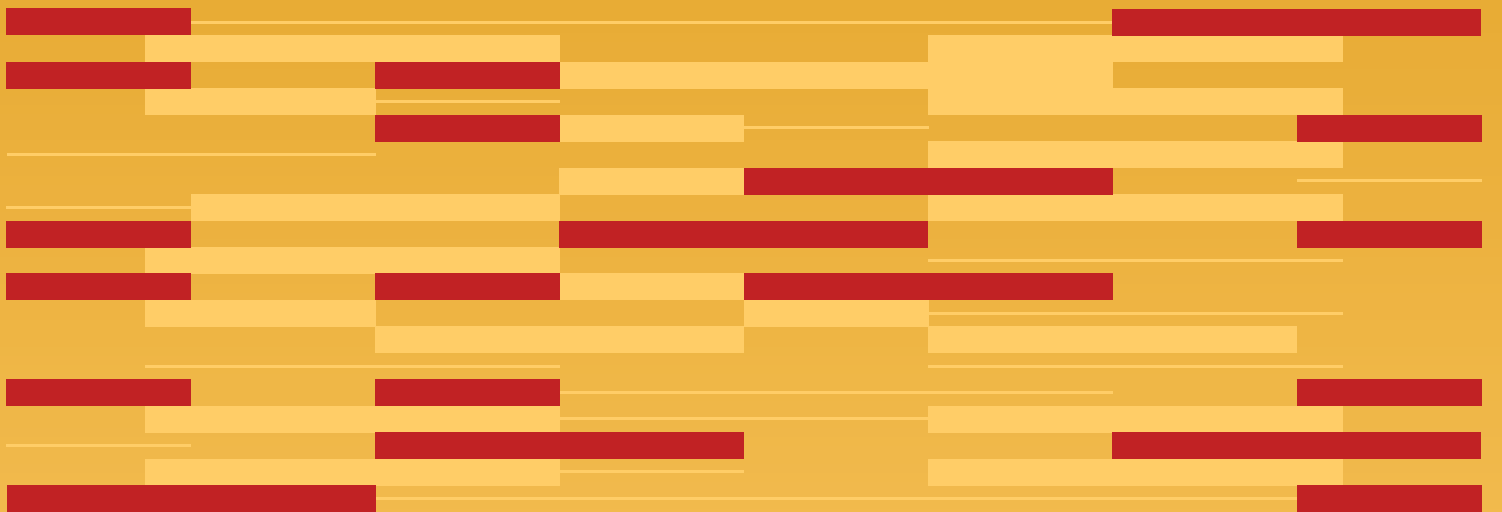


COUNTRY COORDINATING MECHANISMS
GOVERNANCE AND CIVIL SOCIETY PARTICIPATION



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The Global Fund emphasizes the principle of country ownership in the design and implementation of grants. Participation and accountability are described as critical elements necessary for effective grant implementation. Inherent in these principles is the question of governance and civil society participation.

The Country Coordinating Mechanism (CCM) is the core mechanism in the Global Fund model of multi-stakeholder partnership. It brings together stakeholders from government, civil society and the private sector to coordinate the development of country proposals and exercise oversight of grant implementation. For such a partnership to work effectively and in an accountable manner, processes must be open and transparent and conducted in accordance with agreed-upon rules or procedures. Where there are inherent imbalances of power between the different partners – as is often the case between government and civil society – such governance processes and tools are critical to the establishment and maintenance of an environment in which all partners can express themselves freely and negotiate any differences fairly and transparently.

This report summarizes a series of case studies that focused on the governance processes and tools adopted by CCMs in eight different countries, and the extent to which they have supported the participation of civil society. The

case studies were conducted in **India, Cambodia, Ethiopia, Kenya, Tanzania, Honduras, Romania and Tajikistan.**

Key Findings

CCMs have brought government and non-government stakeholders together on the same platform, but representation of civil society reached the recommended 40 percent minimum in only four of the eight CCMs studied. However, even where civil society is less well represented, there is evidence that the participation of civil society organizations in decision-making and in governance is more widely accepted than in the early years of Global Fund grant implementation.

People living with HIV/AIDS (PLWHA) were represented on all eight CCMs. In one country, the CCM Chair was living with HIV. The formation of national PLWHA networks has contributed to the acceptance of PLWHA in all the countries studied. Other key affected populations, including women and people affected by tuberculosis (TB) and malaria, were generally less well represented on CCMs.

CCM governance tools, including manuals or terms of reference (TORs) and conflict of interest policies, can support the inclusion of civil society by providing a framework and ground rules for participation. This is particularly important in contexts where civil society is not empowered, where there is no culture of collaborating with civil society

on equal terms, or where there is residual stigma against organizations that represent or are comprised of members of affected communities. In almost all of the eight countries studied, guidelines, tools and systems have been put in place and have contributed to greater civil society participation. These tools are outlined briefly below:

- TORs: All case study countries reported have developed TORs that serve as a reference document to guide the functioning of the CCM.
- Election process: All study countries except **Romania** and **Honduras** have developed guidelines for the selection of CCM members. These guidelines have made CCM elections more transparent and improved stakeholder participation.
- CCM meetings: All the study countries hold many more meetings than the minimum required by their respective TORs, reflecting their importance as the primary mechanism for communication and decision-making.
- Alternate members: Having a nominated alternate for each CCM member ensures adequate representation and a quorum for each meeting. Alternates can attend CCM meetings and vote in the absence of primary members. The system of alternates is used in three of the countries studied – **Cambodia, India** and **Tanzania**.
- CCM secretariat: Several of the countries have reported the value added from having a secretariat that coordinates key governance and

administrative processes within the CCM. They have improved efficiency and improved the internal technical capacity of CCMs.

- Sub-committees: All eight countries have established sub-committees that provide technical support to the CCM on governance instruments and provide expert technical guidance on several of the decisions made in the CCM.
- Principal Recipient (PR) selection: Most of the study countries report having guidelines and procedures for the selection of PRs. **Kenya** reports an open and competitive process for PR selection, while respondents in the Ethiopia case study expressed satisfaction over the transparent process of PR and sub-recipient selection.
- Conflict of interest policy: Six out of the eight country case studies report having a policy on the mitigation of conflict of interest.
- Despite the existence of governance tools, outstanding challenges to using them limit their efficacy in supporting civil society participation.
- Some case studies revealed a poor understanding of Global Fund principles and the appropriate roles for civil society representatives in the CCM, for example in decision-making and oversight.
- Issues related to the timely flow of information to CCM members and in particular the civil society members persist in some countries.
- A public sector bias in the decision-making process was reported in some countries.

- As yet, none of the countries have an effective system for communication between the CCM and the constituencies.
- There is a notable absence of training and capacity-building initiatives for CCM members, particularly among civil society representatives.

Since its inception, the Global Fund has emphasized the principle of country ownership in the design and implementation of grants. The Global Fund framework document emphasizes both participation and accountability as critical elements necessary for effective grant implementation. Inherent in these principles is the question of governance and civil society participation.

Participation within the Global Fund model necessitates a multi-stakeholder partnership. For such a partnership to work effectively and in an accountable manner, processes must be open and transparent, and be conducted in accordance with agreed-upon rules or procedures. In contexts where there are inherent imbalances of power between the different partners – as is often the case between government and civil society – such governance processes and tools are critical to the establishment and maintenance of an environment in which all partners can express themselves freely and negotiate any differences fairly and transparently. Good governance ultimately engenders certainty and trust, both of which support the effective and efficient use of resources.

One of the principal ways in which the Global Fund multi-stakeholder partnership model is put into practice is through the CCM. The processes and tools adopted by CCMs in their governance of grant development and implementation, and the extent to which they have

supported the participation of civil society, are the focus of this report.

Study Design and Methodology

The Global Fund commissioned case studies across eight thematic areas in 19 countries. The themes were drawn from common issues and challenges that most CCMs face in addressing their roles and responsibilities vis-à-vis governance and grant oversight. This report is the consolidation of eight country case studies on the theme of “governance and civil society participation”. The case studies were examined to identify lessons learned and best practices, to capture what has worked and what has not and to determine where best to apply these lessons to improve the functioning of CCMs.

The theme “Governance and Civil Society Participation” focuses on understanding the implementation of governance principles and instruments and the quality and extent of civil society participation in CCM processes. The CCM is, in many ways, a mirror image of the Global Fund’s own Board. The study tried to assess how the core principles found in the framework document (e.g., transparency, participation, multi-stakeholder partners and national ownership) are conceptualized and applied by CCMs in each of these countries.

The eight case studies were analyzed to understand how CCMs have managed to put the principles of multi-stakeholder partnerships

into practice with a specific focus on the participation of civil society organizations. The case studies reviewed the process by which CCMs developed their own governance structures and the role that civil society played in shaping those structures. Furthermore, the case studies analyzed how those structures were being used (or not) to increase civil society participation and accountability.

The case studies were carried out in **India, Cambodia, Ethiopia, Kenya, Tanzania, Honduras, Romania** and **Tajikistan**.

Following a desk review of relevant Global Fund and country-specific documents, independent consultants visited each country or region to conduct interviews and discussions with key stakeholders, including CCM members and representatives of civil society.

This report summarizes the eight country case studies on this theme. Other background documents consulted to complete this report included those available on the Global Fund website such as the *Framework Document* and the *Revised Guidelines on the Purpose, Structure and Composition of Country Coordinating Mechanisms and Requirements for Grant Eligibility*, as well as other governance instruments specific to some of the countries such as TORs of the CCMs, conflict of interest policies, etc.



Membership and Composition

The Global Fund guidelines for CCM structure and function emphasize the importance of country-led processes and do not prescribe quotas for CCM composition. In keeping with its guiding principles, the Global Fund expects CCMs to be representative of all national stakeholders and also to ensure a balanced gender composition. The guidelines suggest the inclusion of the following categories of stakeholders in CCM membership:

- Academic/educational sector;
- Government;
- nongovernmental organizations (NGOs) and community-based organizations (CBOs);
- People living with or affected by HIV, TB and/or malaria;
- Private sector;
- Faith-based organizations (FBOs);
- Bilateral and multilateral development partners in country; and
- Key affected populations.

CCMs are encouraged to include representation from the sub-national level (states/provinces/districts), either through direct geographical representation in national CCMs or through mechanisms such as a sub-national CCM or state/province-level committees.

CCMs act as a forum, bringing government and non-government stakeholders together. Principles of transparency and partnership help support and ensure genuine participation by civil society

organizations in CCMs. The guidelines recommend that a minimum of 40 percent of total CCM membership should come from NGOs (i.e. CBOs, people living with the diseases, FBOs, private sector, academic institutions, etc.) These study findings show that only four countries ensured 40 percent representation of NGOs. In **Tajikistan** it is as low as 17 percent. In **India**, civil society organizations accounted for 38 percent, wherein 10 percent came from academic and research institutions in the public sector.

In the countries where civil society representation is less than 40 percent (**India, Cambodia, Ethiopia** and **Tajikistan**), most of the representatives were either from the government or multilateral/bilateral organizations. Across the eight countries, average civil society representation in CCMs was around 42 percent. These countries endeavour to keep the CCM small so as to facilitate participation and manage proceedings better. The highest figure for civil society representation in CCMs was reported in **Honduras** (54 percent).

In the 2004 synthesis report on CCM case studies, it was reported that people living with the diseases still have only marginal membership in all regions. Analysis of the eight case studies in this consolidated report found that several countries are making efforts to be inclusive and to ensure representation of people living with the diseases in the CCM governance process. In **Tanzania**, for example, there was no PLWHA representation for several years due to

the absence of a transparent selection process. However, by the time the case study was conducted, a new PLWHA member had been selected through a transparent process. The inclusion of this member was facilitated by the formation of a PLWHA network in the country. In **Honduras**, the Chair of the CCM at the time of the case study was living with HIV and represented the PLWHA network. The formation of national PLWHA networks has contributed to the improved acceptance of the PLWHA community in each of the case study countries, and PLWHA are represented on all eight CCMs in the study.

Gender sensitivity and gender equality in CCMs is another important feature strongly recommended by the CCM guidelines. While there are no strong metrics to measure gender sensitivity and equality in CCMs, a simple (although extremely inadequate) proxy is the number of women members in CCMs. Only four of the eight country case studies provided a gender breakdown of the members at the time of the study. In **Romania**, 49 percent of the CCM members are women while in **India** it is 28 percent. In **Tanzania** as well as **Kenya**, efforts have been made to ensure adequate gender representation in the CCM. In many of the countries, epidemiological data clearly show the increased vulnerability of women to HIV, TB and malaria. Gender sensitivity in deciding programmatic themes is critical and is best ensured by an adequate number of women CCM members and by ensuring

that the members who are selected/elected demonstrate gender sensitivity.

Persons living with TB/malaria were not CCM members in any of the eight countries studied. In **India**, the absence of a network of persons living with malaria or TB makes it difficult to ensure their representation in the CCM. The morbidity period of these two diseases relative to HIV is short and curative treatments are available so there are fewer long-term stakes involved than for those who are living with HIV/AIDS. While HIV and TB share similar histories with stigma and discrimination, the former has generated a social movement of civil society while the latter has generally not done so. Therefore, the creation of social networks for TB or malaria has not been attempted in any of the eight study countries. The participation and representation of civil society representatives from within traditional TB/malaria programs is weak, mostly because TB and malaria control programs have operated as vertical programs within Ministries of Health and partnerships with civil society organizations have been rare.

Some CCMs have attempted to ensure geographical representation by guaranteeing the recruitment of CCM members based on regions or provinces, or by aiming for a balance between rural and urban areas, etc.

Participation in Governance Processes

According to CCM guidelines, all members should be treated as equal

partners with full rights to participation, expression and involvement in decision-making in line with their areas of expertise. The guidelines also state that it is essential that all relevant partners be involved in planning, decision-making and implementation. In addition, the guidelines recommend strengthening the participation of communities and people affected by the three diseases.

The Global Fund *Framework Document* reiterates that, “The Global Fund will support programs that stimulate and are integral to country partnership involving government and civil society”.¹ Partnership is one of the guiding principles that have set the direction of the CCM, the key Global Fund governance mechanism. Some of the findings from the eight case studies on the quality of participation of civil society organizations in different countries are summarized below.

Participation of civil society organizations CCM process

The CCM is a unique example where public/private partnerships theoretically provide equal participation to government as well as non-government stakeholders. Ensuring adequate NGO representation on CCMs has been a challenge for many countries. In **Tajikistan**, government representatives did not understand why civil society organizations were brought into CCMs in the first place. “They (the government) could not understand why we (civil society organizations) were there; and we even used to have separate meetings. The government

The change in the level of stigma and acceptance of civil society organizations is clear from the response of one PLWHA representative in the Tajikistan CCM:

“In the beginning some people on the CCM were looking at me and asking ‘Who is she? What is she doing here at such a high level?’ Some would not even say ‘Hello’ to me. I felt so bad, did not want to go back to these meetings. But now it has changed; the mentality is changing. People started understanding that nobody can be excluded. It concerns everyone”.

staff would meet on its own; and we (civil society) would meet in the UNDP² office or elsewhere”. Later, when government representatives understood the role of civil society organizations in reaching vulnerable populations for the implementation of national programs, their stance changed.

There are several contributory factors to these changed attitudes: a better understanding of the role and contribution of civil society organizations; availability and understanding of CCM governing guidelines; maturity of the Global Fund; and the exposure of government officials to the situation on the ground. The general principles

of the **India** CCM state that, “The **India** CCM adheres to the principles of broad and inclusive participation, democratic and consensus-based decision-making, full transparency, cooperative partnership, and efficient operation”,³ thus binding the CCM to ensuring equal participation of all members in the governance process.

In spite of the positive changes in CCMs reported in recent years, certain challenges remain for the participation of civil society organizations in the CCM process. The following discussion highlights some of the issues surrounding civil society participation in CCMs across the eight countries where case studies were completed.

Challenges to civil society participation

The quality of participation of CCM members in proceedings depends on several factors. Effective participation can be ensured only if:

- There is a clear understanding among members of CCM principles and procedures and the Global Fund;
- There is clarity of roles;
- There is established technical competency;
- A transparent process is in operation; and
- There are regular meetings, adequate meeting attendance and accurate documentation of CCM proceedings.

Following are some of the challenges

faced by CCMs in ensuring member participation when the above criteria are not met. These challenges were stated by civil society respondents as factors impeding quality of their participation in CCM proceedings.

a. Information flow

Information related to policies and programs in several of the study countries is kept by the government. Civil society representatives are unable to effectively participate in discussions as they do not have ready access to information. In **Kenya**, respondents reported that the CCM Secretariat “withholds information from CCM members and uses it to the advantage of the CCM secretariat and sub-recipients (the Ministry of Health)”. In other countries, agendas and discussion points are circulated late, leading to inadequate preparation by civil society representatives. This diminishes the active participation by civil society members in discussions and decision-making processes.

b. Understanding of Global Fund guidelines and the roles of the CCM members

Inadequate understanding of roles and Global Fund guidelines by CCM members negatively affects their participation in the CCM process. The case studies completed in **Ethiopia, India, Cambodia, Honduras, Romania, Kenya** and **Tajikistan** report

² United Nations Development Programme

³ Revised Terms of Reference of the *India Country Coordinating Mechanism for the Global Fund to Fight AIDS, Tuberculosis and Malaria*. P.1

that civil society members have a good understanding of the CCM tools and guidelines, as they were involved in their preparation. These tools and guidelines have been unanimously approved by CCM members in all these countries and therefore the level of ownership and understanding is comparatively high. Conversely, in **Tanzania** it was reported that the guidelines are “little known and even less put into use”. Reasons suggested are lack of ownership due to the process by which they were developed and the magnitude of the scope of work, which requires substantial capacity building. This has reportedly affected the level of civil society participation in discussions and deliberations at meetings of the **Tanzania** CCM.

c. Relationship between government and civil society

Dependency on government funding can negatively affect civil society participation in CCM decision-making processes. In **India**, most civil society funding comes through the government, resulting in a contractor-and-provider relationship between the government and civil society organizations. This is generally perceived to have muted the voice of civil society, since they would be unlikely to express opinions that could jeopardize their relationship with the government. Their effectiveness as advocates for the interests of their constituencies

is therefore weakened. The introduction of a new CCM funding policy by the Global Fund in January 2008 provides an alternative funding source of up to US\$ 43,000 for CCMs that may otherwise feel tied to government funding. At the time of the case studies being carried out (late 2007), the new CCM funding policy had not yet been introduced.

d. Absence of capacity-building initiatives

The CCM is a country-led body that has the responsibility of overseeing the spending of Global Fund resources within each country. This requires a high level of technical knowledge and strategic thinking in addition to excellent communication skills. Over the last five to six years the Global Fund has regularly modified its systems and guidelines, requiring more sophisticated levels of understanding and capacity to be involved in the governance process. In most of the countries studied, there is no system to orient new members and they are not provided any formal guidance on CCM functioning. Another major gap highlighted by most respondents was the scarcity of resources for strengthening CCM member capacity. The **India** CCM has reported efforts to mobilize resources for strengthening the CCM by formalizing new member trainings and other capacity building processes.

e. Systems for constituency communication

In all study countries, it was reported that there were no formal procedures for constituency communication. This represents a large gap in ensuring wider participation of civil society organizations in CCMs. There are several factors that make this difficult. In most study countries, there is no formal civil society coalition to form the basis for constituency feedback loops. Large country size and the large numbers of registered NGOs can make broad and effective communication difficult. Attempts, however, are being made in several study countries to strengthen constituency communication. **India** set an example by creating formal processes for electing civil society representatives, thereby creating a registry of civil society organizations working in each disease sector. This will become a formal platform for stronger civil society representation and communication of key CCM decisions to civil society and for civil society organizations to provide feedback to the CCM.

Governance Instruments, Guidelines, Tools and Systems

In keeping with the principle of country ownership, the Global Fund guidelines on CCMs clearly state that CCMs should determine their own terms of reference, tools and procedures for ensuring an effective and transparent governance process. In addition, the

Global Fund *Framework Document* recommends that the role and function of each player in the CCM be laid down by the CCM, respecting the principles of equity and transparency. Efforts are being made in almost all the study countries to develop TORs or governance manuals, guidelines and tools to facilitate the transparent implementation of CCM procedures. The following discussion highlights the key tools and instruments developed by CCMs in these countries.

Terms of reference

Each of the countries in the study reported preparing TORs (also known as governance manuals) and guidelines for the CCM and its members. TORs lay down the roles and responsibilities of CCM members, describe processes for membership selection and constituency representation, and rules and guidelines on the election of the Chair and Vice-Chair, meetings and decision-making processes. The TORs are the reference document that guides the functioning of the CCM. Several of the study countries reported that the functioning of their CCM and the conduct of meetings was somewhat chaotic prior to the formulation of the TORs.

When developing the TORs, a transparent process and consultation of all key stakeholders is critical to ensure buy-in. In several countries, the TORs were finalized with the help of CCM sub-groups formed for this purpose and later ratified by the CCM meeting. Once TORs have been finalized and agreed upon, it is important to build in sensitization

Example of process followed in the finalization and approval of governance tools – India CCM (ICCM)

- Framework for the tools and guidelines prepared by the secretariat
- ICCM sub-committee drafted tools and guidelines
- Draft presented to the Global Fund Secretariat legal department for inputs
- Revised draft based on the inputs of the Global Fund Secretariat legal department presented to the ICCM for inputs
- All suggestions of the ICCM are incorporated by the sub-committee; final document prepared
- Final document presented to the ICCM for approval
- ICCM approval of the document
- Document shared with all ICCM members

and training on the TORs for all CCM members to ensure that they are fully understood and adhered to.

Election processes

In a spirit of transparency and to ensure participation of all constituencies, almost all study countries have established guidelines on the election process of CCM members. Respondents expressed that greater transparency brings greater legitimacy to those governing and efficiency to the process itself. Following are some examples of selection processes carried out in various countries.

The **India** CCM TORs clearly state that, “**India** CCM members representing each sector/constituency shall be chosen by that sector, providing an acceptable process has been established within the sector/constituency for this to happen. Such a selection process is developed within the sector, is described in a

document that is publicly accessible, and is conducted in an open manner”.

India also has a very well-defined election process for the civil society constituency, and the 2006 election of civil society representatives was carried out in accordance with these guidelines. Though the system is operational, there are serious gaps in its implementation. No more than 60 civil society organizations took part in the process – far from a representative sample of the total number of civil society organizations working in the fields of HIV, TB and malaria in the country, and some of the civil society representatives interviewed still expressed dissatisfaction with the process.

Each constituency in **Cambodia** has a constituency coordinator appointed by the Country Coordinating Committee (CCC) to manage the process of nomination, selection and replacement of constituency members.

While **Kenya** has a process whereby each sector elects a representative organization to the CCM through selection processes determined by the constituencies themselves, systems for elections in **Romania** and **Honduras** are yet to be properly established. In **Honduras**, although each constituency is responsible for electing its own representatives, civil society representatives still felt that they were not adequately represented, especially those representing men who have sex with men (MSM).

While there are clearly still a number of issues that need to be resolved, each case study country is attempting to improve the election process, and each has come a long way toward making it much more transparent and participatory.

Sub-committees/working groups

Ad hoc or permanent sub-committees, technical working groups and sub-groups all provide technical assistance to the CCM in the preparation of governance instruments as well as technical guidance on much of the CCM's decision-making. In **Cambodia**, the sub-committees have been made formal and have specific TORs. According to these TORs, the role of the sub-committees is "to facilitate administrative work for the CCC⁴ by acting as secretariat with limited decision-making power and to liaise with all partners". In **India** and **Ethiopia**, on the other hand, the sub-committee is a temporary body or ad hoc committee set up for a

specific assigned task. The **Tanzania** case study discusses a technical coordination group or technical working group. In **Honduras**, technical commissions are formed to prepare internal regulations for new proposals. Most of the study countries have similar systems to perform specific tasks that are technical in nature and cannot be accomplished through a large body like the CCM due to time constraints and the complexity of facilitation.

Meetings

CCM meetings play a pivotal role in the Global Fund governance process. It is therefore critical to ensure that all members have the necessary information and documentation to prepare and consult with their constituencies before meetings, that there is attendance from different constituencies, that there is focused facilitation during meetings and that all members are encouraged to participate actively. Meeting deliberations and processes should be recorded in detail and minutes be circulated, and especially decisions taken during meetings be followed up and acted upon. In each country, these critical steps are coordinated by the CCM Secretariat. The regular and effective participation of all stakeholders, particularly civil society organizations, is critical to good governance.

CCM meetings are reportedly occurring on a regular basis in each of the study countries and, in most cases, more frequently than stipulated in the TORs. Special meetings are held for

proposal finalization and making other key decisions. A system for tracking CCM member attendance in meetings is in place in several of the study countries. Specific guidelines exist on the removal of CCM members if absent for a specified number of meetings. Meetings are key governance mechanisms used by the CCMs across the globe for decision-making. Regularity is a critically important factor in establishing a well-functioning CCM. Too many ad hoc CCM meetings called at the last minute fosters absenteeism and apathy in CCM members.

A number of countries reported issues related to the dissemination and content of minutes. Delays in circulating CCM meeting minutes and a lack of detail pertaining to proceedings were noted. As reported in the **India** case study, the minutes of the 22nd meeting state only that, "...members deliberated on the performance..." after a presentation by the TB program division. Details of the deliberation were not provided and were only alluded to as part of the program division presentation.

In **Kenya**, **India** and **Tanzania**, it was reported that materials and documents related to meeting agendas were not provided far enough in advance. As a result, CCM members attending the meetings lacked critical information. The importance of this point was highlighted by the **Tajikistan** case study, which reported that when documents related to meetings were circulated well in advance of meetings, the quality of participation improved

substantially. The **Romania** case study reported that agendas are prepared well in advance and detailed meeting minutes are circulated, “with an exact description of what has been said and by whom”, thus ensuring the transparency of the process.

Decision-making is one of the core governance roles played on the part of the CCM. The quality of the process depends on good preparation by CCM members. Minutes of meetings and other key documents related to the agenda provide CCM members with the background and context they need to be able to actively take part in discussions and deliberations leading to important decisions. Any delay in distributing these documents therefore results in poor member preparedness, which in turn weakens the quality of participation in decision-making processes.

Principal Recipient selection

One of the most important governance moments for a CCM is at the selection of the PRs that implement Global Fund-supported programs. Several of the study countries reported having guidelines and procedures for PR selection. In the **Honduras** case study, a civil society representative observed that “favoritism” had existed earlier in the PR selection process, but at the time of the case study an improved, transparent process was already in place for PR selection. The same report also cites “the decision to change the PR in May 2008 and to select new sub-recipients, which was a highly transparent process”, as an example.

The final decision regarding the new PR in **Honduras** was taken unanimously, which was seen as a victory, and as evidence that the CCM had been able to overcome many potential conflicts regarding selection. Improvements in the PR selection process have been seen in several study countries. **Kenya**, for instance, reports an open and competitive PR selection process, while the **Ethiopian** case study noted that CCM members felt that transparent PR and sub-recipient selection processes were in place, and a conflict of interest policy had been developed.

Conflict of interest policy

Issues related to conflict of interest are very real in CCMs due to their nature and composition. The Global Fund *Framework Document* therefore suggests that every CCM should draw up its own conflict of interest policy and adhere to it. The CCM guidelines elaborate further: “When the PRs and the Chair or Vice-Chairs of the CCM are from the same entity, the CCM must have a written plan in place to mitigate this inherent conflict of interest. This plan must be documented and made public to ensure the highest level of transparency and integrity”.

There are various scenarios within the CCM that have inherent conflicts of interest, and a mitigation protocol is therefore critical for a transparent governance process. For example, in many countries, particularly smaller countries such as **Cambodia** or **Honduras**, only a small number of stakeholders are involved in the national

disease response, increasing the chances that a CCM member will also be a PR and/or a sub-recipient. Such a protocol should also clearly define conflicts of interest: a stakeholder in one context may have a very different understanding of conflict of interest than another stakeholder in a different context. The following are a few examples of situations in different study countries where conflicts of interest could arise.

- The CCM secretariat in several countries is either part of the Ministry of Health (MoH) or has institutional ties to it. There were cases cited of secretariats reporting directly to the MoH rather than to the CCM.
- CCM members who are also PRs or sub-recipients might influence decisions on the allocation of funds to programs in which they have particular interests. In **Kenya**, both the CCM Chair (PS MoH) and the sub-committee chair of procurement (the Director of Medical Services, MoH), are senior MoH staff. The MoH is a lead recipient of Global Fund grants and to have the secretariat and other staff in both key CCM and Global Fund-related positions poses a potential for conflict of interest.

Six of the eight study countries reported having a policy on conflict of interest.

The **Tajikistan** case study reports one instance of conflict of interest, where there was only one PR and “the current funding to support the CCM secretariat is provided largely by the PR (the United Nations Development Programme, or UNDP) with some contributions from other international donors. Such

dependence of the CCM secretariat on funding from the PR raises issues of conflicts of interest”.

Attempts have been made to address the conflict of interest issue in all study countries, but the main challenge is in the implementation of conflict of interest policies. Other challenges include the interpretation and understanding of conflict of interest, a commitment to addressing it, and larger sociopolitical and cultural factors.

System of alternates

A system of alternates ensures that there is adequate representation at meetings and that a quorum is reached. Alternate members are nominated at the time of member selection and can attend CCM meetings in the absence of the primary member. It is the duty of the CCM member to brief the alternate. Alternates are also allowed to vote on behalf of the CCM member they replace. The system of alternates is used in three of the countries studied—**Cambodia, India** and **Tanzania**. In all three countries, the system is found to be effective. In **India** and **Cambodia**, clear guidelines exist on the system of alternates.

CCM secretariat

The CCM guidelines state that each CCM should determine the size, structure and functioning of its secretariat. The CCM secretariat plays a pivotal role in the coordination and operation of CCMs across the globe, and in ensuring adequate participation of civil society.

System of Alternates - India

- Membership in the CCM is granted to an organization, which then selects an individual to represent it at **India** CCM meetings. The organization also selects an alternate to attend those **India** CCM meetings that the primary representative is unable to attend. The organization shall ensure wherever feasible that either their primary representative or alternate is a woman.
- Alternates have the power to vote.

The role of the CCM secretariat across different study countries is to coordinate key governance processes such as organizing meetings, tracking attendance, facilitating the selection process of the CCM members, facilitating the proposal process in the country, facilitating fund disbursements to the PRs and coordinating with the Local Fund Agent (LFA). Besides this administrative support, the secretariat is also expected to facilitate the CCM in its grant oversight function, either by providing technical assistance directly to the CCM or by coordinating technical sub-committees, as well as by liaising with government ministries, the program division and other stakeholders of the Global Fund program, coordinating with the Global Fund Secretariat, updating the CCM website, etc. The task is huge and the

CCM secretariats in many of the study countries are not adequately resourced to carry it out.

The proactive role played by CCM secretariats in almost all the study countries has contributed to improved functioning of the CCM in many ways. By facilitating communication, information dissemination and regular meetings, they have improved participation by CCM members, including civil society. In most study countries, the CCM organized more meetings than the minimum stipulated in the TORs once the secretariat was established. In **India** 16 meetings have been held over the last four years, compared to the target of 12 meetings. The secretariat has played a major role in coordinating these meetings. In **Tajikistan**, the secretariat succeeded in organizing five CCM meetings and four partner forums, and assisted with the organization of 12 conferences and workshops between March 2006 and the time of the case study (18 months). In **Honduras**, the establishment of a technical secretariat was a key factor in the development of governance tools, which were unanimously approved by the CCM. The technical secretariat also supported the CCM in implementing its roles and responsibilities. In fact, one interviewee said: “The CCM has developed into a real board, although it is still a work in progress”. In **Tajikistan** again, most of the stakeholders interviewed said the CCM became more effective after the secretariat was established; the

following quotation is representative: “Before 2005 (when the secretariat was set up) the CCM was semi-official, there was no support. It was more of a formality; the CCM was large but there was no real work”.

The **Kenya** and **India** case studies highlight some of the challenges faced by CCM secretariats. In **Kenya**, the CCM secretariat is housed by the MoH and secretariat staff are employees of the MoH. This has reportedly had some adverse effects, including the potential conflict of interest. Some of the respondents reported that the CCM secretariat often withholds information from CCM members and uses it to the advantage of the CCM secretariat and the sub-recipient, the MoH. Several cases of basic information being either delayed or not disclosed were noted, including meeting minutes, invitations to CCM meetings and meetings arranged to review documents. This has led to poor preparation and reduced participation by CCM members during meetings, which directly affects transparent and effective governance processes.

In other countries, a lack of adequate human resources and funding are major challenges faced by the CCM secretariats. In **India**, several of the stakeholders interviewed stated that the current CCM secretariat is under-resourced and therefore unable to provide timely and adequate coordination support to the CCM in terms of preparing and distributing

background documents related to the agenda or analysis reports on PR program performance. In **Ethiopia**, there is funding for bilateral and multilateral support, but “ongoing, sustainable funding remains a problem for the CCM secretariat”. A report on the findings of CCM case studies carried out in 2003 and 2004 stated that “while the need for a staffed secretariat appears to be critical for the effective functioning of the CCM, the lack of resources for running one is common across countries. Consideration needs to be given to ways of ensuring sustainable access to resources to meet CCM secretariat running costs”.⁵ Several of the countries in the 2007 case study have still not found any sustainable solution to funding the secretariat. Over the years, the role played by the CCM secretariat has proved to be critical to the success of CCM work. Consideration of how to facilitate a sustainable solution to CCM secretariat funding should therefore be a priority for the Global Fund Secretariat.

Understanding of the Grant Oversight Role

Grant oversight is one of the most critical governance roles played by CCMs. The Global Fund guidelines specify that:

- CCMs are responsible for the oversight of grant implementation;
- CCMs are required to carry out a full analysis of implementation before the end of the first two years, and to submit a request for the second phase of grant allocation;

- PRs must report to CCMs on implementation progress.

Oversight responsibility lies primarily with CCMs, though PRs should have their own internal systems for monitoring day-to-day grant performance and measuring it against targets. In the CCM partnership model, civil society, through its representatives both inside and outside the CCM, plays an active and meaningful role in grant oversight. Deficiencies in oversight seriously affect the CCM’s ability to ensure good governance in the use of the resources provided by the Global Fund.

Among the study countries, the effectiveness of grant oversight varies. The **Kenya** study notes that the program division lacks monitoring and evaluation specialists, which is critical since the PRs are responsible for putting an “oversight monitoring and evaluation framework/plan” in place. In **Ethiopia**, CCM members have a high degree of awareness of their role in governance and oversight and are supported by the mechanisms needed to implement it. There is a system of monthly and quarterly meetings for progress reporting, as well as bi-annual field monitoring visits. An external, impartial evaluation team can be commissioned if necessary to assess the progress of every program that has received a Global Fund grant and to inform the CCM accordingly. All CCM members in **Ethiopia** are aware of their

⁵ Country Coordinating Mechanisms: A Synthesis and Analysis of Findings from CCM Case Studies , Tracking Study, GNP+ and Other Surveys. Governance and Partnership Committee: Working Document, 8 April 2004. Available at www.theglobalfund.org

responsibility for engaging in discussions with the LFA when progress is unsatisfactory. They also have the power to replace non-performing PRs and sub-recipients where necessary.

In **India, Cambodia, Honduras, Romania** and **Tajikistan**, the case studies report that the CCM is not exercising satisfactory oversight. Some of the challenges to effective CCM grant oversight in these countries are:

- **The absence of an institutionalized process:** In most of the study countries, the CCM has no formal system or plan in place for oversight. In **India** and **Cambodia**, presentations are made to the CCM by the PR during the CCM meetings. Most of the time, the presentations are rushed and there is no in-depth analysis of actual performance. The CCM secretariats in these countries are too understaffed to be able to provide any data analysis, leaving CCM members to digest vast amounts of information. Moreover, the information reaches CCM members just before meetings, leaving little time to review documents in detail. This is a critical point for members from civil society sectors, who need to be able to consult with their constituencies on key issues before taking a stance in meetings. The minutes of a meeting on the functioning and performance of the CCM in **India** state that,

“... most of CCM members’ time has been dedicated to spending long and tedious hours discussing, informing, training, screening and approving proposals (and reading/ understanding the new guidelines for each round). Consequently, hardly any time has been left for discussing implementation matters on grants already approved and operational”.⁶

- **CCM-PR dynamics:** Dynamics between the CCM and the PR can be a significant factor affecting the CCM’s oversight role. Almost all interviewees in **Honduras** considered the CCM a relatively weak institution compared to the PR. The PR is not very responsive to CCM requests and suggestions on the grounds that the PR has not been contracted by the CCM but by the Global Fund in Geneva (the core problem, according to the respondents, is that the Global Fund disbursement procedures effectively leave the CCM out of the picture). If the PR in such a scenario is from the government, civil society representatives on the CCM will likely have very little participation in the oversight and governance of the grant.
- **Role clarity and CCM member turnover:** Oversight cannot be effective if those responsible for it are not clear about their role in its implementation. In **Tajikistan**, it was reported that limited understanding of the oversight role has constrained

CCM feedback procedures on progress reports and monitoring visits. The continuity of oversight can also be affected by frequent turnover in CCM membership as new members take time to understand the program, especially if there is no formal induction or orientation system in place.

Decision-making Processes

Decision-making is another key governance function of the CCM. Transparency and participation are crucial to ensuring that decisions protect the national interest and address community issues. The CCM guidelines state that CCMs should promote a “true partnership” with all members being treated as equal partners in decision-making. The guidelines also state that it is essential for all relevant partners to be involved in planning, decision-making and implementation.

In the study countries, most of the stakeholders interviewed felt that decision-making processes had improved. The governance manuals or TORs of most CCMs have specific guidelines on the decision-making process. In **Romania**, there is open discussion and voting. Civil society organizations feel they are equal partners in the decision-making process to the extent that some government representatives have said that they are overruled by NGOs in decision-making and “therefore are not responsible for the decisions”.

⁶ Meeting Minutes: Brief Discussion On the Global Fund to Fight AIDS, Tuberculosis and Malaria Functioning and Performance in India with A Focus on Donor 16 Coordination (Held at GTZ office on 6 Sept 2006).

In **Honduras**, most civil society interviewees felt that the CCM takes decisions that reflect their interests, because the majority of members and the president are from civil society. In **Cambodia** and **India**, where there is a strong presence of government representatives, the civil society representatives said that decisions are focused on protecting the interests of the country and community. In **Cambodia**, decisions are also made by the sub-committee as the CCM has empowered it to do so. In **Ethiopia**, CCM members perceive that their function is to be a national consensus group promoting true and equal partnership in Global Fund-supported programs. All members feel that they have full and equal participation rights in CCM meetings and are able to express their opinions openly and to be fully involved in decision-making. In **Kenya**, the respondents reported that decisions are mostly made by consensus and by voting when necessary.

Overall, there has been marked improvement in the process of decision-making within CCMs across different countries. The CCMs are guided by TORs and Global Fund principles, which are respected. However, there are certain areas that require further strengthening. Respondents from **Cambodia** said they are heard in discussions, but are not sure whether their inputs influence the decisions. Similar scenarios were reported in other countries within the study with a strong government

influence, often due to the fact that key information regarding program policies and guidelines in the country is kept by the government. Government representatives therefore speak with authority, leaving civil society representatives at a disadvantage. In **India**, one of the reasons suggested for less-than-optimal participation of civil society organizations in decision-making was the delay in getting program-related information to civil society members on time so that they and their constituencies could prepare well in advance of the meetings.



Overall, the stakeholders interviewed in the eight study countries believed that CCMs have come a long way toward achieving their objectives as mechanisms for the governance of Global Fund-supported activities. A number of examples of good practice have been identified that have contributed to greater accountability, transparency and participation. At the same time, there are several areas that require additional work, particularly in ensuring the meaningful participation of key affected populations. Some of these challenges are closely linked to the capacity of the CCM secretariat to facilitate communication and information dissemination. However, good practices on CCM strengthening have been identified in many countries and should be relatively easy to replicate now that CCMs are able to access support for operational costs directly from the Global Fund Secretariat.⁷

Other challenges relate to the difficulties of creating and maintaining channels for communication among civil society stakeholders so that they can have a voice in decision-making on and governance of Global Fund grants. Several of the case study countries are beginning to address this issue, and processes being developed in **India**, for example, may yet become successful mechanisms for constituency communication.

This chapter looks at the key practices and challenges emerging from this analysis that are critical for

strengthening the operation of the Global Fund model. These practices and challenges are analyzed under following headings:

- Principles of Transparency, Participation and Representation
- Systems and Tools of Governance

Principles of Transparency, Participation and Representation

Good practices

- The system of nominating alternate members who are empowered to vote is seen to be a useful means of ensuring attendance and participation of CCM members, and for achieving quorum. It is particularly important for civil society organizations, which are often regionally based; traveling to attend meetings several times a year can pose problems for the CCM members representing such organizations. Having an alternate member makes it more likely that the organization or constituency concerned will be able to participate consistently. The system does not guarantee effective participation, however; personalities and individual capacities are also important factors.
- Most CCMs have attempted to ensure geographical representation by selecting some CCM members on the basis of region, rural or urban setting, etc. Again, this helps to guarantee the inclusion of civil society.
- CCMs in different study countries have made efforts to be inclusive of persons living with one of the three diseases to ensure their active participation in the CCM governance

⁷ In November 2007, the Global Fund revised its policy on CCM secretariat funding. CCMs can now draw from a separate pool of funds to finance administrative costs rather than using grant funds. See *CCM Funding Policy – Frequently Asked Questions*, available at: www.theglobalfund.org/documents/ccm/CCMFundingPolicyFAQ_en.pdf

process. This is a two-way process in that it has also paved the way for CCM members to better understand the context of those living with the diseases in order to make appropriate decisions.

- The establishment of national PLWHA networks has contributed to the acceptance of PLWHA in each of the countries studied. Supporting the growth of similar networks for other civil society constituencies could help to ensure that they have a stronger voice in decisions that affect them.

Most of the study countries went through a phase of resistance to civil society participation in CCM proceedings, and in most cases both civil society and government are still learning how to work with each other. However, as a better understanding has developed of each player's role and importance, government officials have become more open, especially to facilitating greater participation of civil society organizations in the CCM. The case studies indicate that the quality of civil society participation in the CCM improves when the following are in place:

- All CCM members understand the governance tools and instruments of the CCM, having taken part in an orientation process;
- CCM members receive information and background documentation on agenda items well in advance of meetings;
- All members are given time to have their views heard by the broader group, irrespective of their origin

or source of funding (including NGOs that also receive government funding); and

- Leadership, where the Chair and the Vice-Chair recognize the role of civil society organizations in the CCM.

Challenges

- It is crucial to ensure that civil society voices reach the CCM. A system by which civil society representatives and others can report back to constituencies is needed. Some critical constraints include limited resources, geographical size of the country, lack of information about the civil society organizations existing in the country and the absence of formal civil society platforms.
- People affected by TB and malaria are underrepresented on most CCMs. There are few networks for these affected populations, probably because, unlike HIV, the morbidity period of these two diseases is short and both are curable. Nevertheless, if resources and activities are to be appropriately targeted, the affected communities must be encouraged to participate more actively in decision-making and governance.
- Epidemiological data from many of the study countries clearly show higher vulnerability among women to TB, malaria and especially AIDS. At the same time, the studies revealed widespread gender disparity in CCM membership. Action is needed to ensure that women are more involved in CCM decision-making and governance processes to help to ensure gender equity when

programs are developed.

- Although civil society participation is critical, the role of the government in grant implementation should not be discounted. Lack of recognition of the public sector role could result in their limited participation. In **Romania**, several representatives of the public sector on the CCM felt overruled by the NGOs, as NGOs are in the majority on the CCM. As a result, they perceived that decisions were mainly taken in favor of NGOs. For the partnership to work effectively, there needs to be balanced participation and commitment from all partners.

Systems and Tools of Governance Good Practices

- Most study countries report that their CCM secretariat has contributed to the strengthening of the CCM function. When sufficiently resourced, secretariats can provide support to CCM members in improving all the governance processes and ensuring better participation. However, the lack of funds and adequate human resources is the key challenge faced by many of the secretariats.
- CCM meetings are held regularly and well-attended if: a) CCM members are directly or indirectly linked to CCM fund management; b) there is a high level of national ownership of the Global Fund-supported program; and c) secretariats take a proactive role in announcing meetings in advance, disseminating necessary documents and ensuring that schedules are adhered to.

- Written TORs, governance manuals and by-laws provide an important framework for the conduct of CCM business and have greatly improved the functioning of the CCM in many of the study countries. Most of the stakeholders interviewed felt that clear definitions of roles, responsibilities, rules and procedures ensure a more level playing field for all CCM members, help to ensure adherence to good governance practices and enhance the transparency of decision-making processes. The participation of all CCM stakeholders in the development of such governance tools and instruments helps to ensure ownership and compliance.
- The internet plays an increasing role in CCM governance as CCMs adopt it as a tool to support their tasks. The **Romanian** CCM has an informative, user-friendly webpage established in **Romanian** and English, providing current information on developments, grant implementation, PR and sub-recipient activities, etc., and provides a feedback channel to the CCM members. CCM **India** uses the Internet to select civil society participants, hosting an on-line enrollment and polling mechanism, supported by nationwide newspaper and Internet announcements, proving itself to be a useful on-line tool.
- Technical sub-committees have been found to be useful instruments in countries where they have been introduced. Such sub-committees have shaped technical competency and quality, which has significantly

improved CCM function. Sub-committees have also widened the scope of participation to stakeholders beyond the membership of the CCM.

- The oversight function can be carried out effectively only if there are adequate formal arrangements for administration. Of the eight study countries, Ethiopia appears to have the most comprehensive oversight arrangements. These include monthly verbal reporting, quarterly written progress reporting and bi-annual field monitoring visits.



The CCM governance function and full stakeholder participation are critical to effective and transparent implementation of Global Fund-supported programs in any country. The following is a summary of the key recommendations coming out of the country reports for strengthening governance and facilitating greater civil society participation.

Improving governance

- Establish a formal induction system for new CCM members to clarify the roles and responsibilities of different players and orient them to guidelines and governance tools. Particularly important is to ensure a shared understanding of the CCM model of a partnership between the government and non-government sectors. Hard copies of all guidelines and tools should be made available to each CCM member. Guidelines should be regularly revisited and updated and refresher training should be provided periodically.
- Equip the CCM secretariat with sufficient human and financial resources to effectively perform its administrative function, facilitate communication between all stakeholders and coordinate technical support. It is important that the secretariat be an independent body that reports directly to the CCM rather than to government bodies. This ensures transparency, engenders trust and facilitates better participation of all Global Fund stakeholders.
- Establish formal systems for the CCM oversight function. These systems should be resourced through the

Global Fund Secretariat. The systems should include regular reporting to the CCM by the PR on agreed critical indicators; digests containing key information from these reports sent by the CCM secretariat to all CCM members and alternates at least one week before CCM meetings; and periodic field visits by CCM members at least once a year. CCM members from all sectors should have opportunities to participate in field visits. Non-CCM member stakeholders should also be included at various stages of the oversight process to ensure a balanced and representative perspective.

- Routinely invite technical experts to attend CCM meetings as observers/resource persons. This will bring technical quality to the CCM discussions in addition to ensuring a wider scope of participation. Clear guidelines on the participation of non-member observers should be included in the CCM TORs.
- Ensure that those responsible for chairing or facilitating CCM meetings are familiar with the rules of meeting procedure and are able and committed to ensuring a fair and balanced hearing of all viewpoints during meetings. Sufficient time must be allowed for discussion and deliberation, particularly for proposal approval, to allow for better participation and in-depth dialogue.

Improving civil society participation

- Strengthen consultative processes in order to enhance the spirit of participation and inclusiveness of CCM representation. Steps should be taken to improve the flow of information between civil society representatives on the CCM and their constituencies. To this end it would be helpful to map all the civil society organizations working on each of the three diseases in the country. Efforts should be made to make information readily accessible to as many stakeholders as possible through web-based information portals or other locally appropriate means.
- Identify which, if any, key affected populations are not currently represented on the CCM and examine how they can be included.
- The election process for representatives to the CCM should be clearly stated in the CCM TORs. Where it is left to each constituency to determine its own election procedure, this should at least be written and agreed by the CCM as a whole.
- Address the widespread gender disparity in CCMs by including specific guidelines in the CCM TORs on ensuring representation and participation by women in CCM governance processes. The *Guidelines on the Call for Proposals for Round 8* follow the trend of mainstreaming gender, so it is important to ensure that CCM governance tools also address this issue.

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David J. Winters
CCM Manager

