



THE GLOBAL FUND

to Fight AIDS, Tuberculosis and Malaria

Guidelines on Constituency Processes

1. Purpose of the Paper

Recognizing the important principle that constituencies have the right to determine their own processes, these guidelines offer **some guidelines and principles** gleaned from discussions with constituencies and from responses to the questionnaire circulated on this issue (questionnaire attached as Exhibit A).

It is recommended that for the purposes of transparency and accountability all Board Constituencies complete a Constituency Operations Statement (Attached as Exhibit B) which will serve as a record of the management and representation of the constituency.

2. Background

The issue of how constituencies are composed and who represents them is covered comprehensively in both the By-Laws and the Board Operating Procedures (relevant passages are quoted in Annex 1). These explanations however do not provide practical insights into how the constituencies should operate and what processes should be followed to ensure true representation, a requirement for all constituencies under Article 11 of the By-Laws. This is particularly true of large heterogeneous constituencies that may contain more than one viewpoint. The guidelines set out below are an attempt to set out models and practices for constituencies which may then choose to implement them to meet the requirement of a representative structure.

3. Constituency Formation and Management

3.1. Composition of the Constituency:

In general, the composition of the constituencies was negotiated during the TWG process which established the Fund. The seven donor seats were allocated according to constituencies comprising either a single country or a group of like-minded or geographically linked countries. The recipient countries were defined by the WHO regional groupings with one additional seat for Africa. The four civil society seats were allocated according to nominations from within representative groupings of the various stakeholder groups (e.g. the World Economic Forum arranged consultations on the election of the Private Sector member, and ICASO (the International Council of AIDS Service Organizations) organized the election for the NGO positions).

In many cases, the constituency grouping then decided amongst themselves which specific country/organization would hold the seat. In some cases a broad consultation

was held to elect the representative, in others a smaller group decided who would hold the seat. On examining the different processes the following principles emerge:

3.1.1 It is useful to **define at the outset who is included in the constituency**, whether this be open-ended, as it is for some constituencies, or very narrowly defined. Stating who exactly composes the community represented by the Board member helps in defining successful representation.

3.1.2 In some cases either a broad consultation involving representatives of all constituents (as defined above) reached consensus, or nominations were received and reviewed to determine which constituency would hold the seat. This depends on what is practical for the constituency, but it is clear that **a broad consultation** is the most effective in ensuring a good understanding of the process and an involvement of all constituents in the selection. Example: a regional health meeting could be used as a forum in which to consult and decide on representation.

3.1.3. It is useful to define at the outset the term to be served by the representative who is selected to be the Board Member. In the cases where constituencies are composed of several countries, for example, best practice suggests that a **pre-defined term limit and rotation of the seat** is advisable. This could be a period of two years, since that is the term limit set by the By-Laws. Some constituencies have defined periods shorter than two years.

3.2 Selecting the Board Member

The most appropriate process for Board Member selection will need to be defined by the constituency. In several cases, although there may be broader consultation within the constituency on which country/organization should hold the seat, once this is decided the choice of individual becomes the decision of that particular country/organization. In some cases the selection of which country/organization should hold the seat was based on the nomination of an individual rather than a country/organization. Example: the NGO representatives were selected on the basis of submitted applications and will serve in their individual capacity although they will also be representing the interests of their organization as part of the broader constituency.

3.2.1 The selection of the individual to represent the constituency can be done in numerous ways but the individual selected should have a personal commitment to the issues, be willing to work in an inclusive manner with other members of the constituency, and have the time to attend meetings, both of the Board and also of relevant Board committees and those of the constituency. This is best achieved if there is a **consultative process** leading to the nomination.

3.3 Selecting the Alternate

The selection of the alternate has in some cases been the decision of the Board Member, while in others it reflects a broader consultation and negotiation with the constituency.

3.3.1 For constituencies representing a broad range of interests (including diverse countries or organizations) it seems most effective if **the alternate comes from a**

country/organization other than that of the Board Member. This assists with issues of representation and involves a broader reach of opinion and input.

3.3.2 With reference to 4.1.3 it is equally useful if a **pre-defined term limit and rotation of the position** is determined at the outset.

3.4. Selecting the Focal Point

In many cases the Focal Point is from the Board member's country/organization, although in some cases the focal point is a representative of an organization which assists in managing the constituency process.

3.4.1 Current practice suggests that it is useful if the Focal Point is close to the Board Member either as part of the same office or based in the same country. In any case, the main criterion should be access to a **reliable communications infrastructure.**

3.5 Composition of Delegations:

Delegations to the Board Meetings and nominations for Committees are channeled through the Board Member.

3.5.1. Within the delegation limit of 10, constituencies should **ensure broad representation at Board meetings.** This should include representatives of countries and organizations other than the Board Members own.

3.5.2. It is useful if delegations also reflect **an extensive range of competence and expertise** to enrich the contribution of the constituency.

3.6 Communications with Constituencies

The Focal Point is vital to the process of good information sharing and exchange within constituencies. The importance of this role cannot be emphasized enough.

3.6.1 The Focal Point should **develop an extensive network of contacts,** including designated focal points, within the constituency to ensure information related to the Global Fund is widely distributed.

3.6.2 The Focal Point should **ensure that all communications** from the Global Fund Board and Secretariat are **distributed** to all contacts within the constituency.

3.6.3 The Focal Point should be the **catalyst and the repository of constituency opinions and positions** on Global Fund matters. These positions should be developed in a broadly consultative manner (see para.4.7)

3.6.4 The Focal Point should develop a **network of expertise and knowledge** within the constituency to ensure that all available resources are drawn on in the development of constituency positions related to the Fund and in supporting the development of Global Fund policy.

3.7 Development of Constituency Positions

Many constituencies consult internally in developing Global Fund positions, this is done in a variety of formal and informal ways.

3.7.1 It is considered desirable that constituencies try to **establish a unanimous position** on issues before attending Board and Committee meetings, if this proves difficult at least the Board member will be aware of the differences that exist within the constituency and can represent them adequately.

3.7.2 Constituencies can use the following means to assist in **the development of constituency positions** prior to Board and Committee meetings:

- a. Requesting various members of the constituency to prepare position papers or opinions on important issues for circulation and discussion amongst the constituency;
- b. Using email and conference calls to exchange views;
- c. Benefiting from other region/international meetings where a broad representation from the constituency will attend to have a side meeting at which Global Fund issues can be discussed;
- d. Taking advantage of the provision of free meeting rooms the day before the Board meeting to hold constituency consultations.

3.7.3 It is equally necessary that Board Members and Focal Points develop a **feedback mechanism** to ensure the constituency is adequately and accurately informed regarding the outcome of Board meetings. Circulating Board Reports and holding briefings can achieve this, as well as directing constituency members towards information provided by the Secretariat

Annex 1:

1. The following Articles in the By-Laws relate to constituency processes:

1. Article 11:

Each Foundation Board membership group mentioned in Article 10 of these Bylaws (e.g., donors, developing countries, NGOs, civil society/private sector) will determine a process for selecting its representation. Members will serve as representatives of their constituencies. Rotational or renewable status will be determined by constituencies. The Foundation Board members will sit on the Foundation Board for two years or such other term that the Foundation Board may determine.

Institutions shall be represented in Foundation Board meetings by a person holding individual signing authority. All official acts of Board Members shall be deemed to be taken in their capacity as representatives of their respective governments, organizations, or other entities.

2. In addition, constituency processes are informed by the following sections of the Board Operating Procedures:

2. Constituency Representation.

For certain groups of countries and organizations, Board seats are allocated according to constituencies, including groups of separate organizations and groups of countries. Each country and each constituency will develop its own procedures to designate its representative to the Board and the members of its delegation.

The 7 developing country seats are allocated to each of 6 World Health Organization (WHO) regions, and 1 additional from Africa). WHO itself will play no role in selecting Board Members. WHO regions are used only as a convenient way of aggregating developing countries into regional groupings.

4. Alternate Members

Each holder of a Board Seat may designate an Alternate Member to serve in the event of the unavailability of the Member. The Alternate Member serving in the stead of a Board Member shall have the same rights, privileges and responsibilities as such Board Member. In cases where the Board Seat represents a constituency of more than one country or organization, the Alternate Member may be selected by the members of the constituency in any manner they choose.

11. Communication

Unless otherwise requested, the Secretariat will send all necessary documentation related to Board business directly to the designated Board Member and Alternate Member. In addition, each Board Member is requested to designate one additional "communication focal point" authorized to receive documentation. It will be the responsibility of the Board Member, Alternate Member and/or the communication focal point to make any further distribution of documents to constituent members or other interested parties.

Board Members, Alternates and communication focal points should keep the Secretariat informed as to changes in their business address, telephone and fax numbers, and e-mail address.

Rome, 7 November 2002

Dear Board Members,

the last Board meeting has mandated the Governance and Partnership Committee to analyze inter alia, best practices to provide guidelines for constituency operations.

In order to fulfil this mandate, I ask for your cooperation in providing examples of good constituency practice:

- a) in selecting their representatives (i.e. Board member, alternate, focal point) through a transparent and pre-defined process that best represents the membership;
- b) in seeking broad input and involvement of constituency members;
- c) in agreeing common constituency positions to be presented by the Board member.

Please, find enclosed a questionnaire designed to help you address the above mentioned questions. Your comments and suggestions are highly welcome.

Your input will be discussed by the Committee at its meeting, tentatively scheduled for early December in Geneva. The date has yet to be finalised with the Secretariat.

Best regards,

Claudio Spinedi
Committee Chair

QUESTIONNAIRE

Constituency operations

Composition of the Constituency:

Board Member

Alternate

Focal Point

Delegation members

Selection Process

- a) How was the composition of the Constituency decided?
- b) How was the selection of the Board Member organised?
- c) How was the Alternate selected? (criteria, if any)
- d) How was the Focal Point selected? (criteria, if any)
- e) Is there any criteria concerning the duration of the mandate of the Board representative and Alternate Focal point within the Constituency? (rotation, fixed term, etc.)

Constituency Organisation and Communication

- a) Do the Alternate and the Focal Point have specific tasks within the Constituency? (If yes, explain the rationale of each task)
- b) Do the different members of the Constituency provide specific expertise to the Constituency? Do Constituency members exchange expertise(national and international)? (If yes, explain how)
- c) How Consensus is reached within the Constituency about critical/non critical issues? (e-mail discussions, vote, etc.)
- d) Does the Constituency foresee periodic meetings for exchanging views and information about the global Fund? (How to improve GF performance, resource mobilization, proposals preparation, etc.)
- e) Is there any other institutionalised means of communication inside the Constituency for the above purpose?

Comments and Suggestions



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Constituency Operations Statement

A: Composition of the Constituency

1. Board Member: _____
(name) (title)
2. Alternate: _____
(name) (title)
3. Focal Point: _____
(name) (title)
4. Description of the coverage of the Constituency:

B: Selection Process

1. How was the Board Member selected?
2. How was the Alternate selected?
3. How was the Focal Point selected?
4. What are the criteria regarding the duration of the mandate for these positions?

C: Organization of the Constituency

1. Does the constituency foresee periodic meetings for exchanging views and information about the Global Fund?
2. How does the constituency establish a constituency position on policy matters before Board Meetings?
3. How does the focal point ensure that information regarding the Global Fund is disseminated within the constituency?
4. How are Board delegations selected?

Completed by: _____

Date: _____