

Participation of Civil Society

IN GLOBAL GOVERNANCE

**Lessons Learned from the Global Fund
to Fight HIV/AIDS, Tuberculosis and Malaria**

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“Civil society has a certain view of government.

Government has a certain view of civil society.
Unless you actually start working together, you
don't really realize your relative strengths.”

— CIVIL SOCIETY REPRESENTATIVE, INDIA



Introduction

People who care about global governance and solving global problems are paying more and more attention to the role of civil society.

Even as the United Nations, multilateral institutions and transnational corporations set the international development

agenda, it is increasingly understood that effective solutions must include local perspectives. With this in mind, the concept of global governance is shifting. In the words of the Commission on Global Governance in its report *Our Global Neighborhood*, a change is underway from “governance...understood primarily as inter-governmental relationships” to governance “involving nongovernmental organizations (NGOs), citizen’s movements, multinational corporations and the global capital market.”

Civil society itself has been a major force in this shift. In 1997, the U.N. Research Institute for Social Development (RISD) predicted that civil society’s “powerful sense of moral authority” would empower it to bring about change. Civil society organizations that are “confronted with a closed door to the new and crucial institutions of global governance are likely to knock harder, not to walk away,” RISD said.¹ Civil society organizations working on HIV/AIDS indeed have knocked harder. By 2002, they had gained full entry to the newly established Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria (the Global Fund).

Created in response to an international outpouring of concern about the HIV/AIDS pandemic, the Global Fund mobilizes and disburses resources to make sustainable and significant contributions to the prevention and treatment of HIV/AIDS, malaria and tuberculosis in poor countries. The Global Fund is unique in that it bases its activities on the knowledge and insight of organizations on the ground and communities directly affected by the diseases.

Civil society representatives are formally involved in the decision making processes of this global institution—a first for the international community. Members of affected communities and NGO representatives from both developed and developing countries sit on the Global Fund board and participate in country-level partnerships. Together, these groups develop and submit grant proposals and monitor and implement programs. This multi-stakeholder approach is promoted by the Global Fund to advance a sense of local ownership and a strong stake in planning—crucial elements in effectively combating HIV/AIDS, tuberculosis and malaria.

¹ Riva Krut. 1997. *Globalization and Civil Society: NGO Influence in International Decision-Making*. UNRISD Discussion Paper No 83, p. 36.

Civil society's participation in the governance of the Global Fund has been a significant step forward. Yet much remains to be learned about the art of effectively involving civil society in the decision making processes and governance of global institutions such as the Global Fund. To this end, the International Center for Research on Women (ICRW), with funding from the Ford Foundation, has completed a two-year research and advocacy initiative that examines civil society's participation in the Global Fund and the extent to which the Global Fund has integrated gender considerations into its programs and decision making processes. This report begins with a summary of these key findings, with details of the research available in Annexes I and II.

Most of the pages that follow, however, describe broader lessons learned from the Global Fund's experience, with the dual aim of informing the discussion on civil society participation and offering guidance to other institutions seeking to increase civil society participation in their own governance structures. Based on these lessons, ICRW recommends steps to improve civil society participation in the governance of international bodies.

A companion report, *The Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria: Strengthening Civil Society Participation and Gender Expertise*, includes specific strategies and action points for strengthening civil society's role in the Global Fund.

LESSONS LEARNED FOR IMPROVING CIVIL SOCIETY PARTICIPATION IN THE GOVERNANCE OF INTERNATIONAL BODIES

- I. Give civil society organizations a formal role in the governance structure.** Civil society representation must be formalized through clear, rigorous criteria for prospective participants, as well as clearly defined roles and responsibilities. Doing so is critical to ensure the inclusion of highly qualified candidates and to minimize confusion once they are in place.
- II. Support the role of civil society organizations through continuous, transparent communications and information sharing efforts.** Given the complexities inherent in involving civil society in international institutions, it is critical to maintain clear and frequent communication among all people involved.
- III. Provide resources to civil society organizations that can maximize their participation and improve their effectiveness in influencing key decisions and processes.** ICRW's analysis of civil society participation in the Global Fund revealed that there are many hidden costs that can be prohibitive for civil society organizations, particularly those in developing countries. Donors need to identify resource gaps and work with organizations to maximize the value of civil society's contributions.
- IV. Ensure that civil society representatives truly represent their constituencies.** Because it is impossible to represent all of civil society's interests, the burden of capturing the majority's priorities is often borne by the designated civil society representatives, who must do so to the best of their ability. At the very least, this necessitates frequent consultations with constituencies and an ability to learn from past experiences.

Key Findings

Because the Global Fund was established relatively recently (January 2002), it is too soon to fully evaluate its activities. However, ICRW has been able to identify several positive outcomes with regard to activities to date.

Most important, civil society participation has resulted in **greater resources for the Global Fund; more democratic decision making processes and practices, which have in turn improved programs; and a**

better balance of power between civil society organizations in developed and developing countries. More specifically, these changes have accomplished the following:

- **Increased resources.** Because civil society organizations are represented on the Global Fund board and the country coordinating mechanisms (CCMs), they have the knowledge, skills and incentive to effectively advocate that their respective governments financially support the Global Fund. This advocacy has ensured that resources flow to the areas, communities and sectors that need them most. As the Global Fund itself acknowledges, “All along the development and evolution of the Global Fund, civil society has been present to encourage governments to commit more resources and to feed into how programs could best be implemented at the country level.”²
- **Increased democratization and relevance.** Civil society organizations have taken advantage of their position on the board of the Global Fund to promote greater democratization in two key ways. First, the voting organizational participants on the board have successfully advocated for voting representation by communities affected by HIV/AIDS, malaria and tuberculosis. Their success has made the Global Fund the first multilateral institution with primary stakeholders represented on its central decision making body. Second, the organizations have pushed for mandatory civil society representation—including a representative of the affected communities—in country-level mechanisms. The increased diversity resulting from such participation has improved the relevancy of Global Fund programs in affected communities.
- **Improved power balances.** Although civil society organizations in developed countries have more resources than those in developing countries, a vote on the board of the Global Fund is itself a valuable resource that helps to equalize the power

² The Global Fund Web site, www.theglobalfund.org; introduction to the online evaluation of civil society participation in the Fund.

imbalance between developed and developing countries. The delegations of the developing country organizations and affected communities have built alliances with other representatives on the board around specific issues, and have not relied solely on organizations from the developed countries to make their case for them. This shift has in turn fostered greater dialogue and debate within civil society itself.

Lessons Learned

The Global Fund represents a unique model for the inclusion of civil society representation in international governance.

feasible. ICRW's analysis identifies four key lessons useful to other institutions seeking to follow the Global Fund's lead.

For the past three years, the Global Fund experience has demonstrated that civil society involvement is both valuable and

I. Give civil society organizations a formal role in the governance structure.

Organizational representation must be clear and formalized—more than just giving “voice,” there must be full participation. Organizations therefore must pay close attention to the following:

- **The structure of representation.** The Global Fund has successfully embedded civil society representation in its overall structure, from the makeup of the board to country-level mechanisms. Board representation of civil society (including affected communities) involves not only a voting representative, but also an alternate for each representative. The alternates assist in the critical process of sharing information and consulting with constituencies. In addition, representatives of civil society organizations sit on the four committees of the board. Finally, the Global Fund secretariat has a liaison in place to focus solely on civil society.
- **Clarity of role and function.** Civil society organizations need to develop realistic and rigorous selection processes that make clear the terms-of-reference (i.e., the responsibilities and duties) of representatives, alternates and other delegation members. These should include an explicit conflict-of-interest policy in order to both minimize confusion about specific roles and responsibilities and to institutionalize responsibility and accountability. Moreover, policies that organizations develop should be revisited periodically to ensure they remain relevant even as the role of civil society in governance evolves. Failure to do so risks undermining civil society participation.

- **Selection of the right representatives.** Selection of representatives at all levels—from the board to each participating country delegation—should be a formal process that is managed by civil society itself. Clear and appropriate criteria for selection, as well as a formal conflict-of-interest policy, should be established. Appropriate criteria for selection are essential if civil society is to be able to effectively put issues on the agenda.

II. Support the role of civil society organizations through continuous and transparent communications and information sharing.

Communications and information sharing are essential to ensure that civil society representatives are effective. The Global Fund has made good progress in this regard by translating relevant materials into all major world languages and posting them on its Web site. However, reliance on technology may inadvertently exclude representatives of civil society organizations in resource-poor environments, which lack easy access to the Internet and other communications technologies. Civil society representatives (especially those from NGOs and affected communities) often do not receive documents related to the board docket in sufficient advance of the board meeting. At the country level, the communications process is extremely uneven and representatives do not receive adequate notice or meeting agendas and other relevant documents.

III. Provide resources to civil society organizations to maximize their participation and improve their effectiveness in influencing key decisions and processes.

Effective participation in governance requires civil society representatives to have adequate resources—financial, technical and human—to ensure that institutional knowledge is preserved, capacities are built and representatives are able to focus on their roles as representatives. Donors need to work closely with civil society to identify the resources required and coordinate efforts to ensure a regular flow of financial and technical resources.

- **Preserve institutional memory.** At the Global Fund, civil society representation on the board was often undermined by uneven attendance, ever-changing participants and a lack of continuity. These problems were due to a failure to recognize that attaining full representation requires financial resources that may be prohibitive for organizations. For instance, some civil society representatives were unable to raise the required fees needed for members of their delegations to attend board meetings over a sustained period of time. In fact, organizations often did not know how many representatives they could finance until just before the board meeting. Moreover, they had no support staff to keep track of key issues and discussions at board and committee meetings.
- **Build capacity for effective participation.** Organizations must establish a clear plan for building the necessary skills that representatives need to participate effectively. Civil society representatives often require technical assistance in mastering the process of governance and decision making. For example, at the Global Fund, the chair of the board made a particular effort to ensure that the civil society representatives understood “Robert’s Rules of Order,” which guide the decision making process of the

board. In addition, representatives need to focus on developing their own strategies for moving key agenda issues forward. This means building lobbying and negotiation skills, creating alliances, effectively applying field experience, and other aspects.

- **Value the civil society representatives.** Organizations often view civil society participation in governance as a “privilege,” and therefore challenge representatives to prove their worth. In practical terms this translates into an undervaluation of the time commitments of civil society representatives, who must often fulfill their responsibilities on a volunteer basis. In particular, civil society representatives from developing country NGOs and affected communities are less likely to be able to obtain financial resources to support their representational work. At the Global Fund, this has meant that representatives are not able to devote the time required to participate in consultative meetings or to fully prepare for board meetings. This obstacle is particularly evident at the country level.

IV. Ensure that representatives of civil society organizations truly represent their constituencies.

A crucial responsibility of civil society representatives is to participate in decision making as “representatives.” Doing so requires paying conscious and informed attention to guaranteeing gender expertise, giving priority to consultation and building in a process of learning.

- **Gender expertise.** Not to be confused with gender balance in the staffing of an organization, gender expertise requires staff who thoroughly understand how the different roles and responsibilities of men and women can result in gender-based differences in power, access to resources, vulnerability to illness, and other factors. A gender expert not only has the skills to identify these factors in any given setting, but also can analyze how they might help or hinder the outcome of an intervention. The Global Fund has been a leader in its commitment to gender balance in staffing, but falls short in ensuring that staff members—be they men or women—have adequate technical skills in gender analysis. To ensure adequate representation of gender experts, selection criteria must explicitly spell out the technical skills required. Organizations that lack gender experts on their staffs cannot fairly and equally represent the best interests of their male and female constituents.
- **Timely consultations.** To represent the issues and concerns of their constituencies and build effective strategies, any staff member who is responsible for representing civil society must give priority to transparent and timely communications, information sharing, and consultations. At the Global Fund, civil society representatives on the board devote an increasing amount of time and resources to ensuring that consultations are held before and between each board meeting to track movement on agenda items and develop advocacy strategies. However, less attention is paid to ensuring that civil society representatives consult more broadly with their constituencies at the country level. The members of the delegation of each civil society organization represented are tasked with bringing civil society issues “from the field” back to the Global Fund. The success of this process has been uneven due to continuous shifts in the staffing of these delegations.

- **Learn, learn and learn more.** Effective participation in governance by civil society representatives requires an ongoing process of learning and distilling best practices. Civil society representatives at the Global Fund are cognizant of this need and are in the process of undertaking an in-depth assessment of their experiences to date. The International HIV/AIDS Alliance, for example, has just finished an assessment of the functioning of the representative and delegation from the affected communities to identify which strategies worked, which gaps remain and what is required to address them. Such learning can also lead to the development of indicators of meaningful and effective participation—and in turn to the more systematic monitoring of civil society participation in governance.

Conclusion

Civil society participation in the governance of global institutions is a new arena for civil society organizations and for those parties who are committed to a multi-stakeholder process of decision making in the context of a more globalized world.

The Global Fund's inclusion of civil society organizations in its governance is a valuable, pioneering effort. For their part, the organizations have done an admirable, and sometimes impressive, job in participating constructively to help ensure that the resources of the Global Fund are used most effectively.

As more becomes known about the multi-stakeholder approach to governance and operations that the Global Fund has instituted, these lessons will help educate other international donor organizations as to how they might improve their own governance and programmatic structures and policies to achieve greater effectiveness. As one of the representatives interviewed in India said, "Civil society has a certain view of government. Government has a certain view of civil society. Unless you actually start working together, you don't really realize your relative strengths." It is this combination of the different strengths and perspectives among stakeholders that can help to overcome HIV/AIDS, malaria and tuberculosis—as well as other seemingly intractable development problems.

Annex One

The analysis of the Global Fund’s country-level activities revealed that civil society participation on the country coordinating mechanism (CCM) is problematic because representatives of civil society are often recruited to serve as “tokens” to fulfill the guidelines of the Global Fund on civil society representation.

There is little clarity on the role of civil society representatives on CCMs, no support to facilitate their participation, and often no process to ensure that the individuals selected are representative of their constituency. A serious consequence of this ineffective civil society participation is that the

concerns and priorities of field-based organizations do not get reflected in the development of the country proposal; in turn, the funds received from successful proposals do not reach community-based organizations. Another issue of concern is the lack of clarity among many CCMs about their role in monitoring the implementation of the country proposal, once it is approved by the board of the Global Fund. Instead, the principal recipient who receives the actual funds interacts directly with the secretariat of the Global Fund. As a result, CCMs formulate proposals to reflect “national priorities and strategies,” but feel no sense of ownership over whether the goals of their proposed program were met because they have no authority to hold implementing organizations accountable for their actions.

The case studies below illustrate how some of these problems have played out, and conclude with recommendations to begin addressing them.

CASE STUDY: *India*

SUMMARY

This case study was conducted by the Centre for Advocacy and Research and made possible by the India HIV/AIDS Alliance. Interviews were conducted with different stakeholders—including government institutions, academics, multilateral donor agencies, nongovernmental organizations (NGOs) and Global Fund recipients—in Delhi, Bangalore, Chennai and Imphal during June and July 2005. In addition, a variety of secondary sources were reviewed. The current CCM in India has 33 members drawn from various sectors, including 12 from government, eight from civil society

organizations, one representative of the affected community, seven representatives of bilateral and multilateral agencies, and three members each from academia and the private sector.

FINDINGS

- **Participation of civil society organizations in the CCM.** The CCM in India, chaired by the Secretary of Health, is perceived as a platform for the government to work with different stakeholders, including civil society representatives and people living with HIV/AIDS. During the last year, the CCM has expanded to include five NGOs as members, which has also enabled civil society to share its perspectives. Five of the eight NGOs on the CCM represent different regions across India. The receipt of funds in Round IV by a consortium led by the Population Foundation of India and the election as vice chair of the president of the Indian Network of People Living with HIV/AIDS (INP+), the sole representative of the affected community, has encouraged civil society to be proactively engaged in the funding process. In January 2005, the CCM also decided to include one woman from the affected community in order to achieve a stronger gender balance.

However, the consensus among civil society representatives is that Global Fund processes must be made more accessible through information dissemination, which would in turn improve the capacity of the NGOs to leverage the funds for community-based, people-centered initiatives. Given the current structure of grant-seeking processes, many civil society organizations contend that the stakeholders involved in managing the Global Fund must make a concerted effort to restructure the entire process so that it is more civil society-friendly.

- **Information Dissemination.** The dissemination of information on disease-specific proposals based on national program priorities should be extended to the wider constituency in order to ensure more participation at the state and district levels when applying for grants. The print media, electronic dissemination strategies (e.g., Web sites) and State AIDS Control Societies (SACS) have been used in Round 5 to ensure wider dissemination and participation—these processes should be strengthened further.
- **Proposal development process.** This stage requires meaningful collaboration and the forging of partnerships between the public and private sectors. Nodal agencies such as SACS and bilateral and multilateral institutions could consult with civil society representatives in order to identify needs on the ground—with the result that proposals would reflect realities and needs at the grassroots level. Civil society representatives have continuously raised concerns regarding quality of representation and the lack of consultation with them—and the subsequent neglect to incorporate their views when identifying national program priorities and during the proposal development process. Since civil society plays a critical role in advancing the health agenda to the most vulnerable and marginalized populations, and has contributed to tackling this issue at the local level, stakeholders stress that civil society needs to play a more aggressive role. In the absence of well-defined roles and responsibilities for civil society organizations, there is confusion among the CCM members about their specific mandates for Global Fund processes. Recently, the CCM decided to implement a two-year tenure for state-level government representatives, intending to “maximize NGO participation.”

- **Selection of civil society organizations.** The Ministry of Health has been in charge of selecting civil society members. Although some of the civil society organizations have developed a selection process (including a type of “electoral college” and selection criteria), these standards have to be accepted by the broader civil society and implemented throughout the country. In terms of organizational representation within the CCM, civil society participation is skewed, with more groups working on HIV/AIDS than on other diseases. For example, tuberculosis and malaria are government-centered programs, with NGOs serving as implementing partners. Given the complexities of dealing with HIV/AIDS, there are a number of NGOs working on the issue with different segments of the population.
- **Capacity Building.** Simplification of the proposal development process is seen as a mechanism to encourage participation by civil society. The capacity of NGOs to write technically well-crafted proposals needs to be strengthened to better access resources from the Global Fund. Civil society organizations that have been part of the Global Fund process could themselves provide technical assistance to their constituencies in order to encourage formation of disease-specific consortiums.
- **CCM Secretariat.** The formation of the CCM Secretariat as a clearinghouse for information has been a constant demand from civil society. Although a sub-committee was formed to work out the details of this project, the Secretariat has yet to take shape.
- **Gender Concerns.** Gender is a cross-cutting issue that should be integrated into all stages of program and policy development and implementation. However, in the context of the Global Fund, gender awareness seems to be conspicuous by virtue of its absence—despite the increasing vulnerability of and burdens faced by women and innovative interventions put forth by U.N. agencies and civil society actors.

RECOMMENDATIONS

The following recommendations are based on findings from the India case study and the work of the April 2005 National Civil Society Consultation on the Global Fund to Fight AIDS, Tuberculosis, and Malaria, which was organized by the India HIV/AIDS Alliance.

1. **Expand the CCM to facilitate greater involvement** of civil society in decision-making mechanisms and, more critically, to ensure that the voices, experiences, and needs of women and the larger community are reflected in programs and policies.
2. **Develop a far more proactive role for the CCM Secretariat** in order to ensure greater programmatic leadership. The Secretariat’s role should be expanded as a clearinghouse to facilitate information dissemination, outreach and dialogue; clarify the roles and responsibilities of stakeholders; and encourage interaction between grass-roots-level groups and leadership at the national and international levels.
3. **Decentralize the CCM** to ensure more regional participation and incorporation of region-specific concerns and perspectives into national proposals. State governments, SACS, NGOs and affected community members on the CCM could play a greater role in engaging the civil society through consultative processes at the regional level.
4. **Encourage a major shift in the information outreach mechanism** through consultation, brainstorming and discussion to facilitate engagement by smaller organizations in the development of Global Fund information.

5. **More clearly define the selection process of civil society organizations** for the CCM in order to ensure a wider and more balanced representation of regions, gender groups and conditions. The CCM members representing civil society should be elected/selected by their own constituencies through a well-documented, transparent process.
6. **Carry out efforts to reflect gender sensitivity within the CCM** through the representation of women with gender expertise, as well as greater attention to gender-related issues when developing and implementing proposals.
7. **Enhance the role of civil society as principal recipients of Global Fund support** through creation of consortiums of like-minded groups.
8. **Enhance the participation of community-based organizations and NGOs** through training in various aspects of Global Fund and CCM processes.

CASE STUDY: *Kenya*

SUMMARY

This case study was carried out under the supervision of the Kenya AIDS NGO Consortium (KANCO) from April to August 2005. Interviews were conducted with representatives of the Joint Interagency Coordinating Committee (JIACC) (an entity equivalent to the CCM), civil society organizations, women's organizations and other key informants. Literature relating to Global Fund activities in Kenya, global guidelines and other relevant materials also was reviewed, including the previous case study on the Kenya CCM commissioned by the Global Fund in 2003. Chaired by the Permanent Secretary at the Ministry of Health, the CCM is comprised of government officials from the National AIDS Control Council, the Ministries of Health, Education, Home Affairs (the Children's Department), Planning and Finance; representatives of the donor community, local and international NGOs, the private sector, faith-based organizations and community-based organizations; and people living with HIV/AIDS.

JIACC members were selected by the government and the National Council for NGOs. Civil society networks that participate in the JIACC or its sectoral committees include the Kenya AIDS NGOs Consortium (KANCO), Kenya Consortium to Fight AIDS, TB and malaria (KECOFATUMA), the Kenya inter-religious AIDS consortium (KIRAC), the Kenya Network of Women with HIV/AIDS (KENWA), the Business Council, the Kenya Network of Religious Leaders Living with AIDS (KENERELA), National Women Muslim Council of Kenya (NURU), the Kenya Network of Positive Teachers (KENEPOTE), and the Network of People Living with HIV/AIDS (NEPHAK).

FINDINGS

- **Participation of civil society in the CCM.** The civil society organizations and members of the affected communities felt that they didn't play a role in the creation of the CCM and were not consulted when their representatives were selected. Government representatives gave the civil society an opportunity to choose its representatives in 2002, but the civil society organizations were not able to do so due to political polarization, divisions, rivalries and personal and institutional differences and agendas. Instead, the NGO Council (the umbrella organization responsible for all

NGOs in Kenya) nominated representatives to the CCM until a time when the civil society organizations could hold their own elections or regularize their representation processes. The affected-community associations and other civil society groups who are not part of the CCM still felt excluded and pointed to a lack of mechanisms and resources to enable them to communicate with their constituents. A lack of resources also hampered the organization of national-level meetings to discuss how various civil society organizations could apply for Global Fund resources.

In the CCM, civil society representatives felt that they were not treated as equal collaborators, with full rights to participation, expression and involvement in decision making. They therefore had minimal influence on CCM decisions and other outcomes. For example, they did not participate fully in the review of Global Fund proposals, nor did they know the criteria for funding or rejecting proposals. The participation of civil society and affected communities does not seem to have evolved much during the life of the CCM, even after its restructuring in November 2004.

Several factors hindered civil society participation in the CCM. These included civil society's fear that participation could jeopardize relationships with donors; inadequate preparation for meetings due to the short notice given; and a strong belief that the government did not take the role of civil society in the JICC seriously. In addition, civil society representatives shared the notion that their role was simply to rubber stamp government and donor interests in the CCM. On the other hand, most of the civil society representatives did not have the technical expertise to contribute effectively to CCM meetings. Other factors that hindered the full participation of civil society in the CCM included divisions and infighting among the civil society organizations and poor communication between the CCM and the civil society groups.

- **Proposal Development Process.** Civil society organizations failed to participate meaningfully in the development of Global Fund proposals because of inadequate civil society involvement in setting priorities, complex guidelines, short notices for submission of proposals and inadequate information on the criteria for selection of funding proposals (such as budget ceilings and technical capacity), which are necessary to develop quality proposals.
- **Civil Society Advocacy Efforts.** In contrast, activists played a very significant role in influencing CCM decision making in proposal development. In Round II, for example, they lobbied the government to follow the Global Fund to Fight AIDS, Tuberculosis, and Malaria procedures and guidelines on civil society involvement in the proposal development process. In Round V, civil society representatives presented several recommendations, which the government ignored. Nonetheless, the initiative was a major step toward ensuring that the voice of civil society is heard in the JICC. By pulling together advocacy efforts, the civil society organizations made a difference in the proposal process—a strategy that should be a model for the future.
- **Gender Concerns.** The CCM did not adequately address gender issues in its proposals to the Global Fund. For example, there were no guidelines regarding gender concerns in the proposals developed for the Global Fund or in the subsequent implementation of programs and projects.

There was inadequate capacity to identify and incorporate gender concerns in the CCM. However, the government had provided an enabling environment and mechanisms that, if implemented, would facilitate effective participation of the civil society and affected communities in decision making and in the incorporation of gender concerns into CCM policies. Indicators of the government's commitment to gender equity include the development of a National Gender Policy, the focus of which is equity, empowerment and the mainstreaming of gender concerns into all spheres of development. Further indications of the government's intention to integrate gender issues into its plans and policies include the creation of a full-fledged Department of Gender within the Ministry of Gender, Youth and Sports that has direct government budget allocation; the establishment of a Gender Commission for Development; and the mainstreaming of gender into the Kenya National HIV/AIDS Strategic Plan of 2005-2010.

RECOMMENDATIONS

The following are key recommendations based on the 2005 case study.

1. **Select civil society representatives** who can articulate Global Fund issues and have the necessary technical skills to carry out specific responsibilities.
2. **Set up a Technical Working Group** within the JICC that includes gender experts who can address Global Fund matters.
3. **Engage civil society stakeholders** fully in proposal development.
4. **Hold annual community consultative meetings** organized by civil society.
5. **Support consultative meetings** for civil society representatives in the JICC.
6. **Encourage civil society mentoring** in capacity-building processes.
7. **Improve the flow of information** through the timely distribution of documents, keeping all stakeholders and the public informed and consultation and feedback by representatives with their constituencies.
8. **Establish clear requirements** or criteria for the inclusion of gender perspectives in plans and policies.
9. **Build capacity in gender** sensitization, analysis and mainstreaming.
10. **Take steps to facilitate the documentation of best practices** by national civil society groups.
11. **Urge the government to embrace its policymaking and facilitation role** and to monitor the implementation by civil society organizations of relevant programs.
12. **Encourage the International Center for Research on Women** to support more research activities in Kenya that would help identify barriers to women's participation in development processes.

Annex Two

CASE STUDY: *Civil Society Involvement in Global Fund Governance*

Civil society has three representatives on the Global Fund board: one from a developing country nongovernmental organization (NGO), one from a developed country NGO and one from the affected communities. Initially, only the two NGO board members had voting rights. Civil society was concerned that the representative of the affected communities did not have a vote. It also was concerned that the guidelines for the country coordinating mechanisms (CCMs) were deliberately vague; the bilateral and multilateral donors did not want to dictate to recipient governments to organize and run the CCMs.

By the third year, however, the Global Fund board had agreed to give voting status to the affected-community representative and to strengthen CCM guidelines.

This global case study recounts and analyzes the processes undertaken—including strategies and tactics used by civil society delegations, other board members and key actors—to achieve these two important changes. The intention of this case study is to provide insight and understanding into how civil society representatives have participated in the work of the Global Fund board.

The International Center for Research on Women (ICRW) interviewed 15 current and past members of the Global Fund board, active participants in or observers of the Global Fund and one Global Fund staff member. In addition, researchers reviewed reports of all Global Fund board meetings and meetings of the Governance and Participation Committee. What follows is an outline of advocacy strategies used to bring about the vote change, a summary of lessons learned and list of recommendations for moving forward.

ADVOCACY STRATEGIES USED BY CIVIL SOCIETY DELEGATES TO THE GLOBAL FUND BOARD

1. **“Seizing the space.”** The community representative made important strategic use of the democratic space available to her at the Global Fund board meetings by, in the absence of voting rights, “voting” in a *de facto* manner.
2. **Research and data collection on priority concerns.** The data that civil society organizations collected demonstrated that CCMs were not involving civil society in

an effective manner, a finding that influenced the Secretariat to commission its own studies of the CCMs.

- 3. Forming alliances with other board delegations and with key staff of the Secretariat.** Civil society board representatives created important alliances with the foundation, private sector and bilateral delegations that supported issues of importance to civil society delegations.
- 4. Communication and strategy development between board meetings and among the civil society delegations.** Once civil society delegations understood the strategic orientation necessary to achieve victories at the board, they began to hold conference calls and communicate by e-mail between board meetings, develop issue papers on priority issues to educate and update delegates, and hold pre-board meetings to develop common positions on priority topics and decide lobbying tactics.
- 5. Information exchange with and education and lobbying of key board members.** In the third year of the Global Fund, civil society delegations learned that engaging with other board members in these ways—especially with recipient country delegations, which were most resistant to strengthening CCM guidelines—was essential to achieving victory.
- 6. An iterative or trial-and-error strategy that includes formal and informal conversations, negotiations and compromise.** After the first two “no” votes on the CCM guidelines, civil society delegations realized the need for a step-by-step strategy which involved civil society delegates holding conversations and negotiations with key board members, committee chairs and Secretariat staff on ways to advance their priority issues. Important in this process was a willingness by civil society delegations to compromise on some issues to achieve more important goals.
- 7. “Insider tactics.”** Once inside the Global Fund structure, civil society learned in a short period to use discussion, negotiation, lobbying and compromise instead of more confrontational means when advocating from the outside.
- 8. The use of a dramatic moment when necessary.** The representative of the affected communities who was vice chair of the Governance and Partnership Committee (GPC) publicly stated at a board meeting that he was resigning in protest against the inattention paid to the affected-community representative’s lack of a vote and the need for stronger CCM guidelines.
- 9. Highlighting the issue of strengthened CCM guidelines in the Partnership Forum and other public meetings in order to influence the Global Fund board.** After the board twice rejected CCM requirements, the fact that they were a topic of major concern in the Partners GF online discussion and in the Partnership Forum, itself, helped to bring the issue back to the GPC and the Board for another vote, this time a successful one.
- 10. Paying greatest attention to the most important issues.** Civil society must be careful not to be overly ambitious but rather focus on promoting a crucial concern. Gaining the third vote and strengthening CCM guidelines were two important issues. If civil society organizations had put their energy into other issues as well, they might not have succeeded. As one interviewee said, “It is crucial to identify core issues and push them. If we want too much, we will lose all.”

LESSONS LEARNED

- It is extremely important to have articulate, visible champions who speak on key civil society issues.
- Civil society representatives must actively participate from the beginning to show that—regardless of their voting status—they add value to board deliberations and have important perspectives and insights.
- The process of building relationships with other board members facilitated greater levels of advocacy for securing the third vote and strengthening CCM guidelines.
- There need to be champions for any important civil society issue that falls outside the purview of civil society delegations.
- Personal and professional relationships with the board leadership and key board delegates are important to gain access to and influence on the board.
- It is important for civil society representatives to learn how to be persuasive through education, influence and negotiation.
- Civil society representatives need to know how to “reframe” issues as needed and as circumstances change.
- On issues of greatest importance to all three civil society delegations, complete alignment of the three delegations and promotion of a common position will yield the most successful results.
- Depending on the goal being pursued, each of the civil society delegations may want to align itself with different board members at different times.
- For important issues, civil society needs to take a step-by-step, iterative approach regarding an advocacy strategy and be prepared for a long-term effort.
- The willingness of certain civil society to commit resources to conduct research on CCMs is essential to collecting field data that substantiates their claims.
- Insofar as it is relevant and applicable, information on civil society effectiveness in achieving victories with the Global Fund board and the skills necessary to do so should be passed on to civil society representatives to CCMs around the world.

RECOMMENDATIONS

- 1. Provide all new civil society board members with an orientation** by the Secretariat focusing on how U.N. systems operate. Civil society board members should provide advocacy training to new delegates. Prior advocacy training and experience should be required of anyone wishing to be considered as a civil society representative to the Global Fund board.
- 2. Implement a more systematic civil society fundraising effort** with foundations.
- 3. Have civil society organizations create a global network** of national-level policy experts, especially from funding recipient countries, to participate directly in or advise members of civil society delegations.

- 4. Have civil society delegations focus on coalition building**, in particular through development of a Web site and listserv, to provide information and access to technical assistance.
- 5. Make the membership of civil society board delegations more consistent** (i.e., as semi-permanent delegations with a rotation of members) to ensure the more coordinated and effective participation of all delegations.
- 6. Ensure that there are at least two communication point people** for each civil society delegation.
- 7. Encourage civil society delegations to be more strategic** at board meetings in identifying and prioritizing the most important issues on which to focus.
- 8. Develop a civil society warning system** for civil society delegations from each country in order to funnel important information on CCM performance or implementation issues to portfolio managers.

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