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4 March 2008

22nd Meeting of the UNAIDS Programme Coordinating Board
Chiang Mai, Thailand
23-25 April 2008

Provisional agenda item 3:

**Memorandum of Understanding with The Global Fund to Fight AIDS,
Tuberculosis and Malaria**

Additional documents for this item: *UNAIDS/PCB(22)/08.CRP.3*

Action required at this meeting - the Programme Coordinating Board is invited to:
approve the new Memorandum of Understanding between UNAIDS and The Global Fund to Fight AIDS, Tuberculosis and Malaria

Cost implications for decisions: *none*

Development and finalization of the Memorandum of Understanding between UNAIDS and The Global Fund to Fight AIDS, Tuberculosis and Malaria

1. At its 21st meeting held in June 2007 the UNAIDS Programme Coordinating Board decided to:

“14.1: Requests UNAIDS to work with the Global Fund to Fight AIDS, Tuberculosis and Malaria to revise and update their Memorandum of Understanding redefining and, in light of the changed landscape, updating the areas and modalities of their cooperation and present this to their respective boards for approval. Equally it will be essential that they develop a shared follow-up system for the purposes of accountability;”

2. The response to AIDS and its institutional arrangements have evolved since the signing of the first Memorandum of Understanding. The development of the present Memorandum of Understanding is based on an analysis of the current situation and a clear definition of the complementary roles of UNAIDS and The Global Fund to Fight AIDS, Tuberculosis and Malaria (The Global Fund). Key considerations include:
 - working in partnership to enable country led ownership;
 - The Global Fund growth and development of new policies;
 - increased demand for technical support;
 - better understanding of programmatic bottlenecks; and
 - the role of technical partners in grant development, implementation and evaluation.
3. A Task Team consisting of the World Health Organization, World Bank, United Nations Children’s Fund, United Nations Population Fund, International Labour Organization, United Nations Development Programme, The Global Fund and the UNAIDS Secretariat was established and has developed the present Memorandum of Understanding.
4. Based on mutual accountability, this Memorandum of Understanding will serve as a single umbrella strategic framework to guide the partnership. In addition, the UNAIDS Secretariat and relevant Cosponsors will develop, in partnership with The Global Fund, follow-up operational arrangements under this framework.
5. The following overarching principles will guide this Memorandum of Understanding:
 - moving towards Universal Access to prevention, treatment, care and support by 2010;
 - empowering inclusive national leadership and ownership;
 - alignment and harmonization; and
 - advocacy and partnerships.
6. This Memorandum of Understanding is articulated around the following core activity areas:
 - Strategic Analysis and Policy Advice;
 - Technical Support; and,
 - Monitoring and Evaluation.
7. This Memorandum of Understanding has been reviewed and agreed to by UNAIDS and The Global Fund through an active consultative process.
8. **The Programme Coordinating Board is invited to approve the revised Memorandum of Understanding between UNAIDS and The Global Fund as below.**



Memorandum of Understanding

UNAIDS and The Global Fund to Fight AIDS, Tuberculosis and Malaria

Background

UNAIDS, the Joint United Nations Programme on HIV/AIDS, is an innovative joint venture of the United Nations family, bringing together the efforts and resources of ten UN system organizations (UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank) in the AIDS response to help the world prevent new HIV infections, care for people living with HIV, and mitigate the impact of the epidemic. UNAIDS helps mount and support an expanded response to AIDS – one that engages the efforts of many sectors and partners from government and civil society.

The Global Fund to Fight AIDS, Tuberculosis and Malaria (“Global Fund”) is a unique global public/private partnership dedicated to attracting and disbursing additional resources to prevent and treat HIV and AIDS, tuberculosis and malaria. This partnership between governments, civil society, the private sector and affected communities represents a new approach to international health financing. The Global Fund is one of the major organizations funding the international response to AIDS, as well as the largest provider of international funding to fight malaria and tuberculosis.

Through this Memorandum of Understanding, The Global Fund and UNAIDS (“partners”) set forth their mutual intention to collaborate to strengthen the global response to the AIDS epidemic and to accelerate progress towards Universal Access and the Millennium Development Goals (MDGs). In recognition of their complementary strengths and shared commitment, UNAIDS and The Global Fund plan to cooperate in a working relationship (“partnership”) based on overarching principles, agreed objectives and clear terms of partnership review and management.

This Memorandum of Understanding provides a framework for cooperation that enhances the roles of both The Global Fund and UNAIDS to strengthen support to national AIDS responses and to develop a more detailed relationship. This Memorandum of Understanding articulates objectives for cooperation in core activity areas, drawing on the complementary functions of UNAIDS and The Global Fund.

In all instances of this Memorandum of Understanding, the term UNAIDS refers to the Secretariat and its ten Cosponsors. The engagement of UNAIDS cosponsoring agencies with The Global Fund Secretariat, however, is not limited to the provisions of the present Memorandum of Understanding and not all Cosponsors are necessarily involved in every and all UNAIDS activities covered by this MOU. UNAIDS Secretariat and relevant Cosponsors will develop in partnership with The Global Fund follow-up operational arrangements under the framework of this Memorandum of Understanding.

Overarching Principles

UNAIDS and The Global Fund will continue to cooperate in a partnership based on the following Overarching Principles:

To move towards Universal Access to prevention, treatment, care and support by 2010

The Global Fund, as a financial mechanism, provides a large portion of the resources required to scale up towards Universal Access. UNAIDS works to empower countries in their efforts to move rapidly towards Universal Access and the Millennium Development Goals.

Empowering inclusive national leadership and ownership

The Global Fund supports country ownership and leadership through a performance-based funding process that responds to country-proposals, based firmly on country need and priority. UNAIDS works to support countries as they develop, implement and monitor evidence-based strategies and to support national efforts to make the funding from all partners work¹.

Alignment and Harmonization

UNAIDS and The Global Fund strive to harmonize support to national programs and align financial and monitoring and evaluation processes to increase aid-effectiveness, whenever possible. The importance of harmonization and alignment in increasing aid-effectiveness has been highlighted by the OECD/DAC, and agreed to through the Paris Declaration. The Three Ones Principle² introduced and championed by UNAIDS, along with the Global Task Team and the Division of Labour, are important examples of the operationalization of harmonization and alignment. By moving towards financing national plans, consolidating grants, and defining shared monitoring indicators with major partners, The Global Fund and UNAIDS will work together to link the principles of performance-based funding, multi-stakeholder participation and national ownership with harmonization and alignment and the Three Ones principle as well as gender equity and human rights.

Advocacy

UNAIDS guides and supports global advocacy efforts to ensure high level political support for a comprehensive response to AIDS. It works closely with Civil Society and other stakeholders including the World AIDS Campaign. The Global Fund in fulfilling its mandate to raise significant additional resources to mitigate the impact caused by AIDS coordinates closely with UNAIDS and its partners on advocacy efforts. Both organizations are complementing each other in reaching decision makers and key influencers around the world and achieving maximum synergies in advocacy and resource mobilization.

Partnerships

Partnerships and promoting inclusiveness has been a defining feature of both Partners and their approach to the epidemic. The multi-sectoral approach advanced by UNAIDS and The Global Fund has spanned the public, private and civil society arenas as well as thematic sectors (education, health, workplace). The Global Fund without a country presence of its own and a limited mandate as a financing agency is by its very nature an organization that relies heavily on

¹ In addition, the World Bank is a major funder of AIDS programmes in low and middle income countries.

² **One** agreed HIV/AIDS Action Framework that provides the basis for coordinating the work of all partners. **One** National AIDS Coordinating Authority, with a broad-based multisectoral mandate. **One** agreed country-level Monitoring and Evaluation System.

partnerships. UNAIDS with its global network and regional hubs provides a key structure to make the resources of The Global Fund work.

Core Activity Areas of the Partnership

1. Strategic Analysis and Policy Advice

- 1.1 UNAIDS and The Global Fund will work to keep AIDS a priority on the global agenda, including the UN and the G8. They will cooperate to mobilize various constituencies and to recognize the unique contribution of each. Both partners will advocate jointly to make sure that sufficient resources are mobilized for a comprehensive and sustainable response to the pandemic.
- 1.2 The Global Fund is committed to fund programmes that are driven by scientific evidence. In particular, The Global Fund emphasizes its continuing commitment to reach the most-at-risk populations are covered by the grants provided to countries, especially in countries with concentrated epidemics. UNAIDS and The Global Fund will support development and funding of programmes that cover the needs of vulnerable groups and most-at-risk populations, including displaced persons and cross-border programmes.
- 1.3 The Global Fund will solicit UNAIDS' support in the process of identifying membership of the Technical Review Panel (TRP) and providing input on content and participation when organizing comprehensive technical briefings. Both partners recognize that the TRP is an independent body and that the technical review process is subject to policies and procedures specified by The Global Fund.
- 1.4 UNAIDS will continue work to support the development and validation of well articulated National Strategic Plans (NSPs), based on scientific evidence and human rights. UNAIDS and The Global Fund will work together to ensure, within each partner's policy framework continuation of programmes and services in humanitarian settings.
- 1.5 UNAIDS and The Global Fund are committed to work on generating high quality proposals from as many countries as possible, and to work on the implementation and monitoring of existing grants, in support of national strategies that are acceptable for Global Fund financing. UNAIDS Regional Offices will provide support to regional projects funded by The Global Fund.
- 1.6 UNAIDS and The Global Fund will support multi-stakeholder membership of Country Coordinating Mechanisms (CCMs) in coordination and oversight of Global Fund grants and promoting national ownership by a broad range of national stakeholders, including Civil Society Organizations (CSOs), People living with HIV (PLHIV), gender experts and young people.
- 1.7 UNAIDS Country Coordinator or the Cosponsor(s) representative(s) sitting in the CCM will represent UNAIDS as a whole and ensure that a proper and timely consultative process is in place.
- 1.8 UNAIDS will support The Global Fund and its in-country partners by sharing epidemiological and other data to help in the development of Global Fund policy priorities including information relevant for assessing country eligibility for Global Fund support. The

Global Fund and UNAIDS will harmonize, to the greatest extent possible data collection procedures, analysis and calendar timing.

- 1.9 UNAIDS will support the development of policies of The Global Fund through active participation on its board and committees; offering technical expertise, promoting accountability and helping to build consensus among stakeholders. The Global Fund Secretariat will be invited to send a representative to attend all meetings of the UNIADS Programme Coordinating Board (PCB) as an observer and to participate, as such, in discussions on the Global Fund.
- 1.10 In order to further strengthen the partnership and coordinate support at regional and country level, The Global Fund and UNAIDS will coordinate and, to the extent practical and useful, hold their meetings at regional and country level jointly.

2. Technical Support

- 2.1 Both partners will work with country programs to identify early technical support needs at the country and regional level (recognizing programmatic and financial gaps); sharing information through joint country, regional and global meetings.
- 2.2 UNAIDS and The Global Fund encourage national ownership of program implementation and agree that country programs are ultimately responsible for identifying and coordinating resources for technical support. To this effect, UNAIDS will work with country programs when requested to help ensure that adequate plans and technical support resources are built into Global Fund proposals and contracts.
- 2.3 UNAIDS, through engagement at global, regional and country level will act as a steward for National Strategic Plans (NSPs) and grant life cycle support; provide constructive reviews and comments to the principal recipient (PR) and CCM on grant performance for results-based sustained accountability.
- 2.4 Both partners will work together to build capacity of national stakeholders and in particular the non-governmental and community sectors to be able to participate more fully in CCMs and will promote participation of civil society, people living with HIV, women, gender experts, youth and representatives of marginalized groups.
- 2.5 Both partners recognize the unique role and contribution of UNAIDS in technical support as agreed within UNAIDS' Division of Labour, in providing high quality technical assistance, norms, guidance and operational tools and ensuring that technical assistance is effective.
- 2.6 Both partners will encourage use of existing initiatives and resources, and will avoid duplicating the capacity of other partners. Specific examples of existing capacity include the Global Implementation Support Team (GIST) and the AIDS Strategy and Action Plan.
- 2.7 UNAIDS and The Global Fund recognize the importance of health systems strengthening for achieving the objective of Universal Access and commit to jointly fostering better coordination between national health systems and HIV responses.

3. Monitoring and Evaluation

There are two major areas for collaboration for monitoring and evaluation (M&E) within this Memorandum of Understanding: (i) monitoring the implementation and impact of Global Fund grants within the context of the overall response to the epidemic, and (ii) monitoring the actual implementation of the MOU.

3.1 Monitoring the effectiveness of the response:

- 3.1.1 Monitoring 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, evaluating and reporting the results, effect and impact of the programs it supports are a fundamental component of The Global Fund's model and mandate. 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, regional and global level. Illustrative examples of areas of collaboration are outlined below. These will be further defined over the next six months through close collaboration among The Global Fund, UNAIDS and relevant partners.
- 3.1.2 At global level, The Global Fund acknowledges the responsibility and expertise of UNAIDS in monitoring and evaluation in relation to HIV 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 (MERG), which advises on harmonized approaches to HIV transmission and AIDS HIV/AIDS monitoring and evaluation among stakeholders, and the Global HIV/AIDS Monitoring and Evaluation team (GAMET), The Global Fund Secretariat can access this expertise and draw on UNAIDS for assistance in determining appropriate indicators, methodologies and quality assurance mechanisms.
- 3.1.3 At regional level, UNAIDS Regional Support Teams and regional offices of Cosponsors can provide data and analysis to monitor and evaluate regional activities that receive Global Fund grants.
- 3.1.4 At the country level, The Global Fund is committed to providing ongoing resources to recipients on the basis of demonstrated needs and positive results. Countries require assistance in meeting the challenges of performance-based financing of programmes.. UNAIDS' monitoring and evaluation experts can provide support in establishing and strengthening national monitoring and evaluation systems and contribute to the design of monitoring and evaluation plans This includes developing indicators that are aligned to international measures and making consistent data available on a regular basis on key national prevention, treatment and care activities. UNAIDS has established annual reporting, which builds on the work of the United Nations General Assembly Special Session on HIV/AIDS. Annual statistics on services allow The Global Fund to place their coverage numbers in a national context.
- 3.1.5 In evaluating its own performance at the aggregate level, including its overall contributions to global AIDS resource flows and the achievement of clear, measurable and sustainable results in the fight against 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 response.

- 3.1.6 Country Coordinating Mechanisms (CCMs) have a central role in overseeing the implementation by the Principal Recipient (PR) of Global Fund supported programs. UNAIDS can support CCMs and PRs to fulfill these functions, 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.
- 3.1.7 UNAIDS can also assist in implementing the joint M&E systems strengthening tools with countries, and provide support to and join in coordinated efforts to strengthen M&E systems. Additionally, UNAIDS can support The Global Fund and national stakeholders in the monitoring of gender-specific indicators for AIDS and also ensure that all indicators and targets (including those that may change during the course of a grant) are in line with national plans.
- 3.1.8 The Global Fund reviews ongoing progress of grant implementation, both centrally and through Local Fund Agents (or “LFAs”), who receive and review reports from PRs. LFAs and UNAIDS will provide access to one and each other’s information at country level. To the extent possible, The Global Fund will facilitate UNAIDS’ access to findings of LFA reports in order to better support grantees in the implementation and monitoring of programmes.

3.2 Monitoring the implementation of the Memorandum of Understanding

- 3.2.1 UNAIDS and The Global Fund will develop a monitoring and evaluation framework that will provide an ongoing assessment of the successful implementation of this MoU. The Framework will focus on assessing adherence to the principles that are laid out in the MoU and will monitor implementation of the defined Partnership Objectives.
- 3.2.2 This Framework will build on existing reporting systems, such as those designed as part of the Performance Monitoring and Evaluation Framework for the UNAIDS Unified Budget and Workplan. Multiple data sources are also available, including national reporting on the indicators for the UN General Assembly Special Session on HIV/AIDS, the UCC annual surveys, the UNAIDS Inter-Agency Task Team (IATT), National HIV/AIDS Secretariat (NAS), the Country Response Information System (CRIS) and data from the Technical Support Facilities that document utilization of technical assistance.

Terms

The partnership agreements specified in this Memorandum of Understanding will be reviewed regularly and will be supplemented by more detailed work-plan agreements to incorporate particular activities with relevant Cosponsoring agencies. This Memorandum of Understanding is a living document and both partners agree that as the partnership develops the agreement will strengthen accordingly and provide basis for future cooperative arrangements. UNAIDS and The Global Fund agree to adhere to the principle of mutual accountability and responsibility for the implementation of this Memorandum of Understanding.

Both partners will communicate and share information in advance of arrangements they make that could 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 global coordination focal points, who will serve as the main channels of communication and information in relation to this Memorandum of Understanding.

Effective Period

This Memorandum of Understanding replaces the Memorandum of Understanding between UNAIDS Secretariat and The Global Fund dated 4 August 2003 and will be valid from the date of signature by both partners and will be reviewed on an annual basis, at which time the partnership framework will be evaluated and revised as appropriate by the partners.

Signed:

Peter Piot
Executive Director
UNAIDS

Michel Kazatchkine
Executive Director
The Global Fund

Date: _____

Date: _____