



14th Meeting of the UNITAID Executive Board
5-6 July 2011, Varembe Conference Centre, Geneva

Minutes

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1. Adoption of the Agenda

The meeting began at 09:05 on Tuesday 5 July 2011 and was opened by its Chair, Dr Philippe Douste-Blazy. He welcomed participants to the fourteenth meeting of the UNITAID Executive Board and thanked the Secretariat for its work on the preparation of the meeting, including the documents. He expressed great appreciation for the work of the former Executive Secretary, Dr Jorge Bermudez, who had recently completed his term in that position, and for the efforts and contributions made by Dr Mohga Kamal Yanni (NGOs) and Dr Carlos Passarelli (Brazil) during their membership of the Executive Board. He also congratulated Ms So Rie Lee (Asian Countries) and Ms Susan Navarro (Constituency of Foundations) for their election as alternate for their delegations. The full list of participants is included in Annex I to this Report.

The CHAIR welcomed the attendance of several partner organizations and stressed that constructive relationships with partners were vital to enable UNITAID to fulfil its objectives, particularly with regard to transition of projects. Following discussions at the Executive Board retreat in March 2011, the standing Committees had met to discuss issues that had arisen and had made recommendations to the Executive Board for its approval.

The UNITED KINGDOM requested that the discussion of the cost extension for the Medicines Patent Pool Foundation (Item 14 of the Provisional Agenda) be made a Restricted Session.

DECISION

The Executive Board adopted the agenda, as amended during the meeting.

2. Minutes from the Thirteenth Meeting of the UNITAID Executive Board

DECISION

The Executive Board approved the Minutes from the Thirteenth Meeting of the UNITAID Executive Board without comment.

3. Overview of progress since EB13

a) *Report of the Chair*

The CHAIR reported that there had been a significant increase in interest in innovative financing, and that UNITAID was progressively being seen as a reference for such mechanisms. High visibility events, such as the recent press conference held in Norway with the Minister of Health were vital tools to reinforce the work of UNITAID and raise awareness of the organization. There were also plans to give a seminar on the Medicines Patent Pool Foundation in London, in collaboration with the United Kingdom Department for International Development.

Discussions with a number of possible donor countries were ongoing and there was hope that the next year would see an increase to the donor base. Guinea had been the most recent country to adopt the air tax, and discussions were continuing with China. It was hoped that an agreement would be signed in the next month with the major airline companies in China. There had also been growing interest in the concept of a tax on financial transactions, with many high-level debates on the issue, in which the added value of the participation of UNITAID in any such mechanisms had been recognized.

There had been significant progress in a number of areas, particularly with regard the development of a more robust communications strategy and market impact. Price reductions had been achieved and new markets had been created - e.g. for paediatric anti-retroviral drugs (ARVs). Since the 13th Meeting of the Executive Board, work had focused on consolidating and finalizing key tools to strengthen the operational model, strengthening financial and operational procedures and refining the methods used to assess and fund projects.

b) Report of the acting Executive Secretary

The ACTING EXECUTIVE SECRETARY expressed his appreciation for the work of the former Executive Secretary and thanked him for his efforts.

c) Remarks from the former Executive Secretary

The FORMER EXECUTIVE SECRETARY said that he had greatly enjoyed the challenges that had arisen during his tenure as Executive Secretary. He had been involved in establishing links with partner organizations, developing the UNITAID team and working to fulfil the Executive Board resolutions. He expressed appreciation for the work of UNITAID's partners, whose efforts had been vital and stressed that UNITAID's work since its inception had been praised by partners, governments, civil society and people in need. Key achievements of UNITAID during its first five years included the development of a strategic plan for 2010–2012, the Human Resources Plan, and the establishment of the Medicines Patent Pool Foundation. He expressed sincere thanks for the support and work of the Chair and Executive Board members and the efforts made by the Secretariat staff.

Professor Patrice Debré (France) took the position of Acting Chair of the Board during the absence of Dr Philippe Douste-Blazy.

4. Key Performance Indicators

a) 2010 Key Performance Indicators

The ACTING EXECUTIVE SECRETARY gave a presentation on the 2010 Key Performance Indicators (KPIs), including the following key points:

- The 2010 Key Performance Indicator Report was now available in both English and French.
- The Report contained in-depth analysis of each of the three areas, including explanation of the results and identification of the key remaining challenges and lessons learnt.
- The Report also contained an Annex ,in which full data on products, their prices, the number of treatments provided and the total amount of money spent by each project.

Several Board Members expressed their appreciation of the 2010 Key Performance Indicator Report, particularly with regard to the quality and comprehensiveness of the information and the way in which the information was presented. There was overall approval of the use of the 'traffic light' system to give a snapshot of the status of each indicator. However, whilst welcoming the improvements made to the report, the representatives of the CONSTITUENCY OF FOUNDATIONS and the UNITED KINGDOM suggested that there was still some room for improvement. It would be useful to have more information on, *inter alia*, lessons learnt and the next actions that will be taken for those indicators that had red or yellow status and where the Executive Board members can assist with those actions.

BRAZIL suggested that the Report should also provide information on the amount of money being spent in each of the priority areas and expressed concern about the low level of

information being received from partners. In addition, the indicator relating to Executive Board performance should be removed, as attending training was not a good indicator for measuring performance. Other possible Executive Board performance indicators could include the number of resolutions approved and how the approval of those resolutions impacts the work and results of UNITAID. Some representatives agreed with this point of view, but suggested that a workshop or seminar on key performance indicators would be a useful way of developing a more useful indicator. It was also suggested by the CONSTITUENCY OF FOUNDATIONS that the issue could be referred to the Governance Working Group for further discussions.

The NGOs stressed that the Annual Report was used to assist decision-making and should thus be as clear and concise as possible, while containing all the information required to assist the process. With regard to the Market Intelligence System, the NGOs added that the information should reflect prices paid by the market, rather than the prices announced by the manufacturers, which often differed. The NGO delegation welcomed the Report, but was concerned that the target time for pre-qualification of medicines was not being met. It was possible that the target was unrealistic, and needed changing. The ACTING CHAIR, speaking in his capacity as Board member for FRANCE added that more detail was required on how active UNITAID was within countries. For example, it would be useful for the Report to include information on how many countries benefited from one, two or three UNITAID-funded products.

The CHAIR concluded that the Executive Board wished to adopt the draft Resolution on the Key Performance Indicators 2010.

DECISION

The Executive Board adopted by consensus draft Resolution No. 1 on Key Performance Indicators 2010 (document UNITAID/EB14/2011/R1)

The ACTING EXECUTIVE SECRETARY thanked Executive Board members for their comments and assured them that their requests and points of view would be taken into account.

b) 2011–2012 Key Performance Indicators

The ACTING EXECUTIVE SECRETARY gave a brief presentation on the 2011–2012 Key Performance Indicators (KPIs), which included the following points:

- The KPI Sub-Committee had met and reviewed the KPIs and Milestones planned for 2011 and the Targets for 2012.
- It was important to agree on the Indicators by Autumn 2011, to ensure sufficient time for data collection and presentation of the results.
- A number of changes had been made to each area:
 - Area 1:
 - The Milestones for 2011 and Targets for 2012 had been refined;
 - The Indicators had been revised to relate more specifically to each action.
 - Area 2:
 - Notes on calculations had been added to ensure continuity in the calculations and to allow the tracking of trends over time.
 - Area 3:
 - Indicators added for lives saved and life years gained as a result of UNITAID funding.
- A further meeting of the KPI Sub-Committee was planned for October 2011 to further refine the indicators for the 2011 Report as necessary.

The NGOs emphasized that it was vital that the targets for each indicator were clearly defined. With regard to grant performance, the NGO representative was of the opinion that the successful implementation of treatment roll out should measure the partner performance, not the national plans as a whole. The CONSTITUENCY OF FOUNDATIONS questioned why the indicator relating to implementing partner reporting had been changed to reflect the number of implementing partners actually reporting, rather than showing the subject of the reports.

Responding a comment from the United Kingdom, the ACTING EXECUTIVE SECRETARY explained that the KPI Reports and Annexes would be published on the UNITAID website in two languages, in order to make the information available to all and increase the visibility and transparency of UNITAID. Copies of the Report would also be disseminated among key actors, such as the parliaments of donor countries. He also suggested that providing copies of the Report in a variety of languages might increase the readership of the report. With regard to the issue of stockouts, the main challenge was to encourage partners and countries to provide intelligence on the stockout situation at the country level, where there would be a definite impact on UNITAID's work.

The CHAIR concluded that the Executive Board wished to adopt the draft Resolution on the Key Performance Indicators 2011–2012.

DECISION

The Executive Board adopted by consensus draft Resolution No. 2 on Key Performance Indicators 2011–2012 (document UNITAID/EB14/2011/R2)

5. Report of Policy and Strategy Committee

a) *Outcomes of the Executive Board Retreat*

The ACTING CHAIR, speaking in his capacity as Acting Chair of the Policy and Strategy Committee (PSC), gave an update on the work of the Policy and Strategy Committee following the Executive Board retreat in March 2011. He also expressed sincere thanks for the hard work of the outgoing Chair of the PSC, Ms Sissel Hodne Steen. The key points of the presentation were as follows:

- A Matrix showing the outcomes of, and next steps following, the Executive Board retreat.
- The PSC had endorsed the Proposal Submission and Assessment Process.
- There had been discussion of the comprehensive transition framework, which would be submitted for Executive Board approval at its Fifteenth Meeting.
- Discussion of Portfolio Principles had focused on the following:
 - The rationale for allocation of funding must be flexible and consistent with UNITAID funding.
 - It was expected that projects from the Proactive Proposal Route would receive the majority of funds, meaning less funding would be available for proposals received via the Reactive Route.
- Portfolio Principles would be discussed at the sixth meeting of the PSC.
- The PSC had endorsed the 2010 KPI report and the proposed 2011–2012 KPIs.
- An update on the Monitoring and Evaluation Framework would be given at the 6th meeting of the PSC.
- The PSC had agreed that the Terms of Reference for research and development should be incorporated into the Niche Landscape.
- The Reports on operations should be more qualitative and should include information on both positive and negative outcomes and any corrective action that needed to be taken.

- A presentation had been given by the Chair of the Global Fund to Fight AIDS, Tuberculosis and Malaria Market Dynamics Committee (MDC), including the following:
 - The Market Dynamics Committee comprises Executive Board members from, *inter alia*, the Global Fund and UNITAID.
 - UNITAID was a voting member of the MDC.
 - The aim of the UNITAID's participation was to allow UNITAID's market impact to benefit the Global Fund to Fight AIDS, Tuberculosis and Malaria and to develop synergies between the organizations and avoid duplication of work.
- The PSC had recommended that Ms Kirsten Myhr should continue as the Vice Chair of the Affordable Medicines Facility: malaria (AMFm) Committee.

b) Framework on Market Dynamics

The representative of the SECRETARIAT gave a presentation on the Framework on Market Dynamics including the following key points:

- The role of UNITAID varied based on the market situation: it either works as a market catalyst, market creator or market fixer.
- UNITAID was one of several market players and coordination between all actors was critical.
- The Secretariat had been holding seminars on market dynamics and UNITAID's role at a number of important events, including the World Health Assembly and the United Nations High-Level Meeting on AIDS.
- There was also a section on market dynamics on the UNITAID website.

The representative of BRAZIL thanked the Secretariat for the clear presentation and suggested that factors related to intellectual property and the TRIPs flexibilities should be incorporated the market dynamics framework. FRANCE added that the three diseases are not the same and are not treated as such at the pipeline level. Thus, UNITAID should have clear goals in terms of market dynamics, but could also take part in advocacy in order to raise awareness among decision-makers. In response to the comments from Brazil, THE SECRETARIAT explained that intellectual property issues were already included in the framework document and that the candidate for the position of Technical Intellectual Property Officer within the Secretariat had recently accepted the position and would start work as soon as his/her notice period had been served.

c) Submission and assessment process

The representative of the SECRETARIAT gave a presentation on the submission and assessment process. The key points were as follows:

- During the Executive Board Retreat, agreement had been reached on the following issues:
 - Letters of Intent (LOI) will precede all proposal submissions;
 - 2 Routes to funding;
 - Process to streamline proposal submission & evaluation processes;
 - Proposal scoring and presentation;
- The primary criteria used in proposal scoring were public health impact, market impact, value for money, and innovation.
- The secondary criteria used in proposal scoring were leverage, value-add, equity, and ability to transition.
- Updated flow charts showing the screening and evaluation process and submission cycles for LOIs were shown;

- A graph showing the projected spend for the next 3 years on current projects was shown. By 2013, the projected spend was very low, and therefore calls for proposals should be started now.

Responding to a question from the NGOs, the SECRETARIAT explained that there were different possible definitions of leverage, such as the partners' ability to leverage funding for their own projects, or the ability to leverage other resources. Therefore, a working definition needed to be agreed upon. The definition of value-add was related to filling a gap in the market and avoiding duplication of work. The representatives of the NGOs and the COMMUNITIES LIVING WITH THE DISEASES, thanking the Secretariat for their explanation, considered that leverage and equity should be included as primary criteria. In addition, the method used for earmarking funds for the portfolio should be flexible and based on the market landscape, using the landscape analyses as reference. The landscape analyses were an important and useful tool and should be updated and published annually.

Mr Philippe Douste-Blazy recommenced Chairing the meeting.

The ASIAN COUNTRIES said the Advisory Group on Funding Priorities (AGFP) should have a role to play in the submission assessment and screening process. Furthermore, the delegate had some concerns about the scoring system which, while useful, could hide negative issues with the proposals. It would also be useful if the Proposal Review Committee could prioritise the products when presenting the proposals to the Executive Board. With regard to the scoring system, the CONSTITUENCY OF FOUNDATIONS added that the system was useful but that the estimates contained and descriptions that were provided alongside the score were absolutely vital as a comparison tool. The Alternate for the CONSTITUENCY OF FOUNDATIONS, speaking on behalf of her delegation, raised concerns about the scoring for innovation and requested further information on its proposed use and questioned whether the calculations and scoring would be used at the portfolio level, as well as the project level. In response to the comments by the NGOs regarding the inclusion of equity as a primary criteria, she was aware that there were a number of different possible definitions of the term that could be applied. The PSC should therefore have a separate discussion to decide on a clear-cut definition of equity that would be relevant to UNITAID. This should be followed by a separate discussion on the inclusion of equity as a primary criteria.

The UNITED KINGDOM raised a question regarding the possible placement of parameters on unsolicited proposals to avoid receiving proposals for projects in areas in which UNITAID was already active. The SECRETARIAT explained that the submission process for the responsive route was the same as the proactive route, but that the instructions for the responsive route should be clear and detail how the proposals would be evaluated and what activities were permitted by the UNITAID business model.

In response to comments from the NGOs regarding risk assessment, the SECRETARIAT acknowledged that it was important for the Proposal Review Committee (PRC) to consider risk as part of their discussion of proposals and that the PRC evaluation tool should include a section on risk assessment. With regard to the AGFP, it had been agreed that discussion of the role of the group in the proposal submission and assessment process would be discussed and agreed upon following the formal establishment of the group. Regarding the comment of the CONSTITUENCY OF FOUNDATIONS on the definition of innovation, it was explained that a definition of innovation was included in the PRC assessment tool, but that it was a difficult concept to define and work would continue on developing a clearer definition. The CHAIR OF THE PRC added that the main challenge that remained was making it clear to proponents exactly what UNITAID expected from their proposals.

The CHAIR concluded that the Executive Board wished to adopt the draft Resolution on the revised proposal submission and review procedures.

DECISION

The Executive Board adopted by consensus draft Resolution No. 3 on the revised proposal submission and review procedures (document UNITAID/EB14/2011/R3)

d) *Advisory Group on Funding Priorities establishment: selection of members*

During the Board's Restricted Session, The CHAIR OF THE PRC/ADVISORY GROUP ON FUNDING PRIORITIES (AGFP) NOMINATIONS SUB-COMMITTEE summarized the process that had been undertaken by the group in reviewing candidates. Around 80 applications had been received for the six positions, which the Board had previously agreed should cover expertise in the areas of public health (HIV/AIDS, malaria and tuberculosis), health economics, market impact and new product development. The Consultancy firm HLSP had aided the process by assessing and scoring candidates according to their expertise in the different areas. The Sub-Committee met in April 2011 to review the proposed shortlist of candidates and identify nominees and reserves to recommend to the PSC for endorsement and subsequently for Board decision. At that meeting, the Sub-Committee agreed upon six members (two of whom were women) and five reserve members (no reserve had been selected in the tuberculosis category).

Following that meeting, the PSC met via teleconference in June 2011 to discuss the recommendations of the Sub-Committee. During that teleconference, some PSC members expressed concerns over two of the nominated candidates and agreement had yet to be reached within the PSC as to which nominees to propose to the Board. The PSC now wished to draw the Executive Board's attention to those concerns before Board members voted on the final list of members and reserves. The CONSTITUENCY OF FOUNDATIONS had commented on the candidates chosen in the areas of HIV/AIDS and market impact; in the case of the former, the delegation had voiced the concerns from colleagues that had worked closely with the candidate and did not feel that she was suitable for an advisory role within the AGFP. Regarding the latter, the CONSTITUENCY OF FOUNDATIONS said that there were other candidates on the shortlist who had been assigned to other categories by HLSP, but who had greater expertise in the area of market dynamics than the proposed candidate, and who would therefore be better suited to a role in the AGFP. Since that teleconference, HLSP had rescored all candidates from the categories of health economics, market impact and new product development according to their expertise in market dynamics and had put forward three other names for consideration for the market impact position.

The decision on AGFP nominees and reserves had been postponed until further discussions had been held between the PSC members and consensus had been reached on the recommendations to be transmitted to the Board. Such discussions had taken place and the PSC informed the rest of the Board that consensus had been reached. The originally proposed nominee for HIV would be retained and a new name for the market dynamics category was put forward for Board consideration. The market impact candidate had previously been listed by HLSP in the new product development category but had substantial expertise in market dynamics, as well as knowledge of health economics and new product development. It was suggested therefore that the candidate was the most appropriate choice for the market impact position and no reserve should be chosen in that category as no other candidate had a suitable level of expertise. The PSC therefore wished to recommend to the Board for endorsement six members and four reserve candidates to fill the AGFP positions.

The PSC also wished to propose that a one-year term be established for all AGFP members, with further terms subject to being invited by the Board to reapply. The CONSTITUENCY OF FOUNDATIONS noted that it was on this basis that it was happy to accept the nomination of the candidate for HIV/AIDS. The NGOs drew attention to the Terms of

Reference of the AGFP, which would need to be revised to account for that amendment to the length of the initial term. The Terms of Reference should also be further revised to make it clear who directed the work of the AGFP, in terms of setting the Group's objectives. It was agreed that this revision should be made to the Terms of Reference, but no reference should be included to the one-year term in the draft Resolution, which should include only the names agreed by the Board.

The CHAIR OF THE PRC agreed that an initial one-year term and an invitation to reapply was an appropriate process for AGFP membership. He noted, however, that open applications to source new people to fill those positions were costly and involved a lot of work and the Board should therefore consider carefully how often it wished to undertake that process.

NORWAY emphasized the need to clearly define what was meant by balance in terms of gender and geographical origin of members in all UNITAID Committees. Achieving that balance in the AGFP had been one of the principles of the AGFP/PRC Nominations Sub-Committee, but the final list comprised candidates mostly from countries of the North and only one woman. While it had been difficult to achieve an appropriate balance given the original list of candidates, in the future clear guidance would be needed on how to take balance into consideration when undergoing a process such as that of nominating members and in how balance should affect the composition and business of any Committee.

DECISION

The Executive Board adopted by consensus draft Resolution No. 14, on AGFP establishment. The Resolution would not be made public until all nominated candidates had confirmed membership of the AGFP (document UNITAID/EB14/2011/R14).

6. Report of the Finance and Administration Committee

The member for the UNITED KINGDOM, in his capacity as Vice-Chair of the Finance and Administration Committee (FAC), introduced the item and summarized some of the matters that had been discussed at the previous FAC meeting and which were now to be discussed or decided upon by the Board.

a) 2010 Financial Report

The SECRETARIAT presented the Financial Report for 2010 to the Board members, noting that there were some variances compared with the budget originally agreed by the Board. FAC members had been satisfied with the information provided previously on the reasons why those budget variances had occurred.

An Interim Audit had been conducted in 2010, the results of which had been discussed by the FAC.

The CONSTITUENCY OF FOUNDATIONS said that frequent under or overspending by grantees was a concern and questioned whether the PRC had the capacity it needed to assess the budgets proposals from grantees and ensure that they were appropriate. The CHAIR OF THE PRC clarified that the group did take budgets into consideration during the review process, but that the Secretariat was responsible for examining the details of budgets before signing agreements with grantees. The PRC was not privy to mid-term or progress reports on projects and was therefore limited in its capacity to keep under and overspending at a low level.

DECISION

The Executive Board adopted by consensus draft Resolution No. 4 on the 2010 financial report (document UNITAID/EB14/2011/R4).

b) 2011 revised budget

The VICE-CHAIR OF THE FAC clarified that the revisions to the 2011 Budget were primarily the result of the aforementioned variances in the 2010 Budget, namely the deferral of some disbursements from the end of 2010 to the beginning of 2011, as well as some cost savings made by certain grantees.

The SECRETARIAT informed the Board that the budget it had approved in November 2010 included a provision for the Medicines Patent Pool Foundation (MPPF) that would be sufficient to cover the cost extension requested by the MPPF (and which would be discussed by the Board during a subsequent item of the Agenda). However, an additional funding extension request for the project on prevention of mother-to-child transmission (PMTCT), which was also to be discussed later in the proceedings, had not been included in the budget as, currently, projects could only be factored into the budget once the Board had taken a decision.

It was noted that the full amount pledged by Spain for 2011 had been included in the revenue estimates for the year, despite no further information having yet been provided on whether the commitment would be fulfilled. In response, the member for Spain explained that a new more complex budgetary process was being instituted in his country, which had led to some delays in funds being paid to UNITAID and other organizations. He reaffirmed Spain's commitment to UNITAID, noting that its payment would be forthcoming once the difficulties related the new process had been resolved.

DECISION

The Executive Board adopted by consensus draft Resolution No. 5 on the revised budget 2011 (document UNITAID/EB14/2011/R5).

c) Resource mobilization objectives for 2011

The VICE-CHAIR OF THE FAC recalled the discussions of the FAC on resource mobilization and the committee's subsequent recommendation that UNITAID should prioritize resource mobilization efforts among existing donors.

The member for the COMMUNITIES LIVING WITH THE DISEASES welcomed the efforts also made to mobilize resources in endemic countries, which needed the type of support that UNITAID could provide. She emphasized the need to engage with countries so that they could ease the transition process and work to continue provision of the necessary commodities once UNITAID had intervened at the market level. While noting the recommendation to prioritize resource mobilization efforts among the existing donor base, she was happy to hear that work was being done to engage China as a new UNITAID donor.

DECISION

The Executive Board adopted by consensus draft Resolution No. 6 on resource mobilization objectives for 2011 (document UNITAID/EB14/2011/R6).

d) Financial policy framework

The VICE-CHAIR OF THE FAC said that a framework had been developed to codify a set of principles on how UNITAID should manage its finances in future.

DECISION

The Executive Board adopted by consensus draft Resolution No. 7 on UNITAID finance policies (document UNITAID/EB14/2011/R7).

e) Follow up to the 6th meeting of the Finance and Administration Committee**i. Handling of Special Projects**

The VICE-CHAIR OF THE FAC recalled the Committee's discussions on the requested cost extension for the MPPF, as well as the FAC's finding that it was unclear whether responsibility to approve on the cost extension lay with the FAC or with the Board. The FAC had chosen to remit the matter to the Board and the Secretariat had since formulated a Framework to help identify the differences between Projects, Special Projects and Secretariat Initiatives. The proposed Framework presented a number of practical ways to address each category. These included a proposal that the Board delegate authority to the Secretariat to agree budget changes of up to 10% more than the originally approved budget for Projects and Special Projects.

Several members said that the Board was not currently in a position to approve the Framework as the draft formulated by the Secretariat had not yet been discussed by the FAC or any other Committee. There was general consensus that the Framework for handling Special Projects should be discussed and further refined by one of the Standing Committees, most likely the PSC, before it was returned to the Board for decision.

The CONSTITUENCY OF FOUNDATIONS expressed the need for the Framework to define the difference between Special Projects and other Projects, as well as to determine at what point those new entities or special projects should be treated as Projects, given that an project could not remain 'new' indefinitely. The Framework should also make it clear that both Projects and Special Projects were subject to the same prioritization process and criteria for funding.

The alternate for the ASIAN COUNTRIES said that they did not support the proposal for the Board to delegate authority to the Secretariat to approve any changes to project budgets up to 10% above the originally agreed budget. While the Board certainly trusted in the Secretariat, clear principles should be established and followed. The Board had authority to approve resolutions and their subsequent budget implications and it should therefore be consulted on any modifications. It was suggested that one solution to enable decisions to be taken quickly and simply by the Board would be to consult members via email and decide on a 'no-objections' basis.

The NGOs welcomed the proposed refining of the Framework but emphasized the need to take into consideration the contractual agreements that were signed with project proponents and grantees. Care should be taken to ensure that the Framework did not override any provisions in existing agreements, as they were legally binding documents and there should be no inconsistencies between the two.

DECISION

The Executive Board agreed not to approve the draft Resolution on the Framework for Handling Special Projects. It was agreed that the Framework

should be discussed and refined further by one of the Sub-Committees before it was returned to the Board for decision.

ii. Executive Secretary performance management process

The UNITAID Constitution requires the Board to participate in the performance management of the Executive Director, but, currently, there was no framework or process in place to allow for that. The Vice-Chair of the FAC and WHO had therefore jointly drafted a proposal for such a framework. The proposal sought to take the existing WHO Performance Management Development System (PMDS) and identify a useful way in which the Board could participate in the process.

Responding to a query from the Constituency of Foundations, the VICE-CHAIR OF THE FAC confirmed that the proposed process allowed for a 360 degree review, as the last paragraph of document UNITAID/EB14/2011/6 suggested that the services of a professional firm could be sought to assist the Board in gathering and assessing feedback on the performance of the Executive Director

The member for BRAZIL requested more time to discuss the proposed process before approving a Resolution. Brazil was particularly concerned at the suggestion that the small ad-hoc group of Board members tasked with developing objectives for the Executive Director could comprise the UNITAID Committee Chairs. If the Board went on to the draft Resolution on the Chairs of the FAC and PSC which as due to be discussed later in the day, there would be a predominance of developed countries as Committee Chairs and therefore also in the proposed small ad-hoc group. Brazil would therefore not be able to support the draft Resolution on the Executive Director performance review unless that provision was amended to allow for the participation of developing country members in that small ad-hoc group. Brazil was also concerned that some of the elements of the process made lead to the micromanagement of the work of the Executive Director by the Board.

The NGOs welcomed the document, particularly the proposal for a letter to be sent from the Board to the Executive Director, outlining what would be expected of him or her and which would establish clear principles for the relationship between the Executive Director and the Board. The provision for the Executive Director to report annually to the Board was also welcome.

Following the request made by Brazil to allow for the participation of developing country members in the small ad-hoc group, the draft text on the Executive Director performance review was amended to include that both the Chairs and Vice-Chairs of the Committees would be part of that Group, given the provisions elsewhere for geographic balance among the Chairs and Vice-Chairs of the Committees. The Vice-Chair of the FAC said that this would be an appropriate and practical way to resolve the issue, as it was a pre-existing method of ensuring geographical balance among a smaller sub-group of Board members.

He went on to respond to Brazil's other concern regarding the potential micromanagement of the Executive Director's work, noting that the intention of the proposed process was indeed the opposite. Its aim was to give responsibility to the Executive Director to achieve certain objectives, in accordance with the KPIs, while providing the opportunity to review performance and hold him or her to account for the work conducted.

DECISION

The Executive Board adopted by consensus draft Resolution No. 19 on the Executive Director performance review, on the basis of the amendments made to document UNITAID/EB14/2011/6 (document UNITAID/EB14/2011/R19).

iii. Framework to prevent and handle fraud

The SECRETARIAT gave a short presentation on the Framework to Prevent and Handle Fraud, which had only been finalized after the last FAC meeting and which had therefore not been presented to FAC members at that meeting. The presentation included the following points:

- WHO definition of fraud is: “Misappropriation, irregularities and illegal acts characterized by deceit, concealment or violation of trust”;
- A fraud risk mapping exercise showed that risk increased as flow of funds and products moved away from UNITAID, to implementing partners, procurement agents and manufactures and into the distribution system and to beneficiaries;
- The proposed Framework comprised a number of policies, processes and tools and its objectives were:
 - To understand exposure to the risk of fraud;
 - To prevent fraud;
 - To detect fraud in a timely manner;
 - To address fraud appropriately; and
 - To improve the system in place for understanding exposure, preventing and reacting to fraud.
- There were three main objectives for the ‘building phase’ 2011–2012:
 - Create and maintain an environment where fraud is effectively prevented and handled;
 - Assess risks of fraud continuously; and
 - Develop and implement processes and tools to be able to prevent and handle fraud effectively.

DECISION

The Executive Board took note of the information provided on the proposed UNITAID Framework to Prevent and Handle Fraud.

iv. Funding capacity

The SECRETARIAT gave a presentation on funding capacity, drawing particular attention to how project funding ceilings would be determined henceforth. Two figures would be presented: the net project funding ceiling (available for new projects) and the gross project funding ceiling (available for new projects and extensions). The current amounts available were as follows:

- Net project funding ceiling: US\$ 249 086 000;
- Gross project funding ceiling: US\$ 366 086 000.

DECISION

The Executive Board took note of the information provided on funding capacity.

7. First independent five-year evaluation

The SECRETARIAT drew attention to document UNITAID/EB14/2011/7 on the first independent 5 Year Evaluation and Independent Steering Committee, as well as the relevant annexes. A Board teleconference had been held on the matter and had affirmed the importance on the independence of the 5 Year Evaluation. The Board had specifically requested that all matters relating the 5 Year Evaluation be referred directly to it and not to any of the committees.

An Independent Steering Committee (ISC) was being established and the list of nominees to the ISC had been provided to the Board for review and endorsement. The list of nominees had been drawn up following consultations with other organizations such as the Global Fund, UNAIDS and others, regarding people who had been involved in similar evaluation processes for those organizations. Potential candidates had then been ranked according to Board criteria and the shortlist now comprised four nominated candidates and two reserve candidates. There was a balance of gender and geographical origin, as well as with respect to the relevant areas of expertise - i.e. evaluation and public health.

In addition to endorsing the list of nominees, the Board was also requested to discuss the suggestion of inviting an internationally renowned public figure (such as a Nobel Prize winner), to serve as Honorary Chair of the ISC. The rationale was that such a person would be able to lend additional credibility to the outcomes of its 5 Year Evaluation and to assist in disseminating those results to the public at large.

Following the endorsement of the nominees and their appointment, together with finalization of the Terms of Reference of the ISC, an Inception Report would be drafted and transmitted to the Board for consultation. Other relevant information would be gathered and incorporated into a final draft of the report along with Secretariat and Board comments. Under the projected timeline, the Final Report would be completed and transmitted to the Board by its meeting in June 2012.

The members for the NGOs, ASIAN COUNTRIES, NORWAY and the CONSTITUENCY OF AFRICAN COUNTRIES all expressed concerns over the suggestion of inviting a globally renowned figure to serve as Honorary Chair. The primary concern should be that the Chair was able to oversee and drive the process forward and had a suitable level of expertise in and understanding of public health, medicines and evaluation. The ISC, including its Chair, should comprise experts in those relevant areas.

There was general agreement that the issue of dissemination of results was separate to that of the Chair. The NGOs therefore proposed that while the experts in the ISC were conducting the work and overseeing the evaluation process, the PSC could work towards the second stage of that process, which would be the communication of results. The PSC would develop an appropriate strategy, in terms of media events or meetings. They could also consider which renowned global figures could lend their credibility to UNITAID and be invited to help disseminate those results publically. The UNITED KINGDOM reiterated the need for the ISC to comprise experts with an understanding of medicines, markets and access. Appropriate committee composition along with strong Terms of Reference should provide clear evidence of the results of UNITAID's unique work. When it was time to disseminate the outcomes of the evaluation, those results should present a compelling story, which could then be told by a high profile figure acting as an Ambassador for UNITAID and creating excitement about the work UNITAID does.

The NGOs expressed the need for the PSC to continue having a role in the continued development of the evaluation process. They also raised concerns over the proposed candidates for the ISC, as only two of the six nominees had expertise in the field of medicines. Of the four people to be nominated to the ISC two should have medicines and two other

relevant expertise, including in evaluation. The member for the COMMUNITIES LIVING WITH THE DISEASES went on to add that at least one member of the ISC should have the relevant expertise to be able to take into account during the evaluation whether products were effectively reaching households and communities, as this was a key objective for UNITAID.

BRAZIL requested that the draft Resolution be amended to account for the comments made by other members on the need for additional nominees with medicines expertise, as well as the need for continued PSC interaction. It was therefore proposed that the second paragraph be revised to read “the Executive Board endorse the Independent Steering Committee member nominees as set forth in Annex 2, and requests the Secretariat to propose for endorsement by the PSC an additional two nominees, with a particular focus on medicines and evaluation.” All Board members agreed to the proposed amendment.

DECISION

The Executive Board adopted by consensus draft Resolution No. 11 on the independent Steering Committee of the 5-year evaluation of UNITAID, as amended by members during the meeting (document UNITAID/EB14/2011/R11).

8. Report and recommendations of the Governance Working Group

The CHAIR OF THE GOVERNANCE WORKING GROUP (GWG) recalled that at its last meeting on 28 April 2011, the GWG had discussed the revisions to the UNITAID Constitution and By-Laws, the process for revising the Terms of Reference for UNITAID’s committees and evaluation of the Committees. The revised Constitution and By-Laws were available to all Board members for review and endorsement.

With regard to the process for reviewing and updating the Terms of Reference of each of the committees, the GWG had concluded that it should be conducted sequentially, with each of the three Standing Committees (FAC, PSC and GWG) preparing the initial drafts of the Terms of Reference and the GWG reviewing them in turn, with a view to ensuring harmonization across the Committees and avoiding duplication of work. The GWG would then prepare its recommendations for endorsement by the Board. The review of the Terms of Reference would place a particular focus on the role of the Chair, the way in which the Committees interacted, the mandate of each Committee and the length of its term.

The member for the ASIAN COUNTRIES said the Board should take time to review its own composition. The proposed revisions reflected the recent inclusion of Spain as a member but it was clear that the Constitution could not be amended every time a new member joined the Board. The GWG should discuss what the most appropriate composition of the Board would be and how to reflect that in the Constitution, accounting for both the current and potential future composition of the Board. Doing so would also serve to encourage other countries to join UNITAID as members or donors.

The Chair welcomed the comments from the member for the Asian Countries and asked members to take them into consideration when approving the relevant draft resolutions.

DECISION

The Executive Board adopted by consensus draft Resolution No. 8 on the UNITAID Constitution (document UNITAID/EB14/2011/R8), draft Resolution No. 9 on the UNITAID By-laws (document UNITAID/EB14/2011/R9) and draft Resolution no. 10 on the process for revision of UNITAID Board committee terms of reference (document UNITAID/EB14/2011/R10).

9. Committee composition

a) *Chairs of the Policy and Strategy Committee and the Finance and Administration Committee*

The delegate for BRAZIL began the discussion by expressing support for the nominations of France and the United Kingdom to the positions of Chair of the PSC and FAC, respectively. However, he requested that an additional paragraph be added to the draft Resolution to reflect the need for geographical diversity among the Chairs and composition of the Committees. BRAZIL proposed that this should read “The Board recommends that the criteria of North-South diversity as well as constituency inclusiveness is taken into account in the selection of the Vice-Chairs and composition of both committees.”

Other Board members agreed to the proposed amendment as a guiding principle for the composition of committees, though it was noted that similar provisions were already contained in the Board Operating Procedures. The NGOs expressed strong support for the amendment, saying that while those provisions may be contained elsewhere, they may not have been implemented as effectively as possible to date and the inclusion in the Resolution of similar language would serve as a helpful reminder to follow the guiding principle and objective of diversity in committee composition. The CONSTITUENCY OF FOUNDATIONS welcomed the amendment. However, their member drew attention to the need for the Board to better define what is meant by diversity, how UNITAID wishes to apply it and what it means in practice.

DECISION

The Executive Board adopted by consensus draft Resolution No. 13 on Committee Chairs of the PSC and FAC, as amended by the member for Brazil during the meeting (document UNITAID/EB14/2011/R13).

b) *Committee seats and Committee Vice-Chairs*

The ACTING EXECUTIVE SECRETARY drew attention to the background documentation provided to Board members on Committee seats and Vice-Chairs. He said that the expression of interest of Board members to sit on particular Committees would be noted. The Chairs of each Committee would then discuss the issue of which members should serve as the Vice-Chairs of the Committees, together with the Chair and Vice-Chair of the Board,. A decision would then follow on the composition of the rest of the Committee seats. It was envisaged that the process of reviewing the composition of all Committees would take until the end of the year and could be agreed at the next Board meeting in December 2011.

10. Update on Market Dynamics and Operation

a) *Report on the implementation of projects approved by the Executive Board*

The meeting resumed at 08:35 on Wednesday 5 July 2011.

The Secretariat gave a presentation on the implementation of projects approved by the Executive Board.

Several Board representatives expressed appreciation for the information contained in the presentation, in particular the slides showing activities, results and next steps for each niche area. However, the UNITED KINGDOM had some concerns about the information and format of the presentation, particularly with regard to the traffic light system to show project status. For example, the tuberculosis projects had not achieved their aims, but were still listed

as on track. He was concerned that the presentation did not give a clear representation of the progress that had been made. Further discussion was required to agree on the exact format in which the Executive Board would receive project updates in future. Previous presentations had included graphs, which had been extremely useful. The CONSTITUENCY OF FOUNDATIONS echoed the concerns of the United Kingdom regarding the traffic light system and the lack of red lights although overall they were in favour of the new format of the presentation. Their representative also considered that more information should be provided on the next steps that would be taken to address the remaining challenges and that the criteria used to choose projects should also be used to track project achievements.

BRAZIL expressed concern regarding the time required to hire portfolio managers and stressed that the operations team needed to be strengthened in order to handle all their activities. The SECRETARIAT explained that due to UNITAID's Hosting Agreement with WHO, all recruitment had to follow WHO rules, which meant that it took time. However, they were close to getting results.

The NGOs emphasized that sustainability was key for UNITAID projects, but that sustainability could refer to sustainability of financial support or the market, so those issues should be taken into account when looking at projects. With regard to the sustainability of markets, the NGOs cited the example of the paediatric ARV market, which is shrinking, but should be sustained until it was no longer necessary.

In response to a question from the United Kingdom, the SECRETARIAT explained that budget performance figure was the percentage of the amount of money disbursed to partners that had been used by the project. She thanked representatives for their comments on the presentation and agreed that there was large amount of information that needed to be presented and that it would be useful if the PSC were to have a discussion about the format of the information they require. The yellow lights had been included in place of red lights to acknowledge that there were problems, but that the Secretariat was in track to address them.

b) Withdrawal of the Multi-Drug Resistant Tuberculosis Scale-up and Acceleration of Access: Strategic Revolving Fund project

It was explained that UNITAID support for the multi-drug resistant tuberculosis scale-up and acceleration of access project had been formally withdrawn, as agreed by the Executive Board.

11. Preparation of the next call

a) Landscape analysis: diagnostics

The SECRETARIAT gave a presentation jointly with MS MAURINE MURTAGH, an independent global health consultant, on HIV, tuberculosis and malaria diagnostics landscapes, which included a presentation of early findings, together with a progress report. It was explained that the draft Landscape for HIV diagnostics which had been presented at the March 2011 Board Retreat had since been finalized and released. The tuberculosis and malaria Landscape drafts had now been prepared and would be finalized in the coming months. The SECRETARIAT noted that the short timeframe involved limited the depth of analysis and breadth of consultation that was possible. However, it was adequate for preliminary insights. The immediate objective was to present early findings and progress to date, with a view to supporting the Board's discussion on a possible call for Letters of Intent of Proposals in July 2011.

Board members welcomed the presentation, noting in particular the number of routes that were potentially open to UNITAID. The member for the CONSTITUENCY OF FOUNDATIONS

expressed appreciation for the fast pace of the work on the Landscape Analyses to date. Following that scoping exercise he now looked forward to seeing further analyses on where UNITAID should invest its funds, as well as where it would achieve the greatest impact and most value for money.

The NGOs raised the issue of what was happening regarding POC and RDT in poorer settings, noting that community health workers should be targeted with products, as they were the people who sustained health systems and who would achieve the greatest impact beyond just price reductions.

In response to some of the information provided in the presentation, the member for FRANCE questioned what the Board would wish to do with the information on diagnostics, particularly with respect to malaria. FRANCE also thought the Board also needed to consider what type of system it wanted for HIV and whether it should have limited competition or be more open. In the future, the AGFP would need to set priorities for defining the scientific and medical parameters to help UNITAID target its action effectively.

b) Calls for proposals

Responding to questions from some members on the timeline envisaged between the Call for Proposals and Board approval of a project, the ACTING EXECUTIVE SECRETARY said that following the Call for Proposals, UNITAID should expect to receive Letters of Intent around September 2011. This would give time for the Secretariat to consolidate the landscape analyses and its understanding of expectations from the Letters of Intent. Proponents would then be invited to develop full project Proposals, which would be reviewed by the PRC around February 2012, meaning that the Board would be able to consider the Proposals around the end of March or early April 2012.

The CONSTITUENCY OF FOUNDATIONS questioned the rationale behind an immediate Call for Proposals, suggesting that it could be more logical and practical to wait until the Landscape Analyses were finalized. This would allow the use of the Landscapes in preparing the call. Responding, the Secretariat said that there were several areas where there were already clear opportunities - these included HIV CD4, for example, where technology had developed and people had more experience of implementing POC treatment. Given that it would be used to determine when a person should start treatment, it was already evident that it would have a high impact on public health and in terms of coverage. There were also already clear opportunities that could be taken regarding quality and RDT.

Responding to questions from BRAZIL regarding who would be the likely proponents, the SECRETARIAT said that it was not in a position to speculate. However, it was likely that the WHO-FIND Partnership would submit a proposal to continue the product evaluation programme that was due to end in that year, as there was no other existing QA Programme targeted at the malaria RDT market. CD4 opportunities were also increasing as the market became less restricted, so that proponents might take that opportunity and respond to the Call for LOIs.

The ACTING EXECUTIVE SECRETARY noted that a funding threshold had not yet been set for the Call for Proposals, but current funding capacity would certainly be borne in mind, along with any other funding decisions made during the current Board meeting.

DECISION

The Executive Board adopted by consensus draft Resolution No. 12 on the launch of call for letters of intent (document UNITAID/EB14/2011/R12).

12. Update on the Transition Strategy for Sustainability of HIV/AIDS projects

The ACTING EXECUTIVE SECRETARY said that transition was a key aspect for the success of UNITAID projects. It was vital that at the end of the projects, it was possible to make a smooth transition to other funding sources, to ensure that there was continued maximum impact in the countries and on the market.

The SECRETARIAT gave a brief presentation on the transition of CHAI-funded projects, including the following key points:

- Current steps towards transition being made by the Secretariat; Executive Board; CHAI, the Global Fund to Fight AIDS, Tuberculosis, Malaria; and PEPFAR.
- Second line ARV project:
 - Nine products had been developed and eight products had seen price reductions of up to 53%;
 - Cost of treatment had dropped from US\$ 1200 to US\$ 410 per person per year;
 - UNITAID funding was due to end in December 2011;
 - Nine countries had successfully transitioned by December 2010; and
 - The main challenge was related to the Ritonavir/Atazanavir FDC, which was currently a co-blister pack.
- Paediatric ARVs and commodities:
 - 15 key AZT and ABC FDC products have seen price reductions of 49%;
 - 20 out of 40 countries successfully transitioned to date, with five more due to complete transition by December 2011;
 - 15 countries have funding gaps for 2012; and
 - The main challenges were the fragmented market, simplification of the treatment process, and the lack of new generic product development during the previous year.
- Interaction with partners:
 - CHAI was working to secure transition country-by-country and was in the process of reviewing monitoring and forecasting at country level.
 - The Global Fund had adopted a resolution on transition at its Executive Board meeting in May 2011.
 - PEPFAR had a number of budgetary constraints which were impacting on transition efforts.
- The main challenges affecting transition were communication with countries; national capabilities and the timeline for implementation of grants from the Global Fund.
- Next steps included close monitoring with partners and countries and the development of the transition framework.

a) *Clinton Health Access Initiative*

MS KAREN MILCH (CHAI) reported that there were now fifteen countries remaining in the second line project, out of an original twenty-four. All of those fifteen countries had transition plans in place and should complete transition by the end of 2011. The majority of funding sources would come from grants from the Global Fund, although there was some uncertainty regarding the timelines for grant disbursement, owing to the Global Fund's funding model. As a result, there was a risk of funding delays. CHAI had investigated whether innovative funding mechanisms could accelerate the transition process, but that was not possible as a result of the performance-based funding model of the Global Fund.

With regard to the paediatric project, half of countries have successfully transitioned, and expect five countries to complete transition by the end of 2011, leaving fifteen countries. Monitoring of the situation during and after transition was vital, to ensure continuity of supply between UNITAID-supplied medicines and those from alternative sources. In view of concerns

regarding the sustainability of the paediatric ARV market place, the transition approach would be as methodical as possible, in order to ensure that the progress made during the project was not lost. CHAI had been working with partners to ensure the availability of products after transition. At the country level, workshops were being held to reduce the number of different formulations being bought and focus attention on a set of specific formulations. It was expected that the market would continue to grow in the short term, but as efforts to prevent mother to child transmission of HIV intensified, the market should then start to shrink.

Further discussion of a number of issues was required, including with respect to the length of time CHAI should continue to play a monitoring role after transition was completed, as well as communication with countries with regard to transition funding. With regard to the monitoring role, there was a need for ongoing global-level market coordination, to ensure that new products become available and accessible.

b) *President's Emergency Plan for AIDS Relief*

MR COLIN MCCLIFF (United States Mission), speaking on behalf of PEPFAR, expressed appreciation for UNITAID's contribution to the HIV/AIDS landscape, but stressed that transition without having secured alternative sources of funding put the progress made at risk. Funders had a moral imperative to ensure that the progress made continued. He acknowledged that there was conflict between UNITAID's business model and the concept of long-term commitments, but he urged UNITAID to ensure that treatment continued for those individuals supported by UNITAID funding. Strategic conversations regarding transition should continue at global level, rather than at country level and this included the dialogue recently started with senior PEPFAR officers. Unfortunately, owing to budgetary constraints, PEPFAR was not in a position to take over funding responsibilities for UNITAID projects, however PEPFAR fully supported the Global Fund to Fight AIDS, Tuberculosis and Malaria in its efforts for consolidate the paediatric ARV market. However, PEPFAR was still fully committed to technical collaboration role in the Coordinated Procurement Planning (CPP) initiative.

c) *The Global Fund to Fight AIDS, Tuberculosis and Malaria*

MR OREN GINZBURG (Global Fund) explained that his organization was committed to its business model and ensuring sustainability and transition in an orderly fashion. The most important issue for transition was avoiding delays in treatment. The Global Fund was fully committed to working with UNITAID and its partners to ensure that such a treatment interruption did not occur. A country by country transition plan was the best method to achieve this, in order to take into account country-specific situations. Furthermore, transition should also ensure transition of capacity and in-country capacity-building efforts, and should fully involve countries.

d) *Discussion*

The CHAIR acknowledged the comments from partners regarding the moral imperative for UNITAID but stressed that it was important to ensure successful transition. He understood the situation that PEPFAR found itself in, but added that any effort PEPFAR could make with regard to paediatric ARVs would be greatly appreciated. A number of representatives raised questions about the best mechanism for continued engagement between PEPFAR and UNITAID.

Several representatives expressed appreciation for the partners' dedication and efforts with regard to transition. Sustainability of projects was vital in order to ensure continuity of treatment. The UNITED KINGDOM, the COMMUNITIES LIVING WITH THE DISEASES and the CONSTITUENCY OF FOUNDATIONS suggested that transition should be included as part of the

projects proposed by partners and not seen as a separate burden. In addition, transition should not be solely related to transition of funding, but instead should seek to ensure continuation of all gains and advances made by projects. FRANCE questioned whether it would be possible to sign a special agreement with the Global Fund regarding that organization's uptake of transition efforts. In addition, discussion of transition efforts should be held between partners at the global level, rather than on a country by country basis. However, the representative of CHILE suggested that more coordination of transition efforts was needed in the beneficiary countries.

The NGOs had questions regarding the number of children under treatment who were expected to move from paediatric to adult treatment and the average age of children in treatment. The paediatric ARV market was unique meaning there were a number of issues regarding the funding and management of the work. A new and more effective treatment was needed, as well as efforts to secure volumes of medication and funding and it was unclear who would be responsible for funding and overseeing that work.

Responding to the comments from Board members, the ACTING EXECUTIVE SECRETARY explained that current discussions with CHAI on the paediatric ARV situation needed to focus on the medium-term requirements. He acknowledged the comment regarding a special agreement but stressed that if such an agreement were to be signed, both parties must be in a situation to use the agreement to ensure that there is no disruption in the supply chain. The REPRESENTATIVE OF CHAI explained that continued funding was possible if partners worked together to ensure that the current system that was in place for forecasting and other aspects was sustainable. Responding to the comments by the NGOs, she explained that CHAI had looked at rolling out new fixed-dose combinations during the project, but that it had not been possible as a result of the regulatory framework in place. She admitted that CHAI also struggled with assessing the ages of children in treatment and that they would be keen to work with partners who had access to such data. CHAI had been active at the country level to build capacity for transition activities and supply chain management. There were currently eight countries where there were concerns regarding funding gaps, and seven where there were concerns regarding funding delays.

13. Funding Proposals

a) *Prevention of Mother to Child Transmission – extension for 2011*

The CHAIR OF THE PRC summarized the PRC review of the UNICEF/WHO proposal for expansion of acceleration of Prevention of Mother-to-Child Transmission (PMTCT) and scale-up on linkages to paediatric HIV care and treatment for 2009–2011 together with acceleration of nutritional care for pregnant and lactating women and children linked to PMTCT for 2009–2011. He informed the Board that the PRC believed the proposal to be weak, in terms of meeting UNITAID's criteria for funding, including innovation and market impact. However, he acknowledged the need for PMTCT activities to continue and to have a public health impact in the target countries.

The PRC also had concerns over the UNICEF Mother-Baby Packs, for which further rollout had been suspended pending discussions on a number of issues related to the packs. The PRC therefore questioned what impact the suspension of rollout would have overall on the proposal for funding extension.

The PRC emphasized the need to maintain the gains made in PMTCT to date but recommended that the Proposal, if the Board chose to approve it, should be viewed as a transition plan and therefore funded as such. The Board was encouraged to request UNICEF to further improve the Proposal and to provide clarification on the concerns raised by the PRC.

The CHAIR said that the Board should be proud of being the first to act in the area of PMTCT because before UNITAID's creation, there was no such support for women. However, transition was now necessary and Board members needed to decide if the funding extension accounted for that. Several Board members voiced concerns about requesting a revised Proposal from UNICEF/WHO, as it seemed unlikely that the funding extension under discussion would be the last such request. Some of the countries concerned were still implementing the Global Fund's Round 9 and transition was therefore not currently possible. It seemed likely that the proponents would need to request further funds before transition could take place.

It was clear that both the PRC and Secretariat had concerns over the Proposal and the NGOs emphasized the need for UNITAID to be clear in the message it sent to its grantees. The Board had clearly stipulated previously that this would be the last time it considered the revised Proposal from UNICEF/WHO. However, it was evident that the Proposal still did not meet the Board's required standards, given the lack of detail on market impact and other elements. Several members noted that other proponents had been asked to provide more detailed revised proposals in the past and had worked hard to resolve the issues raised by the Board. Members therefore now needed to consider very carefully whether they wished to request a second revised Proposal from UNICEF/WHO.

There was a clear need to learn from the development and rollout of the Mother-Baby Packs. Initially, the Packs had been the aspect of the original Proposal that had caused the most excitement among Board members. However, in view of the failure of the pilot phase and the concerns raised over the Packs, there was now doubt as to the rationale for approving the funding extension. This was particularly so given that UNICEF/WHO had not informed UNITAID itself of the issues with the Packs and that the information had been obtained from other sources. Scale-up of PMTCT was certainly necessary, but the NGOs and others did not feel that the funding extension provided the best option in that regard.

Questions were also raised on why UNITAID should agree to fund the Proposal, given that many of the countries concerned had failed in their proposals to Round 10 of the Global Fund. Grantees should not be led to believe that UNITAID will fund the projects that other organizations have found reasons to reject.

Despite the overall concerns of the Board, the CONSTITUENCY OF FOUNDATIONS and others advocated inviting UNICEF/WHO to resubmit a Proposal one final time. In particular, they should be asked to considerably increase the amount of information provided on market impact. Focus on the Mother-Baby Packs should also be removed, particularly as they could now represent a major reputational risk to UNITAID. The Board agreed it should consider the Proposal only insofar as it would maintain the minimum necessary to keep commodities flowing into countries to those who needed them.

The CHAIR OF THE PRC, responding to questions from members, confirmed that delaying a decision on the Proposal until a resubmission had been received would not immediately threaten the supply of products.

The Board therefore agreed that a request should be made to UNICEF/WHO to resubmit a Proposal that met all the concerns raised by the PRC and Secretariat. It was important that UNITAID did not send a message that it wished either to fund or to reject the Proposal, given the original impact of the PMTCT Project, together with the fact that UNICEF/WHO had been a valuable partner from the outset of UNITAID's work. The resubmission would allow the Board to consider all aspects of the funding extension before taking a decision.

DECISION

The Executive Board approved by consensus draft Resolution No. 16 on the expansion of acceleration of Prevention of Mother-to-Child Transmission (PMTCT) and scale-up on linkages to paediatric HIV care and treatment for 2009–2011 and acceleration of nutritional care of pregnant and lactating women and children linked to PMTCT for 2009–2011, as amended by members during the meeting, which invited UNICEF and WHO to submit a revised proposal addressing the concerns that had been raised (document UNITAID/EB14/2011/R16).

14. Progress Report on the Implementation of the Medicines Patent Pool Foundation and request for cost extension

The EXECUTIVE DIRECTOR OF THE MEDICINES PATENT POOL FOUNDATION (MPP), Ms Ellen 't Hoen, gave an update on the activities of the Foundation, including the following key points:

- The following activities had been completed:
 - Establishment of the Governance Board, Interim Expert Advisory Group, operational policies, recruitment drive;
 - A list of target medicines for the Pool identified in collaboration with UNITAID and WHO;
 - Development of a fully-searchable database, with patent status information on 24 antiretroviral medicines in 67 countries;
 - First licence agreed in September 2010 with the United States National Institutes of Health (NIH) for patents related to darunavir;
 - Formal licence negotiations underway with seven patent holders.
 - Next licence agreement imminent.
- The MPP was currently on track to achieve all Milestones and a full report would be provided at the 15th meeting of the UNITAID Executive Board.
- Owing to delays in a certain activities, the MPP had not used all of the funding disbursed by UNITAID.
- The MPP was requesting additional funding support to the amount of US\$ 424,872.
- The MPP was in the process of developing its four-year Business Plan for the period 2012–2015.
- Key activities during that period would include:
 - Managing licences;
 - Recruiting sub-licensees to ensure uptake of patent pool licences;
 - Close collaboration with partners to ensure licences deliver affordable and high-quality products;
 - Monitoring new products and treatment recommendations.
- The MPP would focus on licensing ARVs, but also proposed to investigate its potential role in new areas of work related to HIV co-morbidities and diagnostics.

The CHAIR OF THE EXECUTIVE BOARD OF THE MPP, Dr Charles Cliff, took the floor at the request of the Chair. He reported that he expected to be able to announce a second licence agreement in the next few weeks. That agreement would be the first reached with a pharmaceutical company. Despite the close links between the MPP and UNITAID, owing to confidentiality requirements, it was not yet possible to inform the Executive Board of the name of that pharmaceutical company.

The CHAIR OF THE EXECUTIVE BOARD OF THE MPP also reported that it had recently been decided to expand the Executive Board to include two new members: Ms Precious

Matsoso and Sigrund Mogedal. Finally, he also expressed particular thanks for the former Executive Secretary, Dr Jorge Bermudez, for his work on establishing the MPP.

The CONSTITUENCY OF FOUNDATIONS questioned whether the Milestone related to licence agreements for at least five products included the agreement with NIH, as the agreement only represented one patent of a product for which there were ten other patents held by other companies.

BRAZIL said that due attention should be drawn to the fact that UNITAID was the only funder of the MPP. BRAZIL also requested more information on the MPP's activities aimed at fostering local production.

The representative of FRANCE asked how UNITAID could assist the MPP in the identification of potential generic producers.

In response to the comments made by Executive Board members, the DIRECTOR OF THE MEDICINES PATENT POOL FOUNDATION explained that the MPP had a framework in place to assess which agreements would have added value. The agreement signed with NIH had significant added value as it serves to bring new actors to the table. In response to comments regarding confidentiality of discussions, she explained that as soon as agreements were formally signed, information could be made available, but prior to that the information and names of companies involved in the discussion should remain confidential.

In the Board's Restricted Session, The ACTING EXECUTIVE SECRETARY recalled the discussions at the last FAC meeting in April 2011 where members were informed that a discrepancy between the timeline and budget of the MPP would lead to a funding gap between July and September 2011. The MPP was therefore requesting a cost extension to fill that gap. FAC members had considered that there was a lack of clear guidance on whether the Committee had the authority to approve such a cost extension and had therefore decided to remit the decision to the Executive Board.

The SECRETARIAT informed the Board that since the previous FAC meeting, it had received more detailed information from the MPP on its budget. The Secretariat had persuaded the MPP not to include certain costs relating to infrastructure, travel and other aspects in its cost extension request. In addition, the MPP had revised its expected balance and the amount now requested from UNITAID had decreased accordingly. The Secretariat was therefore satisfied that the amount requested represented the bare minimum required by the MPP to continue with its normal business.

DECISION

The Executive Board adopted by consensus draft Resolution No. 15 on the Medicines Patent Pool Foundation cost extension for 2011 (document UNITAID/EB14/2011/R15).

15. Report from the Communications Committee

a) *Outcomes of the Communications Committee*

- Consultants from Hill & Knowlton gave a presentation to the Board on working towards a new Communication Strategy with a view to developing and leveraging UNITAID's full potential. The presentation outlined Hill & Knowlton's recommendations. In particular, the following communications objectives were identified:
 - Increase UNITAID's visibility as well as understanding of UNITAID's role and activities in achieving public health impact through innovative financing and market dynamics;

- Support fundraising by capitalizing on growing interest in innovative financing as a viable and sustainable solution to the global funding shortfall;
- Demonstrate UNITAID's results/impact and how they complement those of their partners;

The following general recommendations were presented

:

- Strengthen and communicate the strategic vision;
- Communicate success and expertise, especially in area of market dynamics and innovative financing for health before others claim a leadership role;
- Strengthen roles within Secretariat and Communications team. The entire UNITAID Secretariat and in particular, the technical experts must support communications efforts and in turn serve as spokespeople and participate in events;
- Be explicit about goals, actions and achievements in order to strengthen trust in the organization;

Board members thanked Hill & Knowlton for the presentation but raised concerns that the information provided was not specific enough for UNITAID's needs. It was observed that much of what had been presented could be applied to enhancing the communications strategy of any organization.

It was agreed that, to date, Communications had not been a priority for UNITAID, but the Board now wished to take action to change that. It was clear that the first key step to that would be to enhance the website. Members welcomed the suggestions that had been made in that regard - particularly the suggestion that the website should be clearly divided into UNITAID's three key focus areas: public health, market dynamics and innovative financing.

The CHAIR drew said there was a need for ambassadors for UNITAID, whether celebrities or otherwise, who could raise awareness of the results of UNITAID's work. While the air ticket levy had been implemented in France for some time now, its message had never been effectively broadcast, as it was feared the public would react negatively to another 'tax'. However, a survey had recently been conducted showing that over 90% of the population were in favour of the air tax, indicating that the right communication approach would yield positive reactions.

Responding to questions from the CONSTITUENCY OF FOUNDATIONS on how to develop a detailed strategy and what the next steps should be, the ACTING EXECUTIVE SECRETARY said that the Secretariat was aware of the need to develop a plan that would incorporate an understanding of the communications objectives and how to achieve them. Revamping the website would be the first important step towards that, and would be carried out while the rest of the strategy was defined.

The NGOs and NORWAY questioned the need for UNITAID to immediately increase its social media usage. In their view, the first step should be to define a clear strategy and to have resource mobilization and policy advisers in place. Steps such as social media usage would be premature until a robust strategy had been established and the right type of information could be disseminated.

The MEMBER FOR THE COMMUNITIES LIVING WITH THE DISEASES raised concerns over the various audience types shown in the presentation, particularly as the general public were already targeted through the Millennium Foundation, which helped raise funds for UNITAID. UNITAID's own strategy should take that into account and not overlap with similar work that was already being done. She also questioned the rationale for proposals to target young people through social media and other activities. She thought that UNITAID's focus should be on enhancing communication to encourage new donors. Responding to her last point, the

CHAIR noted that, often, the choices of Heads of State could be influenced by public opinion, so if there was clear support for UNTAID among the general public, governments might be swayed to become donors.

Some members were disappointed at the lack of emphasis in the presentation on those countries that had helped to found UNTAID and had worked hard to raise funds since that time, even if their countries had not implemented the air ticket levy. It was clear that before any such media was included on the website, work would need to be done on what aspects should be presented and how best to do so.

b) *Proposed outline for a Communications Framework*

Turning to discuss the draft Resolution had been drawn up on the Framework for the UNTAID Communication Strategy, the alternate for the UNITED KINGDOM began by expressing concerns over the provision in the resolution for the Board to authorize the Secretariat to spend up to US\$ 100 000, as that seemed to be unnecessary micromanagement. The amount itself was well within what the Secretariat was entitled to spend within its normal business. In addition, it would be important to let the incoming Executive Director have some input into UNTAID's Communication Strategy and, as such, it would be beneficial not to rush the implementation of the Strategy. Many of the candidates for the position of Executive Director had already stressed the need to work on Communications. The United Kingdom therefore proposed deleting the final sentence of the draft Resolution, "The Board authorizes the Secretariat to commit up to US\$ 100 00 towards development and implementation of this communication", so that the incoming Executive Director could help guide that process. Other Board members agreed to the proposed amendment. However, it was also agreed that the website should be revamped and updated as a priority and before more detailed discussions on the strategy took place.

Several members welcomed the idea of a viral video campaign, but the member for the CONSTITUENCY OF FOUNDATIONS questioned the urgency of moving ahead with the campaign before the rest of the communications structure had been developed and implemented. He requested further discussions on that so that the campaign would not be disconnected or isolated from the rest of the communications structure. In relation to the viral campaign there was also the suggestion from the NGOs that it be used to draw attention to the proposed Financial Transaction Tax, which should be put online and promoted as soon as possible. However, other members noted that no strategic discussions had yet been held on the Financial Transaction Tax and were therefore wary of incorporating it into the viral campaign.

Responding to questions from the ASIAN COUNTRIES on the cost of revamping the website, the SECRETARIAT said that the main issue with the current site was its technical infrastructure, which would be the most expensive element to redevelop. In addition, web designers would be needed to create a new architecture and visuals. As an example figure, Hill & Knowlton had quoted around US\$ 98 000 for the work that would need to be done. Such a high figure had not been budgeted into the Secretariat's costs for 2011.

DECISION

The Executive Board adopted by consensus draft Resolution No. 17 on the framework for UNTAID's communication strategy, as amended by members during the meeting (document UNTAID/EB14/2011/R17).

16. Update on the preparation for the Consultative Forum

The update on the preparation of the Consultative Forum was not discussed due to time constraints.

17. Update on Affordable Medicines Facility: malaria

MS KIRSTEN MYHR, in her capacity as Vice-Chair of the Affordable Medicines Facility - Malaria programme (AMFm) presented an update on the AMFm to the Executive Board, which included the following points:

- The AMFm was now established and working in eight of the nine Phase 1 countries (all except Cambodia);
 - Cambodia requested a particular ACT that had not yet been prequalified..
- A new logo had been developed for AMFm medicines;
- Marketing activities to raise awareness of AMFm had been carried out;
- Following the last Global Fund Board meeting, a letter was received from the delegation of the United States, the response to which UNITAID Board members could read in their background documentation and which highlighted the following matters:
 - Timeline of the AMFm, extension, and seasonality of malaria
 - Owing to the short evaluation period, the independent evaluators would also address other work or research that could feed into the evaluation;
 - The Secretariat had made contact with CHAI to carry out continuous price monitoring; and
 - Issues of stockouts related to supply management and national issues on procurement.
- There had been issues regarding fixed-dose combinations and co-blisters. WHO allowed both FDCs and co-blisters so the Global Fund was not able to stipulate that only FDCs could be used. Measures had been taken, however, to ensure that FDCs were the preferred choice of medicines;
- There were issues with African-based manufacturers who felt left out of the process, as they were not prequalified. Some had received offers to become first-line buyers and were thus able to import;
- The AMFm evaluation would begin with the final data collection in October and November 2011:
 - By that time four countries would have at least one year of implementation experience, two would have ten months and two others would have seven months;
 - Following the data collection, a decision would be taken by the Global Fund Board in December 2012;
- There was a need for additional funding as forecasting had been very difficult;
- On the composition of the AMFm, the implementing block had elected someone from Congo who had not yet attended any meetings or responded to any emails. Implementers were therefore poorly represented on the committee

The member for the CONSTITUENCY OF AFRICAN COUNTRIES welcomed the presentation and the work that had been done by Ms Myhr and the AMFm to date. He requested further information on the delegate from Congo who had been elected to the AMFm Committee and said that, as a member of the African Union, he would be interested in following the work of the AMFm. He noted that the African Union delegations to organizations were often small and could not attend all meetings but always endeavoured to attend at least some. He therefore hoped that the delegate from Congo would be able to attend forthcoming AMFm meetings.

The CHAIR introduced a draft Resolution proposing the reappointment of Ms Kirsten Myhr as the representative of the UNITAID Board on the AMFM Committee for a further two-year term.

DECISION

The Executive Board adopted by consensus draft Resolution No. 18 on UNITAID Board representation on the AMFm Committee (document UNITAID/EB14/2011/R18) and subsequently thanked Ms Myhr for her work in the AMFm to date with applause.

18. Update on the Voluntary Solidarity Contribution project from the Millennium Foundation

The representative of the MILLENNIUM FOUNDATION explained that following the lack of success of the MASSIVEGOOD brand, the Millennium Foundation had been working to analyse and address the issues that had been a factor in that. It had been discovered that some of the assumptions made about markets and uptake at the beginning of the project had been wrong, particularly with regard to uptake by offline travel agents. Income projections had also been too high.

In June 2010, a new approach was therefore discussed. It was agreed that since uptake by offline travel agents had been low and the process very complicated, it would be more logical to approach online travel agents. Increasing brand awareness was addressed by approaching well-known brands, such as the Red Cross, and the cost and revenue projections were reassessed. Working with well-known brands made it easier to build relationships with larger travel agencies and airlines. The new approach was launched in Spain with good results. Therefore, that model would be used as a strategy for 2011. With the help of the Chair, and in collaboration with UNICEF, there were currently discussions ongoing with American Airlines and an answer was expected by the end of August 2011. The CHAIR added that a contract was expected to be signed with a major Chinese airline in August 2011.

19. Calendar of Executive Board meetings for 2011 and 2012 and other events requiring Executive Board members' attendance

The CONSTITUENCY OF FOUNDATIONS suggested that discussion of, and decisions regarding dates for 2012, the calendar for Executive Board meetings could take place electronically, so as to save valuable meeting time. This was agreed.

20. Any other business

The CHAIR informed all participants that, during its Executive Session, the Executive Board had approved a Resolution on the proposed candidate to the position of UNITAID Executive Director.

DECISION

The Executive Board adopted draft Resolution No. 20 on the UNITAID Executive Director (document UNITAID/EB14/2011/R20).

As there was no other business, the CHAIR thanked participants and closed the meeting at 17:50 on Wednesday 6 July 2011.

Annex 1 - List of Participants

MEMBERS

- | | |
|---|---|
| CHAIR | - Dr Philippe Douste-Blazy |
| <u>Vice Chair</u> CHILE | - Mr Juan Pedro Sepúlveda |
| AFRICAN COUNTRIES | - H.E. Shree Baboo Chekitan Servansing |
| | - <u>Alt.</u> : H.E. Mr Luc-Joseph Okio |
| ASIAN COUNTRIES – Republic of Korea | - <u>Alt.</u> : Ms So Rie Lee |
| BRAZIL | - Ms Maria Louisa Escorel |
| | - <u>Alt.</u> : Dr Carlos Passarelli |
| | - Mr Elio Cardoso |
| FRANCE | - Prof Patrice Debré |
| | - Mr Stephane Renaudin |
| | - Ms Genevieve Chedeville-Murray |
| NORWAY | - Ms Bjørg Sandkjær |
| | - <u>Alt.</u> : Mr Tom Hundstad |
| SPAIN | - Mr José Luis Solano Gadea |
| | - Mr Javier Parrondo |
| UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND | - Mr Simon Bland |
| | - <u>Alt.</u> : Mr Carlton Evans |
| CIVIL SOCIETY NETWORKS - COMMUNITIES LIVING WITH THE DISEASES | - Dr Esther Tallah |
| | - <u>Alt.</u> : Mr Nelson Otwoma |
| NGOs | - Dr Mohga Kamal Yanni (Oxfam) |
| | - <u>Alt.</u> : Ms Kim Nichols (African Services Committee) |
| | - Ms Jessica Hamer |

CONSTITUENCY OF FOUNDATIONS - Bill AND MELINDA GATES FOUNDATION and Melinda Gates Foundation	- Mr Girindre Beeharry - <u>Alt.</u> : Ms Susan Navarro
WHO	- Dr Hiroki Nakatani - Alt.: Mr Issa Matta - Ms Louba Al Atlassi
PROPOSAL REVIEW COMMITTEE	- Prof James McIntyre
PARTNERS	
AFFORDABLE MEDICINES FACILITY: MALARIA (AMFm)	- Ms Kirsten Myhr
THE CLINTON HEALTH ACCESS INITIATIVE (CHAI)	- Ms Amy Meyers - Ms Karen Milch - Ms Joanna Sickler
ESTHER	- Dr Gilles Raguin
i+ Solutions	- Dr Jan van Duijn
MEDICINES PATENT POOL FOUNDATION	- Dr Ellen 't Hoen - Dr Charles Clift - Mr Esteban Burrone - Mr Chan Park
MILLENNIUM FOUNDATION – INNOVATIVE FINANCE FOR HEALTH	- Mr Henk Mulder
PRESIDENT'S EMERGENCY PLAN FOR AIDS RELIEF (PEPFAR)	- Mr Colin McIff
ROLL BACK MALARIA PARTNERSHIP (RBM)	- Dr Jan Van Erps
THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA	- Mr Oren Ginzburg

CONSULTANTS

- Ms Maureen Murtagh
- Ms Jennifer Daily

OBSERVERS**NGOs AND COMMUNITIES LIVING WITH THE DISEASES**

- Mr Charles Allotey (Health Access Network)
- Ms Katy Athersuch (Médecins Sans Frontières)
- Mr Louis Da Gama (Global Health Advocates)
- Ms Mercy Douala (REMEDI)
- Mr Khalil Elouardighi (PLUS, Coalition International Sida)
- Mr Marco Gomes (CHPI)
- Mr Mayowa Joel (Communication for Development Centre)
- Mr Fogue Ledoux (Positive-Generation)
- Ms Janice Lee ((Médecins Sans Frontières)
- Ms Rosemary Mburu (Kenya AIDS NGOs Consortium)
- Mr Diarmaid McDonald (Stop AIDS Campaign UK)
- Mr Casco Mubanga (Network of Zambian People Living with HIV/AIDS) Mercy Douala (REMEDI)
- Dr Tido Von Schoen Angerer (Médecins Sans Frontières)
- Mr Thiru Balasubramaniam (Knowledge Economy International)

UNITAID SECRETARIAT

- Dr Philippe Duneton (Acting Executive Secretary)
- Dr Raquel Child (Director, Market Dynamics and Operations)
- Ms Brigitte Laude (Director, Administration and Finance)

- Ms Brenda Waning (Coordinator, Market Dynamics)
- Ms Daniela Bagozzi (Senior Adviser, Communications)
- Mr Edward Vela (Senior Adviser)
- Ms Sonia Hilton (Legal Adviser)
- Mr Frederic Martel (Strategy & Planning Officer ; Acting Board Relations Officer)
- Ms Louise Kleberg (Technical Officer, Proposal Review Committee and Advisory Committees)