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Instrument of the adhesion of the International Labour Organization to the Memorandum of Understanding on a Joint and Cosponsored United Nations Programme on HIV/AIDS

In accordance with the decision of the Governing Body at its 281st Session (June 2001), the Director-General of the International Labour Office signed the following Memorandum of Understanding on 25 October 2001:

In accordance with article XII, section 12.2 of the Memorandum of Understanding on a Joint and Cosponsored United Nations Programme on HIV/AIDS, signed by the Executive Heads of the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund, the United Nations Drug Control Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank, the signature below shall be appended to the aforementioned Memorandum of Understanding.

Geneva, 25 October 2001

(Signed) Juan Somavia



ELEVENTH ITEM ON THE AGENDA

Reports of the Officers of the Governing Body

ILO Co-sponsorship of UNAIDS

1. The Joint United Nations Programme on HIV/AIDS (UNAIDS) came into being on 1 January 1996 with six co-sponsors: UNDP, UNESCO, UNFPA, UNICEF, WHO and the World Bank; UNDCP joined in March 1999. Co-sponsorship of UNAIDS is open to all United Nations agencies and involves accepting an existing Memorandum of Understanding (text in Appendix 1). This implies a commitment to working together or mobilizing the global response to the epidemic and providing means of coordinated action.
2. The ILO signed a “Cooperation Framework Agreement” with UNAIDS in June 2000 (text in Appendix 2), whereby the two agencies agreed to strengthen cooperation between their programmes both at international and at country level. Such an agreement is regarded as a de facto starting point in the process towards sponsorship. ILO is already a member of the Inter-agency Advisory Group on HIV/AIDS (IAAG) and will chair this group in 2002.
3. The Executive Director of UNAIDS has warmly welcomed the draft ILO code of practice on HIV/AIDS and the World of Work¹ and strongly recommends its adoption as the basis of in-house policy on HIV/AIDS throughout the UN system.
4. As a co-sponsor, the ILO would participate in the preparation of the unified biennial budget and workplan of UNAIDS on HIV/AIDS programmes and activities at the global, regional and country levels. This does not involve an assessed financial contribution by the UNAIDS operational budget, for which resources are mobilized mainly from a variety of donor contributions. ILO, as a co-sponsor, would stand to benefit from allocations made to it from the unified budget to fund ILO-implemented activities at regional and country levels. While there is no direct financial participation by co-sponsors in the running of UNAIDS, some indirect costs are incurred for mandatory attendance at meetings of the Committee of Co-sponsoring Organizations (CCO) and the Programme Coordinating Board (PCB).

¹ GB.281/5.

5. Activities carried out by the ILO within the framework of its own programme, the ILO Programme on HIV/AIDS, and the World of Work (ILO/AIDS) and resources would continue to be under complete control of the ILO. Co-sponsorship would require that activities carried out by ILO/AIDS be consistent with UNAIDS objectives and principles. There is a commitment by co-sponsors to incorporate policies, strategies, and technical guidelines developed by UNAIDS into the policy and strategy of their own HIV/AIDS programmes, as appropriate. Duplication is avoided through participation in UNAIDS coordinating mechanisms and in particular the CCO. Co-sponsors are expected to participate actively in the UN theme groups on HIV/AIDS in the field, as is already the case with the ILO in about a dozen duty stations in Africa, the Caribbean, Latin America, Asia and Eastern Europe.
6. UNAIDS came into being in response to recognition by the international community of the worsening developmental impact of HIV/AIDS to the necessity for multisectoral response both nationally and internationally and to the urgent need to coordinate the disparate HIV/AIDS programmes with the UN system.
7. ***The Officers of the Governing Body may wish to recommend to the Governing Body that it authorize the Director-General to sign the memorandum of Understanding with UNAIDS in order for the ILO to become a UNAIDS co-sponsor.***

Geneva, 18 June 2001.

Point for decision: Paragraph 7.

Appendix 1

Memorandum of Understanding on a Joint and Co-sponsored United Nations Programme on HIV/AIDS

WHEREAS, the worldwide epidemic of acquired immunodeficiency syndrome (AIDS) – a syndrome caused by the human immunodeficiency virus (HIV) is one of the major tragedies of our time which poses a threat of great magnitude to mankind, and requires a multidimensional response at global and country level;

WHEREAS the United Nations Children’s Emergency Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Fund for Population Activities (UNFPA), acting within their respective mandates from the General Assembly and the Economic And Social Council (ECOSOC) of the United Nations; the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), and the International Bank of Reconstruction and Development (“the Bank”), wish to undertake a joint and co-sponsored United Nations programme on HIV/AIDS (“the Joint Programme”) to replace all prior arrangements, bilateral or otherwise, between them concerning HIV infection and AIDS (HIV/AIDS).

WHEREAS the governing bodies of each of the organizations and ECOSOC, through its resolutions 1994/24 and E/1995/L.24/Rev.1,¹ have endorsed the establishment of the Joint Programme;

NOW THEREFORE, UNICEF, UNDP, UNFPA, UNESCO, WHO and the Bank, collectively referred to as the “co-sponsoring organizations”, have agreed on the structure and operation of the Joint Programme as set forth below:

I. Establishment of the joint United Nations programme on HIV/AIDS (UNAIDS)

- 1.1. There is hereby established a joint and co-sponsored United Nations programme on HIV/AIDS, to be known as the Joint United Nations Programme on HIV/AIDS (UNAIDS), to further mobilize the global response to the epidemic and provide means of coordinated action.
- 1.2. UNAIDS is part of a much broader United Nations system response to HIV/AIDS which also includes:
 - the co-sponsoring organizations’ mainstreaming/integration activities;
 - the resident coordinator² system with its UN theme groups on HIV/AIDS, or any alternate arrangements, established at country level;
 - the co-sponsoring organizations’ respective activities at country level in support to national programmes;
 - the co-sponsoring organizations’ respective intercountry/regional activities, within the context of the global workplan of UNAIDS;

¹ Pending allocation of the final resolution number.

² Abbreviation for “the resident coordinator of the United Nations system’s operational activities for development”.

- the HIV/AIDS activities undertaken by other United Nations system organizations in such areas as humanitarian aid, assistance to refugees, peace-keeping and human rights; and
- activities undertaken by other United Nations system organizations in cooperation with bilateral aid agencies.

II. Objectives

The objectives of the UNAIDS are to:

- (a) provide global leadership in response to the epidemic;
- (b) achieve and promote global consensus on policy and programmatic approaches;
- (c) strengthen the capacity of the United Nations system to monitor trends and ensure that appropriate as well as effective policies and strategies are implemented at country level;
- (d) strengthen the capacity of national governments to develop comprehensive national strategies and implement effective HIV/AIDS activities at country level;
- (e) promote broad-based political and social mobilization to prevent and respond to HIV/AIDS within countries, ensuring that national responses involve a wide range of sectors and institutions, including non-governmental organizations; and
- (f) advocate greater political commitment in responding to the epidemic at global and country levels, including the mobilization and allocation of adequate resources for HIV/AIDS-related activities.

III. Co-sponsorship

- 3.1. The co-sponsoring organizations are committed to working together and contributing to UNAIDS. UNAIDS will draw upon the experience and strengths of the co-sponsoring organizations to develop its HIV/AIDS-related policies, strategies and technical guidelines, which will be incorporated by each of them into their policy and strategy mainstream, subject to their governance processes and reflected in the activities specific to their own mandates.
- 3.2. The activities of the co-sponsoring organizations relating primarily to HIV/AIDS at global level shall be within the context of the global workplan of UNAIDS, developed in collaboration with the co-sponsoring organizations. HIV/AIDS activities of the co-sponsoring organizations at country level shall function within the framework of national plans and priorities and the resident coordinator system, where it exists.

IV. Structure and organization of UNAIDS

- 4.1. At global level, UNAIDS consists of the Programme Coordinating Board (PCB), the Committee of Co-sponsoring Organizations (CCO) and the Secretariat.
- 4.2. At country level, UNAIDS will operate through a “UN theme group on HIV/AIDS” and will have Secretariat staff in selected countries.

V. Programme Coordinating Board

The Programme Coordinating Board (PCB) shall act as the governing body on all programmatic issues concerning policy, strategy, finance, monitoring and evaluation of UNAIDS. Its composition and functions shall be determined by ECOSOC as well as the appropriate governing bodies of the co-sponsoring organizations.

VI. Committee of co-sponsoring organizations

- 6.1. The Committee of Co-sponsoring Organizations (CCO) shall serve as the forum for the co-sponsoring organizations to meet on a regular basis to consider matters concerning UNAIDS and shall provide the input of the co-sponsoring organizations into the policies and strategies of UNAIDS.
- 6.2. The CCO shall be comprised of the executive head, or his/her designated representative, of each of the co-sponsoring organizations. Members of the CCO may be accompanied by a limited number of advisers.
- 6.3. The CCO shall have the following functions:
 - (i) to review workplans and the proposed programme budget for each coming financial period, prepared by the Executive Director and reviewed by any appropriate committee established for the purpose, in time for presentation to the PCB;
 - (ii) to review proposals to the PCB for the financing of UNAIDS for the coming financial period;
 - (iii) to review technical reports, as well as financial statements of UNAIDS and audited financial reports, submitted by the Executive Director, and to transmit these with comments as appropriate to the PCB;
 - (iv) to make recommendations to the PCB on matters relating to UNAIDS;
 - (v) to review the activities of each co-sponsoring organization for consistency and coordination with, as well as appropriate support to, the activities and strategies of UNAIDS;
 - (vi) to report to the PCB on the efforts of the co-sponsoring organizations to bring UNAIDS' policy as well as strategic and technical guidance into the policies and strategies of their respective organizations and to reflect them in activities specific to their mandates; and
 - (vii) to decide, on behalf of the PCB, on issues referred to it for this purpose by the PCB.
- 6.4. The CCO may establish such advisory committees as it deems necessary for the accomplishment of its work.

VII. UNAIDS Secretariat

- 7.1. An Executive Director shall head the UNAIDS Secretariat. The Executive Director shall be appointed by the Secretary-General of the United Nations, upon the consensus recommendation of the co-sponsoring organizations. The appointment shall be implemented by the agency providing administration of UNAIDS. The Executive Director shall be responsible for the overall management of UNAIDS. The Executive Director may establish such policy and technical advisory committees as may be required.
- 7.2. The Executive Director shall prepare a biennial workplan and budget for UNAIDS, which shall be submitted to the PCB for approval, following review by the CCO.
- 7.3. The Executive Director shall report to the PCB, after consultation with the CCO, on all major programme, budget and operational issues of UNAIDS.
- 7.4. The Executive Director shall be the Secretary of the PCB and of the CCO.

VIII. Global level

At global level, UNAIDS will provide support in policy formulation, strategic planning, technical guidance, research and development, advocacy and external relations. Working closely with the appropriate organizations, UNAIDS will also support normative activities relating to HIV/AIDS in areas such as social and economic planning, population, culture, education, health, community development and social mobilization, sexual and reproductive health, and women and adolescents.

IX. Country level

- 9.1. It is recognized that national governments have the ultimate responsibility for the coordination of HIV/AIDS issues at country level. To this end, the arrangements of UNAIDS for coordinating HIV/AIDS activities will complement and support government efforts for national development planning. The co-sponsoring organizations shall incorporate the normative work undertaken by UNAIDS at global level on policy, strategy and technical matters into their HIV/AIDS activities and related activities undertaken at country level, consistent with national plans and priorities of the countries concerned. An important function of UNAIDS will be to strengthen national capacities to plan, coordinate, implement and monitor the overall response to HIV/AIDS. The participation in UNAIDS of six organizations of the United Nations system will ensure the provision of technical and financial assistance to national activities in a coordinated multisectoral manner. This will strengthen intersectoral coordination of HIV/AIDS activities and will facilitate further incorporation of these activities in national programme and planning processes.
- 9.2. Within the framework of General Assembly resolutions 44/211 and 47/199, the resident coordinator shall establish a UN theme group on HIV/AIDS in countries for carrying out HIV/AIDS and related activities and designate a chairperson from among the members of the theme group, bearing in mind the desirability of making a selection reflecting the consensus views of the co-sponsoring organizations present in the country concerned. In countries where the resident coordinator system does not exist or where only one of the co-sponsoring organizations is present, alternate arrangements shall be made, in agreement with the national authorities, to facilitate the support to the national response to HIV/AIDS.
- 9.3. UNAIDS will facilitate coordination among the co-sponsoring organizations at country level and may decide to station staff of the Secretariat in selected countries to support the chairperson of the UN theme group on HIV/AIDS.

X. Flow of UNAIDS funds

- 10.1. Funds for UNAIDS activities at global level will be obtained through appropriate common global means, including a global appeal.
- 10.2. Funding for country-level HIV/AIDS-related activities will be obtained primarily through existing fund-raising mechanisms of the co-sponsoring organizations.

XI. Administration of UNAIDS

- 11.1. WHO shall provide administration of UNAIDS. It shall establish a separate trust fund (entitled "UNAIDS Trust Fund"), under its financial regulations and rules, for the receipt and disbursement of financial contributions to UNAIDS.
- 11.2. Financial contributions to the UNAIDS Trust Fund may consist of voluntary cash contributions received from co-sponsoring organizations, from governments of member States of any of the co-sponsoring organizations, from intergovernmental and non-governmental organizations, as well as from commercial enterprises and individuals. In addition, WHO may also receive, in trust for UNAIDS, contributions in kind, e.g. staff, equipment, facilities or services. The resources of UNAIDS shall consist of the aforesaid cash and in-kind contributions

- 11.3. All expenditure under UNAIDS shall be authorized by the Executive Director against funds received or committed, in accordance with the WHO's financial regulations and rules.
- 11.4. The Executive Director shall be responsible for the selection, supervision, promotion and termination of all secretariat staff, acting within the staff regulations and rules of WHO which will be adjusted, as necessary, to take into account special needs of UNAIDS. The appointment, promotion and termination of the Secretariat staff shall be implemented by WHO.
- 11.5. All Secretariat staff shall be recruited for service with UNAIDS only. WHO shall be responsible for administrative matters of their employment.
- 11.6. Subject to the possible need to make special arrangements to take into account the particular operational needs of UNAIDS, the operation of UNAIDS shall be carried out in accordance with the administrative and financial regulations, rules and procedures of WHO. WHO shall, in agreement with the executive director, elaborate such further details of the administration of UNAIDS as are necessary for its proper functioning.
- 11.7. WHO shall be entitled to apply a charge covering its costs in providing administration of UNAIDS.

XII. Final provisions

- 12.1. This Memorandum of Understanding shall enter into force upon signature of the executive heads of all six co-sponsoring organizations listed in the preamble to this Memorandum of Understanding.
- 12.2. After the first anniversary of the entry into force of this Memorandum of Understanding and with the unanimous agreement of the existing co-sponsoring organizations, other United Nations system organizations may become co-sponsoring organizations by signature of the Memorandum of Understanding.

Memorandum of Understanding on a Joint and Co-sponsored United Nations Programme on HIV/AIDS

In accordance with Article XII, section 12.2, of the Memorandum of Understanding on a Joint and Co-sponsored United Nations programme on HIV/AIDS, signed by the executive heads of the United Nations Children's Emergency Fund; the United Nations Development Programme; the United Nations Fund for Population Activities; the United Nations Educational, Scientific and Cultural Organization; the World Health Organization; and the World Bank, the signature below shall be appended to the aforementioned Memorandum of Understanding.

Done at Vienna on 12 March 1999.

(Signed)

Pino Arlacchi,
Executive Director,
United Nations Drug Control Programme.

Appendix 2

Cooperation framework between the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the International Labour Organization (ILO)

Whereas the primary goal of the ILO is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity;

Whereas UNAIDS¹ has been given the primary task of mobilizing a broad-based response to the global health and development challenges posed by HIV/AIDS, in view of the fact that the HIV epidemic has reached every country in the world, and more than 95 per cent of all HIV-infected people live in developing countries;

Whereas UNAIDS and the ILO recognize that it is in their mutual interest to intensify cooperation between themselves and to establish appropriate working procedures to that effect;

Now, therefore, UNAIDS and the ILO have agreed as follows:

1. The purpose of this cooperation framework is to strengthen cooperation between UNAIDS and the ILO. This cooperation framework recognizes the expertise of each institution and seeks to establish operational and practical modalities of cooperation in order to alleviate the impact of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) on the world of work and to reduce workers' vulnerability to HIV/AIDS.
2. UNAIDS and the ILO recognize the need to benefit from their respective comparative advantages within the parameters of this cooperation framework. In this regard, the two institutions are committed to mobilizing and carrying out a broad-based response to the problem of HIV/AIDS in the world of work.
3. In the interest of promoting smooth and productive collaboration between UNAIDS and the ILO, the following principles will govern their relationship in order to define specific mechanisms that will facilitate collaboration and cooperation:
 - (a) UNAIDS and the ILO constitute centres of expertise for the United Nations system in their respective fields of endeavour; the two organizations will collaborate, both at the headquarters and at the country levels;
 - (b) at the country level, UNAIDS works through UN theme groups on HIV/AIDS, country programme advisers, and intercountry teams. In its effort to lead the expanded response to the HIV/AIDS epidemic, the UNAIDS Secretariat works in partnership with governments, non-governmental organizations (NGOs) and the business sector as well as its seven co-sponsors (UNICEF, UNDP, UNDCP, UNFPA, UNESCO, WHO and the World Bank), and other regional and international bodies. In its efforts to promote its values and principles, the ILO works in partnership with its constituents (i.e. governments and employers' and workers' organizations), regional and international

¹ The Joint United Nations Programme on HIV/AIDS (UNAIDS) brings together seven organizations of the UN family: United Nations Children's Emergency Fund (UNICEF); United Nations Development Programme (UNDP); United Nations Educational, Scientific and Cultural Organization (UNESCO); United Nations International Drug Control Programme (UNDCP); United Nations Fund for Population Activities (UNFPA); World Health Organization (WHO); and the World Bank.

organizations and NGOs. All these partners constitute vital links for the facilitation and development of an effective cooperation framework.

4. UNAIDS and the ILO will formally inform their respective country-based staff of this cooperation framework and will provide appropriate additional guidance for cooperation at the field level. Both UNAIDS and the ILO are fully committed to collaborating and working with the UN country teams, which offer opportunities to conduct, in a systematic manner, exchange of expertise and to develop joint initiatives and strategic planning where possible.
5. UNAIDS and the ILO will undertake a series of joint activities focused on:
 - (a) awareness-raising of the incidence and impact of the HIV/AIDS epidemic on the world of work through, among other things, information, education and communication campaigns to be implemented in partnership with ILO constituents;
 - (b) the integration of AIDS-related interventions appropriate in the world of work at ILO headquarters and field levels;
 - (c) the identification and promotion of experiences at the national and enterprise levels, including best practices, addressing the issue of HIV/AIDS in the world of work. These will be disseminated through discussion forums, integrated prevention programmes targeted at workers and their families, particularly youth and women, or in the form of technical materials and case studies;
 - (d) the identification of technical resource networks at the regional and country levels and increase in the level of technical expertise on HIV/AIDS-related issues;
 - (e) the provision of appropriate technical assistance, as and when requested, to national AIDS programmes and other governmental and non-governmental mechanisms in the area of impact alleviation and reduction of vulnerability to HIV/AIDS and in regard to other HIV/AIDS-related issues;
 - (f) the investigation of specific factors and issues in the world of work as they relate to HIV/AIDS that must be addressed for more effective responses;
 - (g) the mobilization of partnerships with relevant sectors of the national and international community for their involvement and support, both technical and financial, towards HIV/AIDS initiatives in the world of work.
6. UNAIDS and the ILO will establish the practice of regular attendance at the meetings of each other's governing bodies, inter-agency coordination meetings and working-level technical meetings of mutual concern.
7. In order to permit a regular review of the implementation of this cooperation framework and to encourage a regular consultation process, an annual meeting of the two organizations will be convened, alternating between the Secretariat of UNAIDS and the headquarters of the ILO.
8. Any financial commitment on the part of either the UNAIDS Secretariat or the ILO to each other's activities will be subject to a specific separate agreement.

9. This cooperation framework will take effect on the date of signature indicated below. It may be modified at the request of any of the parties by mutual agreement and shall continue to be in force so long as the two parties agree.

(Signed)

(Signed)

For the Joint United Nations Programme on
HIV/AIDS (UNAIDS).

For the International Labour Organization (ILO)
(ILO).

Date: 8 June 2000.

Date: 8 June 2000.