

Revised: October 2011

## Ethics and Conflict of Interest Guidelines for TRP Members<sup>1</sup>

### I -Conflicts of Interest

1. The Technical Review Panel (TRP) is an independent, impartial team of experts appointed by the Global Fund Board to review proposals and guarantee the integrity and consistency of an open and transparent proposal review process.
2. The TRP members<sup>2</sup> adhere to the Global Fund's Ethics and Conflict of Interest Policy for Global Fund Institutions<sup>3</sup> (the "Ethics Policy") and, in addition, these internally agreed practices apply to TRP members as a means of giving effect to the principles set out in the Ethics Policy. Under the Ethics policy, a conflict of interest arises when a TRP member participates personally and substantially<sup>4</sup> in a Global Fund matter in which, to his/her knowledge, he/she or an Associated Person<sup>5</sup> or Associated Institution<sup>6</sup> has a financial interest, if the particular matter may have a direct and predictable effect on that interest. In this context a conflict of interest may arise if a TRP member participates in the assessment of a funding proposal where:
  - (a) he/she is employed by a government, corporation or organization, for example the United Nations or one of its specialized agencies, that:
    - (i) has assisted in proposal development processes; or
    - (ii) may be a potential beneficiary of funding from the Global Fund if the proposal is approved (e.g. as a Principal Recipient, Sub-Recipient, Local Fund Agent (LFA) or Technical Assistance provider); or
  - (b) he/she is a national of the country that has applied for funding as either a:
    - (i) single; or
    - (ii) multi-country applicant<sup>7</sup>; or
  - (c) he/she took part in any Office of the Inspector General (OIG) audits of Global Fund grants during the past five years in a country that has applied for funding as either a single or multi-country applicant; or

<sup>1</sup>Issued by the TRP in line with the [TRP Terms of Reference](#) Paragraph 22 "The TRP may set internal guidelines how to comply with the '[Policy on Ethics and Conflict of Interest for Global Fund Institutions](#)' .

<sup>2</sup> For the purpose of this document the term 'TRP member' apply to Permanent TRP members and, as appropriate, to Former TRP Members, Alternate Members and/or TRP Support Group members, if they are carrying out TRP-related work.

<sup>3</sup>Approved 10-11 October 2002; as amended at the Eighteenth Board Meeting of the Global Fund to Fight AIDS, Tuberculosis and Malaria (GF/B18/8).

<sup>4</sup>To participate "personally" means to participate directly or to attempt to influence the outcome of a decision-making process. To participate "substantially" means that the TRP member's involvement is of significance to the matter (Section 2(d) of the Ethics Policy).

<sup>5</sup>An "Associated Person" means a spouse, minor child or domestic partner (Section 2(b) of the Ethics Policy).

<sup>6</sup>An "Associated Institution" means (i) any organization, corporation or government in which the TRP member is serving as an officer, director, trustee, partner or employee that receives or may receive funding from the Global Fund or with which the Global Fund has an agreement, contract, grant or relationship; or any person, organization, corporation, government or similar institution with whom the TRP member is negotiating or has arrangement concerning prospective employment (Section 2(c) of the Ethics Policy).

<sup>7</sup>Terms of Reference of the TRP, Paragraph 23.

- (d) he/she participated in a country's Joint Assessment of a National Strategy (JANS).
3. In addition to Paragraph 2 (b) above, a conflict of interest may also arise where the TRP member is not a national of, but does have a significant link to the country applying for funding (either as a: (i) single country applicant; or (ii) a multi-country applicant), if he/she is currently living in the applicant country or has lived there for more than one year in the past five years.
  4. To ensure independence, TRP members shall not represent their employer, government or positions of Global Fund partners, in particular the United Nations and its specialized agencies, and will serve in their personal capacities only<sup>8</sup>.
  5. It is worth noting that not all significant links can be identified in this document. It is, therefore, the responsibility of the relevant TRP member to bring to the TRP Chair's attention any significant link that may give rise to an actual, potential or perceived conflict.

## **II - Submission of Declaration of Interest Statements**

6. Under the Global Fund's Ethics Policy, each TRP member is required to complete a Declaration of Interest (DOI) form and submit it to the Global Fund's Ethics Official prior to commencing work as a TRP member. However, if the TRP member is subject to the ethics rules of an employer or another entity, and such rules require him/her to submit a disclosure statement that contains the information requested in the DOI form, then he/she may submit such other statement to the Ethics Official in lieu of the Global Fund form.
7. Thereafter, each TRP member shall submit an updated DOI form to the Ethics Official on an annual basis and whenever there is a material change in the information disclosed in the form.
8. The Ethics Official will store all DOI forms in a secure location and may make them available to the Ethics Committee for inspection.

## **III-General Disclosure and Recusal Requirements**

9. TRP Members are responsible for upholding the integrity of the TRP and its independence. TRP members shall disclose all actual, potential or perceived conflicts of interest to the TRP Chair and, subject to Paragraph 11, may be required by the TRP Chair to recuse themselves from proposal review (including in plenary sessions). If there is any ambiguity as to whether an actual, potential or perceived conflict exists, the TRP Chair will refer the matter to the Ethics Committee.<sup>9</sup> If it is determined that an actual, potential or perceived conflict of interest does exist, the TRP member will be recused from proposal review<sup>10</sup>.

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<sup>8</sup> Terms of Reference of the TRP, Paragraph 7.

<sup>9</sup> Terms of Reference of the TRP, Paragraph 24.

<sup>10</sup> Terms of Reference of the TRP, Paragraph 25.

#### **IV - Specific Disclosure and Recusal Requirements**

10. Prior to each TRP review meeting, TRP members shall provide the following to the TRP Chair:
- (a) a list of countries (and disease proposals) where, to the best of his/her knowledge, his/her employer:
    - i. has directly provided technical assistance for proposal development; or
    - ii. may be a potential beneficiary of funding (e.g. nominated as Principal Recipient, Sub-Recipient, Local Fund Agent or listed as a Technical Assistance Provider);
  - (b) a list of countries where he/she is a citizen or a resident, currently lives or has lived for more than one year in the past five years;
  - (c) a list of countries he/she visited for any JANS in the past five years; and
  - (d) a list of countries in which he/she has taken part in OIG audits of Global Fund grants in the past five years.
11. At the opening of each TRP meeting, all TRP members shall discuss the principles of the Ethics Policy and these internal guidelines. TRP members shall declare any actual, potential or perceived conflicts of interest to the TRP Chair. If the circumstances described in Paragraph 2(a)(ii), 2(b)(i), 2(c), 2(d) or 3(i) arise, the TRP member shall recuse himself/herself from the review of the relevant proposal<sup>11</sup>. If the circumstances described in Paragraph 2(a)(i), 2(b)(ii)<sup>12</sup> or 3(ii) arise, then the TRP Chair may require the TRP member to recuse himself/herself from the review of the relevant proposal.
12. If an actual, potential or perceived conflict occurs in relation to the review of a substantial number of proposals by a particular TRP member, the TRP Chair and Vice-Chair shall take this into consideration when determining whether that member should continue to serve on the TRP.
13. If a TRP member does not make a declaration of interest and does not recuse himself/herself as required under Paragraph 11, the TRP Chair and Vice-Chair shall take these circumstances into account in determining whether that member should continue to serve on the TRP.

#### **V - Specific Restrictions During and Following Service as a TRP Member**

14. The TRP Terms of Reference state that members of the Secretariat are ineligible to serve on the TRP.<sup>13</sup> Accordingly, if a TRP member is selected for a Secretariat position, he/she must stand down as a TRP member before accepting the Secretariat position.
15. The TRP Terms of Reference do not expressly preclude TRP members from performing consulting services for the Global Fund (including the Secretariat, the OIG or the Technical Evaluation and Reference Group) in their personal capacities. However, prior to performing any such services for the Global Fund, TRP members are required to inform the TRP Chair of their intention to do so. The TRP Chair will then consider whether the performance of such services would have an actual or perceived effect on

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<sup>11</sup> A TRP member participating in a country's JANS must recuse himself/herself from proposal review for the relevant country for that disease only.

<sup>12</sup> For a multi-country proposal, the TRP Chair may decide that the substantive knowledge of the region could outweigh the potential conflict of interest.

<sup>13</sup>TRP Terms of Reference, Paragraph 8.

the independence of the TRP and whether any measures should be put in place to safeguard the actual or perceived independence of the TRP. The TRP Chair may refer the matter to the Ethics Committee for guidance. A TRP member may participate in OIG audits in a maximum of two countries per calendar year if the relevant TRP member wishes to engage in TRP-related assignments in the same year. The TRP member must recuse himself/herself from the proposal review for the relevant country/countries where he/she has provided country-specific consultancy for the OIG in the past five years, in accordance with Paragraph 11.

16. TRP members who are involved in a particular proposal review process (not limited to the small review group, but also including participation in plenary discussions) must refrain from participating in the grant negotiation or program implementation processes for these proposals.
17. According to the TRP Terms of Reference, Board Members, Alternate Members, Focal Points, Committee Members or individuals who participate in Board Meetings as part of Board constituency delegations and Country Coordinating Mechanism members cannot serve as TRP members and shall stand down from the relevant role if selected to serve as a TRP member.<sup>14</sup>
18. To ensure independence and avoid actual, potential or perceived conflicts of interest during their terms of service on the TRP and the ‘cooling off’ period as specified in Paragraph 19, TRP members shall abstain from assisting countries in development of applications for funding to the Global Fund. This also includes participation in any proposal development workshop or ‘mock-TRP’ reviews. TRP members shall also abstain from participating on a Country Coordinating Mechanism (CCM) or other coordinating mechanism.

## **VI “Cooling off” Period**

19. As agreed during the Round 7 TRP meeting, TRP members shall observe a “cooling off” period of one year after they have completed their service to the TRP<sup>15</sup>.

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<sup>14</sup>TRP Terms of Reference, Paragraph 8.

<sup>15</sup> Completion commences from finalization of all TRP clarifications for the last funding channel upon which the TRP member served as a proposal reviewer.