



UNAIDS/PCB(23)/08.30
30 October 2008

23rd Meeting of the UNAIDS Programme Coordinating Board
Geneva, Switzerland
15-17 December 2008

**Review of the process for Programme Coordinating Board
inter-sessional decision making**

Document prepared by the PCB Bureau

Additional documents for this item: *none*

Action required at this meeting - the Programme Coordinating Board is invited to: agree the addition of a new Annex 3 to the Modus Operandi of the Board (see Annex 1 below) to formalize the functions and composition of the PCB Bureau and the inter-sessional decision making process that may be used by the Bureau in meeting its mandated functions from the Board.

Cost implications for decisions: *none*

INTRODUCTION

1. At its 22nd meeting held in April 2008 the Programme Coordinating Board agreed the use of an inter-sessional process with respect to two explicit decision points concerning the Second Independent Evaluation of UNAIDS. The agreement of the Board was made without prejudice to any future decision-making process that it may choose to adopt and the Secretariat was requested to report back to the 23rd Programme Coordinating Board meeting so that the process may “*be reviewed...with respect to its effectiveness and its application to further decision points...*” (Decision 8.6)

CREATION OF THE INTER-SESSIONAL CONTACT LIST

2. The inter-sessional process required the creation of a dedicated contact list for the (22) Programme Coordinating Board Member States that comprised a named individual and an alternate who would receive all communications related to an inter-sessional Board decision:

Text from Decision of 22 nd PCB meeting	Action taken / Comments
Immediately after the 22 nd 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.	A letter was sent from the Executive Director to each Head of the delegation 14-16 May 2008.
On receipt of all names the Secretariat will send a test email to all 44 individuals (two per member country).	A test mail was sent to the contact list on 4 July 2008. (The final contact list includes second alternate persons that were requested to be added by some Member States). Upon receiving some error messages, the Secretariat followed up individually and updated the list. Confirmation of receipt was received from all Member States either from the focal point and/or the designated alternate.

APPLICATION AND EFFECTIVENESS OF THE PROCESS

3. According to the decision of the 22nd Programme Coordinating Board meeting (decision 8.8), the inter-sessional decision-making process was applied to two specific decision points: agreement on the successful tender for the Evaluation Team; and, nomination to the Oversight Committee of an additional person openly living with HIV.
 - a. Agreement of the Evaluation Team for the Second Independent Evaluation of UNAIDS: on 17 July 2008, the Programme Coordinating Board Chair sent a message to the contact list and a quorum (15) was reached on 28 July 2008 to support the recommended bidder; and
 - b. Nomination to the Oversight Committee of an additional person openly living with HIV: on 10 July 2008, the Programme Coordinating Board Chair informed the Board by electronic means of the composition of the Committee and invited responses, if any, by 15 July 2008. No objections were received by that date and the additional member of the Oversight Committee was confirmed.
4. The main issues in the implementation of the process were around the establishment of the contact list by the Secretariat, particularly with those member States where the contact delegate was someone from capital who had not been present at the Board and did not understand the purpose of the list. This led to lengthy delays in some cases in receiving contact information. However, once the contact list had been used to circulate the two decision points, delegates were reassured of its use and responses were received promptly. Therefore, it may be concluded that the process worked as intended and was highly effective in allowing work to move forward on a high priority issue (the Second Independent Evaluation) without recourse to a physical Programme Coordinating Board meeting.

ROLE OF THE PCB BUREAU

5. The implementation of an inter-sessional decision making process was necessitated by a situation early in 2008 when the Programme Coordinating Board Bureau was unable for reasons beyond its control to implement a task that had been mandated to it by the Board, i.e. the convening of an Oversight Committee for the Second Independent Evaluation. This generated a number of discussions around the terms of reference, mandate and authority of the Bureau, which to-date have only been set in previous decisions of the Programme Coordinating Board.
6. It is recalled that the Programme Coordinating Board Bureau was created upon the recommendation of the Programme Coordinating Board Working Group on UNAIDS Governance in its report to the 14th Programme Coordinating Board held in May 2003. A request for the Secretariat to carry out further work to establish the mandate, role, functions and membership of the Bureau was finalized in a decision point from the 15th Board meeting held in June 2004:

“13. Welcoming the proposal by the PCB Chair and Vice-Chair to establish a PCB Bureau, as requested at its 14th meeting, the Programme Coordinating Board:

13.1. approves the guiding principles, terms of reference and the membership of the Bureau as follows:

(i) Guiding Principles: transparency, efficiency of operation and establishment at a minimum cost.

(ii) Terms of Reference:

- Coordinating the Programme Coordinating Board's programme of work for the year;*
- Facilitating smooth and efficient functioning of the Programme Coordinating Board sessions;*
- Facilitating transparent decision-making at the Programme Coordinating Board;*
- Preparing the Programme Coordinating Board agenda, and recommending the allocation of time and the order of discussion items;*
- Providing guidance on Programme Coordinating Board documentation, as needed; and*
- Additional functions as directed by the Programme Coordinating Board.*

(iii) Membership: the Chair, the Vice-Chair, the Rapporteur of the PCB, one Cosponsor representative and one representative of nongovernmental organizations and people living with HIV/AIDS.”

7. It is apparent when reviewing Board decisions that the Bureau is increasingly being given additional functions/tasks by the Programme Coordinating Board that are complex and need to be delivered in a timely manner. Although the Bureau is given certain latitude by the Board within which to function, there is also a proven need for its role to be formalized within the Modus Operandi of the Programme Coordinating Board and for it to retain tools that have been proven to expedite its work, e.g. the inter-sessional process. It should be stressed that this is not intended in any way to alter its subordinate role to the Programme Coordinating Board and does not go beyond previous Board decisions as mentioned above.

8. Therefore, **the Programme Coordinating Board is invited to agree the addition of a new Annex 3 to the Modus Operandi of the Board (see Annex 1 below) to formalize the functions and composition of the Programme Coordinating Board Bureau and the inter-sessional decision making process that may be used by the Bureau in meeting its mandated functions from the Board.**

[Annex 1 follows]

Annex 1

Proposed text for additional Annex to Modus Operandi

Annex 3

Terms of Reference of the Programme Coordinating Board Bureau

Functions

1. The Programme Coordinating Board (PCB) Bureau is intended to maximize the effectiveness and efficiency of the PCB. Specifically, the PCB Bureau has the following functions:
 - i. Coordinating the PCB's programme of work for the year;
 - ii. Facilitating the smooth and efficient functioning of PCB sessions;
 - iii. Facilitating transparent decision-making at the PCB;
 - iv. Preparing the PCB agenda, and recommending the allocation of time to, and the order of, discussion items;
 - v. Providing guidance on PCB documentation, as needed; and
 - vi. Additional functions as directed by the PCB.

Composition

2. The PCB Bureau is comprised of representatives of the officers of the PCB (chairperson, vice-chairperson and rapporteur), the Chair of the Committee of Cosponsoring Organisations and the PCB NGO Delegation. They may be accompanied by advisers.

Inter-sessional decision making

3. When an urgent decision is required that cannot wait until the next scheduled PCB meeting, the PCB Bureau may exceptionally use the following inter-sessional process. This process is only applicable for decisions that are required by the PCB Bureau to complete functions that have been specifically mandated to it by the Board. Decisions taken by the Bureau may not go beyond the scope of the relevant decision taken by the PCB:
 - i. The PCB Bureau Chair will send an email communication using the list established by the Secretariat, which will contain background information and a description of the decision. A notice of receipt of the email will be required and a deadline set for the receipt by the Bureau Chair of the replies to the proposed decision point.
 - ii. If a quorum is reached, in terms of the answers received to the decision point by the established deadline, the Bureau will act in accordance with the majority view. The quorum under this paragraph is established at 15 members of the

- PCB. The Bureau will report to the following session of the PCB concerning the process followed intersessionally and the decisions taken in each case.
- iii. If a quorum is not reached, then the Bureau shall report to the following session of the PCB for decision on further action, if any.
 - iv. This process will be reviewed periodically at the Programme Coordinating Board with respect to its effectiveness, particularly if any Member States expresses dissatisfaction with the process.
4. Communications to members of the PCB related to the inter-sessional decision process will be sent for information to Cosponsors and the PCB NGO Delegation. The PCB Bureau will to the extent possible take into account the views of Cosponsors and the PCB NGO Delegation throughout this process.
 5. The Secretariat will carry out the following steps to ensure that the inter-sessional contact list is kept current:
 - i. The Secretariat shall update the contact list annually for all twenty-two members of the Board and on an ad hoc basis when exceptional changes in the PCB membership occur.
 - ii. In January of each year the Executive Director of UNAIDS 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 communication related to the decision that needs to be made. Full contact details will be required for both named individuals.
 - iii. On receipt of all names, the Secretariat will send a test mail to all focal points and alternates.
 6. Member States shall notify the Secretariat when changes to the contact list are required.

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