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CCM REQUIREMENTS: HOW MUCH FLEXIBILITY IS APPROPRIATE?

Some of the decisions of the Global Fund's Screening Review Panel (see previous article) are scandalous – or at least, they would be if it wasn't so obvious that its members are trying to do what is “best” in a complex world.

In July 2008, I wrote a commentary in GFO in which I said that in Round 7, three years after the “CCM minimum requirements” were adopted by the Board, the Global Fund Secretariat continued to exercise a considerable amount of discretion in applying these requirements to the screening process for proposals.

Since then, nothing much has changed. In Round 8, virtually all of the applications from CCMs, Sub-CCMs and RCMs were “screened in” (i.e., were deemed eligible for consideration by the TRP). Yet, as happened with Round 7, it is also clear that this was done even though many CCMs were still not meeting the minimum requirements. Further, in Round 8, for the first time, the Screening Review Panel (SRP) was unable to reach a consensus in a small number of cases.

Consider two examples of decisions made by the SRP with respect to the requirement that the representatives of non-government sectors on the CCM must be selected through a documented and transparent process run by the sectors themselves.

First, for CCM Algeria, the report tells us that:

- The CCM did not provide required documentation regarding the selection processes.
- The CCM had been reconstituted by the Minister of Health in 2006 as a result of corruption allegations regarding the previous CCM.

- The Minister appointed all 48 CCM members directly, including civil society representatives, and “ensured that all interested NGO stakeholders were represented.”

According to the report, the SRP nevertheless decided that CCM Algeria was “fully compliant.” It did so based on the following: (a) regional teams in the Global Fund Secretariat said that while Algeria had previously received funding (in Round 3) from the Global Fund, the CCM was still “new” to the Global Fund’s requirements; and (b) the list of CCM members attached to the proposal included a number of the NGOs that are most active in the fight against the diseases.

How can it be said that CCM Algeria was compliant? There was no “open and transparent” sector-led selection process of CCM members, as is required. It’s not enough for someone to determine that people appointed by the Minister to the CCM include “all interested NGO stakeholders.”

Second, for CCM Bangladesh, the report tells us that four of the six new civil society representatives who had joined the CCM since it was last determined eligible in Round 7 were personally picked by the CCM. There was no selection process run by the sector. According to the report, the SRP determined that CCM Bangladesh was fully compliant because (a) the majority of its non-governmental representatives were on the CCM at time of the Round 7 screening when the CCM was determined to be fully compliant with this requirement; and (b) to be compliant with this requirement, it is sufficient if 50 percent or more of the sector’s representatives were transparently selected by the sector.

This is exercising discretion to the point of bending over backwards. In Round 7, the SRP came up with the 50 percent rule, even though there is nothing in the requirement itself that states that the CCM needs to be only 50 percent compliant. For Round 8, the Global Fund said that CCMs that had met certain requirements in Round 7 would not have to meet them again in Round 8, which is fair. But the Global Fund also said that any new non-governmental representatives added since the Round 7 submission had to be selected in an open and transparent process run by the sectors themselves. That did not happen here.

Consider also one example of decisions made by the SRP with respect to the requirement that CCMs put in place and maintain a transparent, documented process to nominate the PR(s) and oversee program implementation.

For CCM Gabon, the report says that the CCM simply nominated the Ministry of Health as PR for its HIV/AIDS proposal because of its track record as PR on other grants. There was no process. There was no evidence that the CCM had evaluated the MOH’s performance “in comparison with other options or likely PR candidates.” The report also says that CCM Gabon’s description of its program oversight plan was lacking.

The rest of what the report has to say about this case reads like a debate:

- “The SRP was faced with the dilemma of whether to declare the CCM as ineligible and thereby reject both proposals (it also applied for malaria) or only accept one based on the adequacy of documentation submitted.”
- “This sparked an appeal from the regional team which noted all the ongoing restructuring efforts within the CCM as well as the importance of the Round 8 HIV/AIDS proposal to ongoing projects in Gabon.”
- “The SRP reminded the regional team of the equal weight for each of the six minimum requirements.”

In the final analysis, the SRP could not reach consensus, so CCM Gabon was declared compliant on the basis of a majority vote.

Clearly, however, the requirement was not met.

Finally, the SRP screens proposals against each of the CCM minimum requirements, one by one, but it does not appear to take into account any “cumulative effect.” Sub-CCM Russian Federation was given the benefit of the doubt for no less than four of the six requirements. If a CCM or Sub-CCM squeaks through on four of six requirements, doesn’t that raise questions about whether that applicant is fully compliant overall? The following applicants were also given the benefit of the doubt for multiple requirements: Sub-CCM Kyrgyzstan (also four requirements); and CCMs from Gabon, Algeria, Sri Lanka and South Africa (three requirements each).

Does the Secretariat believe that the minimum requirements are too stringent, even though CCMs have by now had several years to become compliant? If the answer is Yes, why doesn’t the Secretariat ask the Board to consider softening the requirements, and why doesn’t it inform all CCMs that until the Board makes a decision, it will not enforce the requirements strictly? Whereas, if the answer is No, why does the Secretariat treat some non-compliant CCMs as if they were compliant, and why doesn’t the Board complain about this? If the requirements are considered to be too stringent, they should be changed, not ignored.

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