made at the 21st meeting in December 2007.

However I wish to highlight concerns I have about the constitution of the committee and what I believe is a conflict of interest. The PCB decision decided that:

“the Membership of the Oversight Committee should include representatives of donor and recipient countries, UNAIDS stakeholders including Cosponsors.....” (my emphasis).

The PCB further agreed that the evaluation would review the entire Joint United Nations programme and not simply the Secretariat.

I am sure you will agree that it is not appropriate for a UNAIDS co-sponsoring organisation to be both part of the Oversight Committee and subject to the evaluation itself. I recognise that we should have picked up on this anomaly much earlier, ideally before the PCB discussed the matter in December. I wish to apologise for our mistake but nor do I feel that we can ignore the matter.

This clearly needs to be rectified and presumably through a decision by the PCB, which is something that I will have to ask you to consider and leave to your good judgement. The Secretariat obviously stands ready to help you in any way it can to resolve this problem once you have reached your own conclusions in consultation with the Bureau.

Yours sincerely,

Dr Peter Piot

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c.c.: David Hohman, US mission

Uniting the world against AIDS