



**Kingdom of Swaziland
Country Coordinating Mechanism**

Global Fund to Fight AIDS, Tuberculosis and Malaria

BY-LAWS/ CONSTITUTION, FEBRUARY 2009

1st Amendment-August 16, 2010- Mountain Inn

2nd Amendment-November 30, 2011- NERCHA

3rd Amendment- April 30 2014- Sibane Hotel

Swaziland Country Coordinating Mechanism

ORION HOTEL, PIGG'S PEAK, SWAZILAND

- Transform Oversight Committee into 3 Independent Committees: Ethics & COI; Finance, Procurement & Audit; and M&E.
- Replace PDT with Disease Technical HIV/AIDS, TB and Malaria sub-committee
- Include Resource Mobilization as a TOR item within the Disease Technical Committee
 - Include MOF and MOEPD as members of Disease Technical Committee

TABLE OF CONTENTS

	PAGE NUMBER
TABLE OF CONTENTS	(ii)
LIST OF ACRONYMS	(iii)
ARTICLE 1 INTERPRETATION	1
ARTICLE 2 INTRODUCTION	2
ARTICLE 3 SWAZILAND COUNTRY COORDINATION MECHANISM	2
ARTICLE 4 MEMBERSHIP OF THE CCM	2
REPRESENTATION OF CONSTITUENCIES	3
ELIGIBILITY OF CCM MEMBERSHIP	4
ARTICLE 5 SELECTION CCM MEMBER ORGANIZATIONS AND ALTERNATE ORGANIZATIONS OTHER THAN GOVERNMENT	4
ARTICLE 6 ROLES AND FUNCTIONS OF CCM	5
ARTICLE 7 ELECTIVE POSITIONS ON THE CCM	6
ARTICLE 8 RESPONSIBILITY OF CCM MEMBERS	7
ARTICLE 9 VACANCY ON THE CCM	8
ARTICLE 10 TENURE OF OFFICE OF THE CCM MEMBERS	8
ARTICLE 11 MEETINGS OF CCM	8
ARTICLE 12 LOCAL FUND AGENT (LFA)	9
ARTICLE 13 CONFLICT OF INTEREST	9
ARTICLE 14 REIMBURSEMENT OF COSTS	10
ARTICLE 15 DISSOLUTION OF THE CCM	10

ARTICLE 16 STRUCTURES OF THE CCM10
ARTICLE 17 TECHNICAL SUB COMMITTEES12
ARTICLE 18 CONFIDENTIALITY13
ARTICLE 19 FRAMWORK DOCUMENTS13

List of Acronyms

- **AIDS:** Acquired Immuno-Deficiency Syndrome
- **CBO:** Community Based Organization
- **CCM:** Country Coordination Mechanism
- **CN:** Concept Note
- **CNDT:** Concept Note Development Team
- **CSO:** Civil Society Organizations
- **FBOs:** Faith Based Organizations
- **GFTM:** Global Fund to Fight AIDS, Tuberculosis and Malaria
- **HIV:** Human Immuno-Deficiency Virus
- **HR:** Human Resource
- **LFA:** Local Fund Agent
- **MOEP:** Ministry of Economic Planning
- **MOH:** Ministry of Health
- **MOTA & D:** Ministry of Tinkhundla Administration & Development
- **NERCHA:** National Emergency Response Commission to HIV/AIDS
- **NGO:** Non-Governmental Organization
- **PMO:** Prime Minister’s Office
- **PR:** Principal Recipient
- **SNAP:** Swaziland National AIDS Programme
- **SR:** Sub-Recipient
- **SSR:** Super Sub Recipient
- **TB:** Tuberculosis
- **VAT:** Value Added Tax

BY-LAWS FOR THE SWAZILAND GLOBAL FUND COUNTRY COORDINATING MECHANISM

ARTICLE 1 INTERPRETATION:

- 1.1 “The Swaziland Global Fund Coordinating Committee” shall mean the Swaziland Country Coordinating Mechanism referred to herein under as the CCM.
- 1.2 “Principal Recipient(s) (PR)” shall mean the entities appointed by the CCM as recipient and grant managers of funds from the Global Fund to Fight AIDS, Tuberculosis and Malaria.
- 1.3 “Global Fund” shall mean the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM).
- 1.4 “NERCHA” shall mean the National Emergency Response Council on HIV AND AIDS

- 1.5 “Local Fund Agent” shall mean the entity (usual an accounting firm) appointed by the Global Fund as the local representative to validate the performance of the Principal Recipient and CCM.
- 1.6 “CCM Member” shall mean the substantive member appointed/elected by a constituency/sector to represent it in the CCM.
- 1.7 “Simple Majority” shall mean 50%+1 of members.
- 1.8 “CCM Funding” shall mean special funding approved by the Global Fund Secretariat to cover CCM operating expenses.
- 1.9 “Substantive member” shall mean a CCM member with voting rights.
- 1.10 “An alternate member” shall mean a CCM member elected/nominated to represent a constituency in the absence of a substantive member with full voting rights.
- 1.11 “Ex-officio” means a CCM member elected/nominated to represent a constituency with no voting rights.

ARTICLE 2 INTRODUCTION

2.1 The Global Fund

2.1.1 The Global Fund to Fight AIDS, Tuberculosis and Malaria was created through a United Nations General Assembly Special Session on AIDS in June 2001.

2.1.2 The purpose of the Global Fund is to attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact caused by HIV AND AIDS, tuberculosis and malaria in countries in need, and contributing to poverty reduction as part of the Millennium Development Goals (MDGs).

2.1.3 The Global Fund recognizes that only through a country-driven, coordinated and multi-sector approach involving all relevant partners will additional resources have a significant impact on the reduction of infections, illness and death from the three diseases. Thus, a variety of actors, each with unique skills, background and experience, must be involved in the development of Concept Notes and decisions on the allocation and utilization of Global Fund financial resources. To achieve this, the Global Fund expects grant proposals to be coordinated among a broad range of stakeholders through a Country Coordinating Mechanism (CCM), and that the CCM will monitor the implementation of approved Concept Notes.

ARTICLE 3 SWAZILAND COUNTRY COORDINATING MECHANISM

3.1 The Swaziland Coordinating Mechanism was established as per the requirements of the Global Fund to Fight AIDS, Tuberculosis and Malaria. The CCM is a multi-sectoral body whose function is to oversee proposal development, implementation and resource utilization of the Global Fund support in the fight against HIV and AIDS, Tuberculosis (TB) and Malaria harmonious with other efforts to improve health and reduce poverty.

3.2 The CCM was established in 2001 by the Minister of Health and Social Welfare. In June 2005 the CCM disbanded and constituencies were requested to nominate members to represent them in the CCM in line with the Global Fund Guidelines on CCMs. A newly constituted CCM resumed office on the 1st of July 2005. In 2011 February 15, the CCM was legally registered as a private not for profit company under the Swaziland Companies Act, 2009.

3.4 The CCM shall be anchored to the Ministry of Economic Planning and Development as the mother ministry.

3.5 The main purpose for the CCM is to oversee planning, implementation and resource utilization of the Global Fund support in the fight against HIV AND AIDS, Tuberculosis (TB) and Malaria.

ARTICLE 4 MEMBERSHIP OF THE CCM

- 4.1 The formation of the CCM shall be in line with the Global Fund Guidelines on CCMs.
- 4.2 The CCM adheres to the principles of broad participation through representation, consensual decision-making, full transparency and accountability, cooperative partnership, and efficient operation
- 4.3 Membership in the CCM shall be broadly representative of a variety of stakeholders, each representing an active constituency with an interest in fighting one or more of the three diseases.
- 4.4 Any organization within Swaziland that forms CCM constituencies is eligible for CCM membership if it meets all of the following requirements:
- a) It is legally registered and actively operating in Swaziland
 - b) It is concerned about and/or contributes to the control of HIV/AIDS, Tuberculosis or Malaria in Swaziland.
 - c) It is able and willing to allocate sufficient resources to enable its representatives to attend CCM meetings and otherwise carry out their membership role.
- 4.5 Every CCM member shall be nominated or elected by the constituency he or she represents, and for that purpose the constituencies to be represented in the CCM shall be:

Substantive Members

- i. Academia
- ii. Government
- iii. Private Sector
- iv. NGOs/CBOs
- v. People Living with the Diseases (three communities: HIV, TB & Malaria)
- vi. Key affected populations (Women & Girls, LGBT, Youth, Disabled, prisoners, refugees, etc)
- vii. Faith Based Organizations
- ix. Labour Unions
- x. Bilateral Development Partners
- xi. Multi-lateral Development Partners

Ex-officio Members

- i. Swaziland National AIDS Program (SNAP)
- ii. Principal Recipient (NERCHA)
- iii. UNAIDS
- iv. Alliance of Mayors Initiative for Community Action on AIDS at the Local Level (AMICAALL).
- v. MoH – Malaria Program
- vi. MoH – TB Program
- vii. Traditional Health Organizations

4.6.0 The composition of the CCM shall be in line with the Global Fund Guidelines that propose that at least 40% representation in the CCM should come from non-government sectors.

4.6.1 Representation of Constituencies

CCM members representing the non-government sectors shall be selected / elected by their own sector(s)/ constituency based on a documented, transparent process developed within each sector/constituency.

4.6.2 The Substantive Government Ministry representation on the CCM should be mandated by, represent the views of and report back to, senior leadership of the Government (Principal Secretary or a Senior Directorate level.

4.7 Each constituency shall advise the CCM Secretariat in writing of who the substantive and alternate members with their CVs or biographies. Each constituency shall nominate a substantive member and an alternate member. Only the substantive member will be allowed to vote in a CCM meeting. In the absence of the substantive member, the alternate can vote on behalf of the constituency they represent. Alternate members are eligible to attend all CCM meetings unless the CCM directs otherwise for a particular session.

4.8 Also, all constituencies, save for Government and development partners, must submit, to the CCM Secretariat, a report or minutes how the elections were conducted.

4.9 The Principal Recipient (NERCHA), the National Tuberculosis Control Program, the National Malaria Control Program, Swaziland National AIDS Program (SNAP), Alliance of Mayors Initiative for Community Action on AIDS at the Local Level (AMICAALL) and UNAIDS shall be Ex-officio members of the CCM. The constituency appointment regimes do not apply to them.

Eligibility of CCM membership

4.10 The guiding principles in electing or nominating CCM members shall be the following criteria:

- i. High integrity and social standing in commitment to the fight against the 3 diseases
- ii. Independent minded, articulate and outspoken
- iii. Gender balance
- iv. Technical experience relevant to the achievement of the Global Fund goals and objectives, e.g. legal, health, management, accounting, etc

4.11 No person shall be appointed to and serve as a Member who: -

- i. Is under any law in force in Swaziland, adjudged or otherwise declared to be of unsound mind.
- ii. An undischarged bankrupt, having been adjudged or otherwise declared to be bankrupt under any law in force in Swaziland.
- iii. Has been convicted of an offense involving breach of trust or dishonesty.

ARTICLE 5 SELECTION OF CCM MEMBER ORGANIZATIONS and ALTERNATE ORGANIZATIONS OTHER THAN GOVERNMENT.

- 5.1** Within each Sector other than Government, organizations that are interested in and working on issues related to HIV AND AIDS, TB and/or Malaria shall choose one or more such organizations to serve as CCM Member Organizations representing that Sector/ constituency on the CCM. They shall also choose an identical number of such organizations to serve as CCM Alternate Organizations.
- 5.2** The selection process shall be developed within the Sector, and shall be conducted in a transparent and inclusive manner based on clear criteria. The criteria, the selection process and the results of the selection process shall be documented within the sector. That document shall be sent quickly to the CCM Secretariat, which shall pass it to CCM Member Organizations and make it publicly accessible. The CCM cannot dictate the process to be used, other than that it must be transparent, inclusive and based on clear criteria.
- 5.3** In the event of a significant dispute within a Sector over the selection process that cannot be resolved within the Sector, the Chair of the CCM shall appoint an ad hoc working group to investigate and make a report with recommendations to the CCM.

ARTICLE 6 ROLES AND FUNCTIONS OF CCM

CCM shall:

- 6.1** Coordinate the development and submission of one national Concept Note (CN) for funding in collaboration with all stakeholders including the National Emergency Response Council on HIV AND AIDS, National Malaria Control Programme; and the National Tuberculosis Control Program.
- 6.2** Determine priorities for CNs to the Global Fund based on The Swaziland National Strategic Plan and National Action Plan.
- 6.3** Approve the CN before submission to the Global Fund.
- 6.4** Nominate and recommend to the Global Fund the appointment and dismissal of the Principal Recipient(s) (PRs).
- 6.5** Approve and submit to the Global Fund the request for continued funding or reprogramming as and when it becomes necessary as per the directives of the Global Fund Secretariat.

- 6.6 Provide overall guidance on Swaziland's Global Fund supported programmes to fight HIV AND AIDS, Tuberculosis and Malaria.
- 6.7 Monitor the performance of the Principal Recipient(s) (PRs); direct corrective measures where necessary and provide feedback to respective constituencies and affected communities; including non CCM.
- 6.8 Conduct verification visits as and when necessary in fulfillment of its overall oversight responsibilities and its PR performance monitoring function.
- 6.9 Review and take note of quarterly progress reports (including financials) on the implementation of Global Fund activities submitted by the Principal Recipient(s) to the Global Fund, through the Local Fund Agent.
- 6.10 Approve any reprogramming request and relocation of funds for onward transmission to Global Fund.
- 6.11 Ensure adequate representation of views and concerns of key constituencies.
- 6.12 Form standing Committees, Ad-hoc Committees comprised of CCM and Non CCM membership with disease and or programmatic specific expertise for executing CNs and other technical assignments as and when necessary.
- 6.13 The CCM will function as a national consensus group to promote true cooperative partnership in the development and efficient operation of Global Fund supported programs and be fully transparent and democratic in its decision-making.

Rights and Responsibilities of CCM Members

- 6.14 All members of the CCM will be treated as equal partners in the mechanism with full rights to participation, expression and involvement in decision-making in line with their areas of expertise.
- 6.15 All members; including alternates of the CCM are expected to take their membership in the CCM seriously, to actively participate in all aspects of the CCM work in line with their resources and areas of expertise.
- 6.16 The CCM has the responsibility to engage in substantive discussions and, therefore its membership shall review necessary documentation and come to CCM meeting prepared to productively engage in such discussions
- 6.17 The CCM will be responsive to all national stakeholders. Individual members will consult regularly with organizations and individuals within their sector with an aim to fairly and accurately representing their views and concerns at CCM meetings.
- 6.18 The CCM will ensure that all relevant actors are involved in the Concept Note development process and provide transparency to the general public. As such the CCM will be responsible for ensuring that information related to the Global Fund, such as calls for Concept Notes, decisions taken by the CCM, and detailed information on approved proposals for funding, will be disseminated widely to all interested parties in the country.

- 6.19** Pamphlets/brochures clearly outlining the various roles and functions of the PR, the CCM, the Task teams and the LFA shall be available to better inform the various players.
- 6.20** The CCM shall have an orientation process for new members with a period of three months of appointment.
- 6.21** The CCM shall inform the public of its operation at least annually.

ARTICLE 7 ELECTIVE POSITIONS ON THE CCM

- 7.1** There shall be a Chairperson and Vice Chairperson nominated from different constituencies/ sectors from Domestic entities.
- 7.2** If the Chairperson is from Government the Vice Chair should be from Civil Society or Private Sector
- 7.3** A Government Person should be at Principal Secretary Level
- 7.4** A Civil Society chairperson should be at Executive Director level position within their organizations
- 7.5** A Private Sector Chairperson should be at Executive Director level position

ARTICLE 8 RESPONSIBILITIES OF CCM MEMBERS

8.1 Chairperson

- a. Formally call regular and special CCM meetings starting and concluding each meeting promptly.
- b. Preside in an impartial manner over each meeting of the CCM.
- c. Introduce guest, observers or new members.
- d. Introduce each agenda item and explain the primary issues.
- e. Summarize the discussion of each point, identify the course of action and assign responsibility for work if necessary.

8.2 Vice Chairperson

The role of the Vice Chairperson is to deputize for the Chairperson of the CCM in the absence of the latter and to perform any other duties assigned to him or her.

8.3 Members of CCM

- a. To function as a national consensus group to promote true partnership in the development and implementation of the Global Fund support.
- b. To maintain a contact list of constituency members.
- c. To hold regular consultations including formal meetings with their constituencies to ensure that constituency interests are adequately represented at CCM meetings. To communicate Global Fund information as well as decisions to stakeholders and maintain documentation of that communication process.
- d. To provide sufficient transitional support and information to CCM replacement members.
- e. To be fully transparent and accountable in decision making processes.

8.4 Secretariat:

There shall be a secretariat established by the CCM.

The Secretariat's key roles and responsibilities are to:

- a. Facilitate the management of CCM meetings and support structures.

- b. Facilitate the process of oversight of Global Fund grants and monitoring the performance of principal recipients.
- c. Facilitate the harmonization of Global Fund grants with other support activities.
- d. Facilitate and coordinate the process of designing, writing, and submitting proposals to the Global Fund.
- e. Facilitate the process of resource mobilization.
- f. Document and disseminate Global Fund and CCM information and publications.
- g. Facilitate the selection of principal recipients using defined criteria.
- h. Facilitate the development of procedures for closing Global Fund grants

ARTICLE 9 VACANCY ON THE CCM

9.1 A vacancy in the CCM shall arise on:

- Expiry of the term of office of a member.
- Resignation of a member after giving one month notice.
- Death of the member.
- A member failing to attend without valid excuse, three consecutive meetings of CCM of which he/she has had notice.

9.2 A vacancy due to any of the above shall be filled in accordance with section 5 above.

ARTICLE 10 TENURE OF OFFICE OF THE CCM MEMBERS

10.1 Each term of office for CCM members (Substantive and Alternate) shall be three years.

10.2 CCM members shall be eligible for re-election/ re-appointment one term; serving a maximum of period of two terms (six years).

10.3 A CCM member or alternate, other than an Ex Officio member, may resign his/her office by giving a month notice to CCM Secretariat.

ARTICLE 11 MEETINGS OF CCM

11.1 The CCM shall hold meetings at least once every three months and every notice of such meetings shall be in writing and shall specify the agenda, time and place of the meeting at least 5 days before the meeting.

11.2 The CCM shall hold extra ordinary meetings at the instance of the chairperson or any number of the Members constituting a simple majority. Notice of an extraordinary meeting shall be in writing giving not less than 5 days before the date specified for the meeting.

11.3 A quorum at a meeting of CCM shall be constituted by a simple majority (50% +1) of the voting members.

11.4 Decisions shall be made by consensus whenever possible. But where necessary, decisions shall be taken by a majority of the votes of the members present and the Chairperson shall have a casting vote. All votes shall be informal unless any member present demands that a vote be made as a formal vote. Formal votes require recording each member's vote in the minutes of the meeting.

11.5 The CCM may at any time and for any period invite any person to attend any meeting of CCM and take part in the deliberations of the meeting but such person shall not be entitled to vote at the meeting.

ARTICLE 12 LOCAL FUND AGENT (LFA) MAY ATTEND MEETINGS

12.1 The LFA shall be invited to attend CCM meetings and:

- May provide clarifications, updates and feedback on the Global Fund supported programmes.

12.2 The LFA shall not be entitled to vote.

ARTICLE 13 CONFLICT OF INTEREST

13.1 Definition

The concept of conflict of interest recognizes that the judgment of even the most well-meaning person may be impaired when their own financial interests or those close to associates including connected organizations are affected.

13.2 Conflict of interest for CCM Members

Each CCM meeting will have an agenda prepared in advance so that an interested CCM member including the Chairperson can fully disclose to the other CCM members the nature of the potential conflict of interest. Such CCM member shall recuse himself/herself from any and all deliberations (including voting) of the CCM on the conflict of interest topic.

A potential conflict of interest issue could be raised by any member of the CCM prior to a meeting or during a meeting or could be presented to the Secretariat, anonymously if so desired, who will raise the issue to the CCM.

The foregoing notwithstanding, a majority of the disinterested CCM members may decide to allow the conflicted CCM member(s) to participate in all or part of the discussions.

13.3 Protocol for members declaring interest

- a. Disclosure of the interest must be made as soon as possible after the commencement of the meeting.
- b. The Member must withdraw and leave the meeting room for the duration of the consideration of the matter.
- c. The member must refrain from attempting in any way, whether before, during or after the meeting, to influence the decision of the CCM with respect to the matter.

13.4 Suspected conflict of interest

If a suspected conflict of interest is reported by any party, the Chairperson and Vice Chairperson of CCM will review the matter immediately to determine whether the CCM member in question has

failed to declare an interest and is therefore in breach of his/her responsibility. If the matter is deemed substantive, the constituency will immediately be requested to withdraw and replace the affected member from the CCM.

13.5 Failure to disclose interest and financial benefit

If the CCM member has failed to disclose an interest and a financial benefit has occurred either directly or indirectly, the CCM shall take all reasonable measure to revoke any benefit. In addition the CCM member and his or her associates or associated organization(s) involved shall be reported to the relevant constituency they represent for further investigation and disciplinary action. The constituency will immediately be requested to withdraw and replace the affected member from the CCM

ARTICLE 14 REIMBURSEMENT OF COSTS

CCM members shall not be entitled to receive any salary out of the funds from the Global Fund. In the event that the CCM funding becomes available non – governmental CCM members shall be reimbursed for traveling costs.

14.1 ALLOWANCES

CCM members shall not receive any Honoraria or sitting allowance from funding provided by the Global Fund.

ARTICLE 15 DISSOLUTION OF THE CCM

15.1 The CCM may be dissolved upon unanimous resolution of the CCM members once Swaziland is no longer receiving Global Fund financing.

15.2 Upon dissolution of CCM, the property and assets (if any) of the CCM shall be disposed in a manner agreed by the CCM.

ARTICLE 16 STRUCTURES OF THE CCM

16.1 CCM COMMITTEES: The CCM shall constitute committees to facilitate its functions. Such committees may include Executive, Oversight, Finance, and any others as deemed necessary

16.1.1 The **Executive Committee** shall be composed of: CCM Chair, Vice-Chair, and **TWO** other substantive members as are chosen by the CCM from different Constituencies represented on the CCM. The composition should take into account the three diseases. Makes management decisions that do not require the full CCM to convene.

16.1.2 The Chair may decide to co-opt, for the Executive Committee, a maximum of two (2) additional members as need arises.

16.1.3 The Chair may decide to appoint other committees and members into those committees as the need arises.

16.1.4 There shall be ex- officio representation from the CCM Secretariat for all committees.

16.1.5 The membership of the Executive Committee shall be reviewed as when required by the CCM.

- 16.1.6** The functions of this committee include;
- Assist CCM to resolve bottlenecks in grant implementation (e.g., VAT, procurement, HR).
 - Assist PR to identify areas for reprogramming & presents these to CCM members for approval.
 - Represents CCM on high-level issues

16.1.7 The CCM Chair shall serve as Chair of the Executive Committee. In the event that the Chair of the Executive Committee is not available the Executive Committee shall appoint its own chair from members present.

16.2 RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE

16.2.1 The Executive Committee shall not have fixed terms of reference.

16.2.2 The responsibilities of the Executive Committee are to:

- Conduct those tasks specifically assigned to it at a full meeting of the CCM.
- Make emergency decisions when authorized by the a quorum of the full CCM between regularly scheduled meetings of the CCM, when it is not practical or possible to organize a full meeting of the CCM.
- Provide oversight to the CCM Secretariat on behalf of the CCM.

16.2.3 The Executive Committee shall meet as frequently as necessary to carry out its work.

16.2.4 The Executive shall operate by simple majority vote.

16.2.5 The quorum for meetings of the Executive Committee shall be fifty percent of its membership, excluding the Chairperson.

16.2.6 The Executive Committee shall report on its work to every CCM meeting.

16.2.7 All Executive Committee members shall receive, by email, fax or letter, at least two days' prior notice of all meetings of Executive Committee. The notice shall specify the proposed agenda. The agenda may be modified and must be approved at the start of each meeting.

16.2.8 The CCM Chair shall serve as chair of the Executive Committee. In the event CCM Chair is not present, the Vice Chair will chair the meeting. In the event both of them are not present; the Executive Committee may appoint its chair from the members present.

16.3 Oversight Committee shall be responsible for assisting CCM Members to understand the status of each grant regarding:

- Where is the money?
- Where are the commodities?
- Are sub-recipients receiving support?
- What are the programmatic results?
- CCM investigate specific implementation issues.

- CCM evaluate results
- CCM integrate Global Fund financing with other national programs.

16.4 TERMS OF REFERENCE FOR OVERSIGHT COMMITTEE

16.4.1 Oversight Committee Responsibilities

(a) **Goal:** The oversight Its **goal** is to ensure the implementation of activities and the use of resources in accordance with the grant agreement. Achieving this goal might involve providing strategic direction to PRs when needed, ensuring compliance with Global Fund policies and procedures, establishing financial controls, and following up on key recommendations. The most important function of the country coordinating mechanism (CCM) is oversight. The CCM oversees the performance of principal recipients (PRs) to ensure that they achieve the established targets for the programs that they are implementing. The CCM holds PRs accountable to all country stakeholders.

(b) **Objectives:** To reach its goal, the oversight committee fulfills the following **objectives**:

- Ensure implementation of the CCM’s oversight function, one of the four core functions of a CCM
- Ensure development, timely updates, and implementation of an oversight plan and corresponding work plan and calendar
- Analyze problems and bottlenecks in grant implementation and provide recommendations for informed decision making by the CCM
- Promote effectiveness in oversight by appropriate use of time and available resources
- Improve relationships between the CCM and PR(s) and between PRs and sub-recipients (SRs) if necessary.

(c) **Role:** The oversight committee plays a key role in the oversight process by ensuring appropriate, timely, and effective use of Global Fund monies; timely and effective implementation of PRs’ and SRs’ programmatic work plans; and transparent, competitive, and effective procurement and supply management with appropriate quality assurance in accordance with national legislation. **The oversight committee is not a decision-making body. The committee’s role is to provide information and informed recommendations to guide the CCM in its oversight deliberations and decision making.**

(d) **Mandate:** The CCM authorizes the oversight committee to develop, update, and implement an oversight plan and corresponding annual work plans and calendars; identify problems and bottlenecks facing PRs and SRs, and provide guidance and recommendations for the CCM; follow up on recommended actions and their implementation; and improve communication and collaboration between the CCM, PRs, and lead SRs, and between PRs and SRs or sub-sub-recipients.

(e) **Committee Structure: Structure Options:** Like the executive committee and concept note -development committee, and the oversight committee is a CCM structure that the CCM secretariat supports. The oversight committee reports to the CCM at quarterly plenary meetings and the CCM chair, vice chair, or executive committee supervises the oversight committee.

(f) **Membership & Competencies:** Swaziland CCM shall elect 7 members of the oversight committee, one from each of the following six constituencies and one other who may be from any constituency, but who is selected specifically to provide skills or experience in an area not as well covered by the other members, and as outlined in (b) below:

- Government
- Non-government – civil society
- Non-government – civil society representing people living with/affected by any of the three diseases
- Non-government –private sector
- Bilateral partner
- Multi-lateral partner

The skills set sought for representation on the oversight committee will include:

- Finance (which might include those who have been trained in “finance for non-financial managers” for example) and/or auditing
- Monitoring and evaluation
- Programme management (specifically with reference to programmes around one or more of the three diseases)
- Procurement and supply management
- Legal skills

(g) **Nomination:** CCM members may nominate themselves or be nominated by other CCM members, whereupon they will be asked whether they agree to be included in the election process. CCM members may also nominate non-CCM members to sit on the oversight committee, by dint of their having specific expertise or skills that are desirable for oversight. **CVs for all nominees will be circulated at least seven days before the election.**

(h) **Skills Shortage:** Where there is a shortage of specific skills required, or when there are specific issues of a technical nature that are required to be investigated, technical advisors (from within or outside the CCM) may be co-opted on to the committee (as part of the seven member committee if these skills are required full time, or for a short period if it is to investigate a particular issue).

(i) **Conflict of Interest:** In order to avoid Conflict of Interest, members of the PR and SRs or Sub-SRs may not serve on the oversight committee.

(j) **Meeting Frequency:** The OVC will meet at least quarterly and may meet more frequently as circumstances require, and, in addition, will conduct at least four site visits per year (although not all members of the OVC are required to go on each site visit).

(k) Responsibilities: Members of the oversight committee have the following responsibilities:

5.1 Build capacity and prepare annual plans for CCM oversight

- Clarify oversight function and oversight committee responsibilities and build oversight committee members' capacity for oversight
- Orient and train new CCM members on oversight guidelines and retrain existing members on oversight roles and responsibilities of the CCM, PR, SRs, and other stakeholders
- Develop approaches for engaging CCM members and program stakeholders in the oversight process
- Develop annual oversight work plans, calendars, and budgets

5.2 Gather information on program and grant implementation

- Gather program performance, financial, and procurement information for Global Fund grants using routine reports or by repackaging available data
- Gather information on Global Fund grants through site visits and participation in joint PR and SR performance review meetings
- Gather information on Global Fund grants by investigating specific issues

5.3 Identify implementation issues, problems, and bottlenecks

- Analyze information to identify problems and bottlenecks requiring CCM attention and crosscutting issues that require attention from a broader range of stakeholders
- Document problems, issues, or bottlenecks for CCM review and decision making
- Prepare comprehensive analyses of identified issues to present at a CCM meeting

5.4 Provide guidance and recommendations to inform CCM decision making and further actions

- Provide presentations of identified findings and propose recommendations to inform CCM decision making and further actions
- If required, help CCM understand issues and determine appropriate actions
- Request exceptional CCM meeting when urgent problems arise

5.5 Follow up and report on results to the CCM and program stakeholders

- Follow up on decisions made and recommended actions and report on results to CCM and program stakeholders
- Report back to CCM and program stakeholders on progress, remaining issues, and additional follow-up required

16.5 **Technical Resources and Outsourced Expertise:** The oversight committee may call on external experts on a regular basis or for specific activities as decided by the full CCM.

16.6 **Conflicts of Interest:** Conflicts of interest can arise when recipients of funds are involved in oversight. To avoid conflicts of interest in the oversight process, members of the oversight committee must not be affiliated with any implementing organizations.

16.7 The **term** of office shall be aligned to CCM's which is three years.

16.8 There shall be **ex-officio representation** from the PRs; and CCM Secretariat.

ARTICLE 18 TECHNICAL SUB COMMITTEES

The CCM shall establish Technical Sub Committees for HIV AND AIDS, TB and Malaria

17.1 TECHNICAL SUB COMMITTEES HIV AND AIDS, TB and MALARIA.

17.1.1 This Technical subcommittee is formed to deliberate, recommend and advise the main CCM body. Members of the **HIV AND AIDS, TB and MALARIA** Technical Sub-Committees do not necessarily need to be members of the CCM, but the Committee Chair must be a CCM member.

17.1.2 The **HIV AND AIDS, TB and MALARIA** Technical Sub- Committee and any other subcommittees shall operate by simple majority vote.

17.1.3 The quorum for meetings of the **HIV AND AIDS, TB and MALARIA** Technical Sub- Committee and any other subcommittees shall be fifty percent of its membership.

17.1.4 The **HIV AND AIDS, TB and MALARIA** Technical Sub- Committee and any other subcommittees shall regularly report on its work to the main body of the CCM.

17.2 The HIV AND AIDS, TB and MALARIA Technical Committees shall be made up of:

- Managers of the three diseases
- Representatives from relevant agencies, donor or technical partner.
- Members from any relevant institution with the requisite technical capacity may be co-opted onto the task teams as and when the need arises.
- The relevant Coordinators from the three programs

17.3 The **HIV AND AIDS, TB and MALARIA** Technical Committee members shall select a secretary from among themselves. The Coordinator or Program Manager may provide secretariat services to the Committee.

17.4 The HIV AND AIDS, TB and MALARIA Technical Committee shall perform the following functions:

- Develop the program components to be included in the Global Fund Country Proposal.
- Collate and Consolidate views from the different stakeholders into the overall proposal.
- Submit the final proposal to the CCM.
- Respond to Technical questions from the Fund Secretariat through the CCM Secretariat.
- As instructed by the CCM review the progress of the implementation of the programs and report to the Executive Committee.

ARTICLE 18 CONFIDENTIALITY

18.0 Every member of CCM, LFA, co-opted person or consultant to CCM who attends a meeting of the CCM or of a committee of CCM shall regard all confidential information which may come to his/her knowledge in the course of his/her dealings with the CCM.

ARTICLE 19 FRAMEWORK DOCUMENTS

19.1 Definition: The CCM shall develop, ratify, and implement framework documents such as By-laws, work plan and a Secretariat Operations Manual.

19.2 Work Plan and Budget: Annually, the CCM shall direct development or updating of a work plan and budget for itself and for the CCM Secretariat. It shall use these documents to mobilize resources to support CCM and Secretariat operations.

19.3 Amendment: These By-laws may be amended by the CCM as deemed necessary.

19.4 Communication: In keeping with the principles of transparency and accountability, the CCM shall maintain open communication channels to facilitate the sharing of information with stakeholders, including the general public. The CCM communication strategy shall provide policy guidelines.

19.5 Adoption and Amendments: These By-laws were first adopted in February, 2009 at Orion Hotel, Pigg's Peak and amended as enshrined above on the first cover page. Additional amendments were agreed upon by the Governance Task Team at Pigg's Peak, Royal Villas; and approved by the CCM on April 30, 2014 at Sibane Hotel.