# TRANSITIONAL COMMITTEE Second meeting

5 July 2011 TC-2/WSII/4 TC-2/WSIII/5

# Workstream II: Govenance and Institutional Arrangements Workstream III: Operational Modalities Revised background note: Direct Access

### I. Introduction

# A. Background

- 1. At the first technical workshop of the Transitional Committee (TC) for the design of the Green Climate Fund (GCF), held in Konigswinter, Germany, from 30 May to 1 June, 2011, TC members requested the co-facilitators of workstream II (governance and institutional arrangements) and workstream III (operational modalities) to collect further background information on direct access. In particular, members requested information on the legal, governance, and operational aspects of direct access modalities within existing global funds.
- 2. The workstream II and III co-facilitators subsequently instructed the Technical Support Unit (TSU) to compile this relevant information in a background note under their guidance.

### B. Structure of the note

- 3. The background note is structured around experiences and funds highlighted by TC members in submissions and discussion at the first technical workshop. It draws on the Adaptation Fund under the Kyoto Protocol, the Global Fund to fight HIV/AIDS, Malaria, and TB, and the Global Alliance for Vaccination and Immunization. It also considers general budget support approaches, which could be considered a form of direct access, as it has some similar characteristics and issues. There are other models of direct access which include the Global Environment Facility's (GEF) direct access modality for enabling activities. This has not been included in this background note. However the TC may wish to consider this at a later stage.
- 4. The note outlines key characteristics of each example. This is intended to support TC members in their discussions on designing a direct access modality within the GCF. In Section III, the background note outlines some key issues encountered in the implementation of direct access based on the experiences of the four examples reviewed.

## II. Overview of models of direct access

	Global Fund	Adaptation Fund	GAVI Alliance	Budget support <sup>1</sup>
Description	The Global Fund to Fight AIDS, Tuberculosis and Malaria was created in 2002 to support large-scale prevention, treatment and care programmes against the three diseases. It has disbursed grant funding of \$12 billion to-date, out of a committed budget of \$20 billion in 146 countries. Funding is secured principally from donor governments, together with private foundations.	The Adaptation Fund was established, in 2001, in Marrakech under the Kyoto Protocol of the UN Framework Convention on Climate Change (UNFCCC). The Adaptation Fund became operational when its key documents were adopted in 2008 in Poznan. The AFB sent out its first call for proposals in 2010. Fund revenues are obtained primarily from a 2 per cent share in the proceeds from the Kyoto Protocol's Clean Development Mechanism (CDM) project activities. The Adaptation Fund has also received a number of voluntary contributions from donor countries.	The Global Alliance for Vaccines and Immunization (GAVI) was launched in 2000. It has disbursed \$2.2 billion to over 70 countries. It receives funding from donor governments, together with co-financing from some recipient countries; as well as two more innovative sources: a specialised bond (the IFFIm bond) raised by borrowing against donor pledges on the capital markets, and advance market commitments, whereby donors commit money to guarantee the price of vaccines once they are developed.  GAVI offers the following types of support which eligible countries can apply for:  Immunisation Services Support (ISS)  New and under-used vaccine support (NVS)  Injection safety support (INS)  Health system strengthening (HSS)	Budget support – both general and sectoral – has been prominent since the late 1990s, as a modality for ODA. ccording to the OECD/DAC, the general characteristics of budget support are that the support is channelled to the partner government using the country's own allocation, procurement and accounting system, and that the support is not linked to specific project activities. The support is transferred to the recipient government's treasury, and is managed in accordance with the partner country's budgetary procedures.

<sup>&</sup>lt;sup>1</sup> Budget Support is not an example of direct access within a Fund, instead it is a separate funding modality.

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Definition of "Direct Access"?	No formally stated definition of direct access.	The modality for direct access is described in the AFB's 'Operational Policies and Guidelines' as follows Eligible Parties who seek financial resources from the Adaptation Fund shall submit proposals directly through their nominated National Implementing Entity (NIE).	No formally stated definition of direct access.	No formally stated definition of direct access.  However Budget support is defined as  • a form of financial aid directly to governments  • spent using national financial management and procurement systems and accounted for by the recipient's accountability systems; and  • normally transferred to the central exchequer account directly
How is direct access operationalised?	Direct access is operationalised through Country Coordination Mechanisms (CCM) and the Principal Recipient (PR)     The CCM is a multistakeholder partnership consisting of government, private sector, NGO, Multilateral / Bilateral partners     Countries submit proposals to the Global Fund through a Country Coordinating	<ul> <li>Direct Access is operationalised through a National Implementing Entity (NIE).</li> <li>The NIE is a national body nominated by a country government, and has to meet the Adaptation Fund Board's accreditation criteria</li> <li>The nominated NIE could be an academic institution, a civil society organisation, or a government department. In some cases the nominated NIE can also be a regional or sub-regional entity</li> <li>The NIE submits proposals for funding to the Adaptation Fund Board</li> </ul>	GAVI offers the following types of support which eligible countries can apply for:     Immunisation Services Support (ISS)     New and under-used vaccine support (NVS)     Injection safety support (INS)     Health system strengthening (HSS)     Countries are required to set up an Interagency cooordination committee (ICC) or a health sector coordination committees (HSCC)	<ul> <li>Government and donor sign an MOU based on a Performance Assessment Framework (PAF)</li> <li>The Performance Assessment Framework consists of a set of policy actions and indicators</li> <li>In some countries the PAF is drawn from the country's poverty reduction and other relevant strategies</li> <li>Funding is transferred directly to the national treasury</li> <li>Funds (under general budget support) are not earmarked for</li> </ul>

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	<ul> <li>Mechanism (CCM)</li> <li>The CCM is a committee and not an implementing agency, it allocates the oversight and responsibility for the grant to the Principal Recipient</li> <li>Principal Recipients are the in-country organizations that meet the Global Fund's fiduciary standards and are chosen by the CCM to receive funding from the Global Fund. (Eg - in Liberia the PR is the Ministry of Health &amp; Social Welfare)</li> <li>The PR receives the grant directly from the GF, and enters into a grant agreement with the Global Fund</li> </ul>	The NIE receives the grant directly from the AF, and enters into a legal agreement with the Board of the AF	<ul> <li>ICCs and HSCC's are composed of government and international donors, NGOs, and chaired by ministry of health official/s</li> <li>Funding applications must be submitted by the Ministry of Health and endorsed by the Ministry of Finance and the relevant national coordinating agency (the ICC or HSCC)</li> <li>Funds are disbursed (in tranches) directly to the Ministry of Health</li> </ul>	specific projects or specific purposes  The government manages the funds and money is spent according to priorities made in the national budget  The government spends GBS using its own allocation, procurement, and accounting systems
Roles & responsibilities of national entities/bodies (vis-à-vis direct access)	<ul> <li>The PR is legally responsible for the funds and for project implementation</li> <li>The role of the CCM includes:         <ul> <li>Decides on program/project activities</li> <li>Proposal development</li> <li>Submission of proposals to the GF</li> </ul> </li> </ul>	The NIEs bear the full responsibility for the overall management of the projects and programmes financed by the Adaptation Fund. This includes all financial, monitoring, and reporting responsibilities	Responsibilities of ICCs include:  Review, endorse, and sign country proposals for immunisation services support (ISS), new vaccine support (NVS),  Participate in preparing, signing, and submitting annual progress reports;  Review and monitor follow-up work to address any issues raised	Government:  • Legally responsible for the funds and manages the funds  • Establish and maintain monitoring and evaluation mechanisms  • Monitor implementation  • Lead an annual review process

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<ul> <li>Provide oversight to grant implementation</li> <li>Approve any reprogramming and subman requests for continued funding</li> <li>The responsibilities of the PR include:         <ul> <li>Receive and manage the funds from the Global Fur</li> <li>Make arrangements for contracting and disbursing funds to sub-recipient/s</li> <li>Report on results</li> <li>Ensure effective monitoring and evaluation</li> </ul> </li> </ul>	d d	by the data quality auditors; • Review the execution of annual work plans  The health sector coordination committee (HSCC) duties include: • Guide the ministry of health in the development of the country's health system strengthening (HSS) proposals; • Collaborate with relevant government departments and other key stakeholders in the development and implementation of HSS and CSO proposal • Review, endorse, and sign HSS and CSO proposals • Participate in preparing the annual progress reports  Responsibilities of the Government/ Ministry of Health include::	
		<ul> <li>Decides what types of support would be appropriate for its country;</li> <li>Receives GAVI funds</li> <li>Calls and convenes the interagency coordinating committee / HSCC meetings</li> <li>Leads the relevant teams in preparing health sector strategic</li> </ul>	

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			plans  • Invites the data quality auditors to inspect its administrative system for routine immunization reporting  • Collects information on relevant health sector indicators  • Compiles annual progress reports for review by the interagency coordinating committee	
Fiduciary standards & accreditation of national entities/bodies	<ul> <li>PRs have to meet fiduciary standards</li> <li>The Global Fund assesses the capacities of potential PRs in the following areas:         <ul> <li>Financial and management systems</li> <li>Institutional and programmatic arrangements</li> <li>Procurement and supply management systems</li> <li>Monitoring and evaluation systems</li> </ul> </li> <li>Fiduciary standards of PRs are checked in-country by an independent and external</li> </ul>	<ul> <li>NIEs have to meet fiduciary standards</li> <li>Fiduciary standards of NIEs are assessed centrally by the Adaptation Fund's independent Accreditation Panel, which comprises two Adaptation Fund Board members and three independent experts</li> <li>The Accreditation Panel assesses the capacities of potential NIEs against the following:         <ul> <li>Financial Integrity and Management</li> <li>Institutional Capacity (includes procurement; M &amp; E capacity)</li> <li>Project/ Program Management Capacity</li> <li>Transparency and Self-</li> </ul> </li> </ul>	<ul> <li>Prior to providing a grant, GAVI's         Transparency and Accountability             Unit assesses a country's financial             management controls and ensures             that any weaknesses are addressed.     </li> <li>Assessments are repeated         periodically to verify whether         financial management controls         continue to operate effectively</li> <li>As of 1 January 2009, financial         management assessment (FMA) is         conducted before an eligible         country can introduce new Health         Systems strengthening or         Immunisation Services Support         programmes</li> <li>The FMAs are carried out by</li> </ul>	• The decision to provide general budget support is based on certain criteria:         ✓ Governance         ✓ Poverty reduction policies         ✓ Public finance management     • The European Commission only provides budget support to countries that meet the following three eligibility conditions:         ✓ A well-defined national or sectoral development or reform policy and strategy is in place         ✓ A stability-oriented macroeconomic framework is in place

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organisation known as the Local Fund Agent (LFA²), which is contracted by the GF  • LFAs assess the capacity of the Principal Recipient to administer grant funds and be responsible for implementation  • An LFA may be an accounting firm (eg PriceWaterhouse Coopers) or other independent organizations	<ul> <li>investigative Powers</li> <li>The assessment is based on evidence/documentation submitted by potential NIEs</li> <li>The Accreditation Panel shall make recommendations to the Board regarding: (i) The accreditation of an implementing entity; (ii) The conditional accreditation of an implementing entity; (iii) The suspension of accreditation of an implementing entity; (iv) The cancellation of accreditation of an implementing entity; and (v) The reaccreditation of an implementing entity.</li> <li>The final accreditation decision is taken by the Adaptation Fund Board, on the basis of the recommendation of the Accreditation Panel</li> </ul>	GAVI's Transparency and Accountability unit  The GAVI Alliance adopted a Transparency & Accountability Policy (TAP) in January 2009. The policy outlines a set of minimum requirements for the financial mamangement of GAVI support	✓ A credible and relevant programme to improve public financial management is in place  • The EC uses the Public Expenditure and Financial Accountability (PEFA) Program to assess the condition of country public expenditure, procurement and financial accountability systems

<sup>&</sup>lt;sup>2</sup> Examples of LFAs include: PriceWaterHouse; KPMG; Grant Thornton, UNOPS. A list of LFAs can be accessed at http://www.theglobalfund.org/documents/lfa/LFA\_Selected\_List\_en.pdf

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Monitoring and oversight	<ul> <li>The CCM is responsible for project oversight at the country level.</li> <li>Oversight of grant implementation at the country-level is the core responsibility of the Country Coordinating Mechanism (CCM)</li> <li>While the CCM has the responsibility to provide oversight, the contractual relationship for the disbursement of funds is between the PR and the Global Fund Secretariat—not the CCM.</li> <li>The LFAs that were contracted to assess the PRs are also contracted to oversee, verify and report on grant performance</li> </ul>	<ul> <li>Monitoring of projects/ programmes at the country level is done by the NIE</li> <li>The Board is responsible for strategic oversight of projects and programmes</li> <li>The Ethics and Finance Committee (EFC), with support of the Secretariat, monitors the Fund portfolio of projects and programmes</li> <li>There is an overarching RBM framework in place</li> </ul>	<ul> <li>Countries are required to submit annual progress reports</li> <li>Countries must complete a data quality audit during the period of support</li> <li>The ICCs have an oversight function at the country level</li> <li>There is an Independent Review Committee that monitors and reviews progress reports</li> <li>A transparency and accountability process is managed by a dedicated team at the Secretariat who carry out financial management assessments and reviews external audit report</li> </ul>	<ul> <li>Usually two joint reviews per year - the annual review; and a mid-year review</li> <li>There is a Performance assessment framework (PAF), agreed between the Government and development partners - the PAF is a monitoring tool</li> <li>Governments are required to provide financial reports along the following lines:         <ul> <li>Budget report, produced by the country's own financial reporting system</li> <li>An annual financial statement of accounts for the previous fiscal year.</li> </ul> </li> </ul>
Auditing requirements	<ul> <li>Audit arrangements for PRs are set out in the grant agreements</li> <li>According to GF policy, the PR is responsible for ensuring that annual financial audits are undertaken. The party</li> </ul>	NIEs have to submit independent external audit reports to the AF Board (as per the grant agreement)	Recipient countries have to submit audit reports, based on the regular government audit requirements     The GAVI Alliance's financial accounts are audited annually. The GAVI Board appoints a firm of independent auditors	Governments are required to provide financial reports along the following lines:     Budget report, produced by the country's own financial reporting system     An annual financial statement of accounts for the previous

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	responsible for enforcing audit arrangements are the Global Fund Secretariat  The Office of the Inspector General's Audit Unit (of the Global Fund) also conducts audit of Global Fund grants to countries			fiscal year
Legal implications / requirements	<ul> <li>The PR must be a legal entity, with the necessary power, authority and legal capacity to: (i) own assets; (ii) conduct Program activities; and (iii) enter into a Grant Agreement with the Global Fund</li> <li>The Global Fund signs a legal grant agreement with the PR</li> <li>The Global Fund is recognised as an "international institution: under Swiss Law.</li> <li>The headquarters agreement confers on the Global Fund privileges and immunities equivalent to those of international organizations.</li> </ul>	<ul> <li>NIEs must have legal status in order to receive financing</li> <li>NIEs enter into a legal agreement with the Adaptation Fund Board</li> <li>In Decision 1/CMP.4, paragraph 11, the CMP decided that the Adaptation Fund Board be conferred such legal capacity as necessary for the execution of its functions with regard to direct access by eligible developing country Parties.</li> <li>The German Government conferred legal status to the AF Board</li> </ul>	<ul> <li>The GAVI Alliance is recognised as an "international institution" under the Swiss Host State Act. The GAVI Alliance benefits from broad privileges and immunities within Switzerland</li> <li>All legal powers required to carry out the purposes of GAVI reside with the GAVI Board, including executing or authorizing the execution of grant agreements</li> </ul>	Government and donor sign an MOU     The relevant Government Ministry must be a national sovereign entity

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### III. Issues for scaling-up direct access

5. The experiences of the Adaptation Fund, the Global Fund, and the GAVI Alliance highlight the following issues that may need to be addressed in designing and implementing the Green Climate Fund's direct access modality:

#### (a) Oversight and accountability

- 6. In all three funds, national entities are directly responsible for oversight, grant monitoring and reporting. In the case of the Global Fund, the Country Coordinating Mechanism (CCM) is responsible for oversight and has to submit to the Board an oversight plan. However, the contractual relationship for the disbursement of funds is between the Principle Recipient and the Global Fund Secretariat (not the CCM). Moreover, a report commissioned by the Global Fund in 2008, notes that some CCMs do not have the "structures, nor human resources, nor tools for adequate grant oversight". The Global Fund is therefore required to conduct an additional assessment of PRs using a local fund agent to certify the financial management and administrative capacity of nominated PRs.
- 7. In response to these oversight challenges, the Global Fund Board has initiated a number of activities. First, they have prioritised the strengthening of CCM oversight to strengthen institutional abilities to effectively oversee activities. This process focusses on tools (e.g. Dashboard for Grant Oversight), training and on-site technical support. Second, CCMs or PRs who believe that a grant could benefit from capacity development are able, in consultation with the Global Fund manager, to access additional resources for such activities alongside standard programming work.

### (b) In-country capacity support

8. The Adaptation Fund Board requires NIEs to meet its fiduciary standards. To date, only a few countries have been successful in submitting NIE applications that meet these standards. The Adaptation Fund Board has held discussions on the challenges that some countries face with the NIE accreditation process.

9. The current situation is that the Adaptation Fund cannot itself provide technical assistance and capacity support to countries wishing to establish NIEs, because the CMP decided the Adaptation Fund should finance only "concrete" adaptation projects and programmes. Should the Adaptation Fund Accreditation Panel require additional information prior to making its recommendation, a field visit may be undertaken if it is approved by the Adaptation Fund Board. The field visit's objective is not to provide assistance to a country but to gather information on the policies and procedures in place that may not be documented by the applicant or whose application may not have been sufficiently proven. To date, three field visits have been undertaken and in one case the applicant was not accredited. In addition, the UNFCCC Secretariat, at the request of the CMP and in cooperation with the AFB and its secretariat, are coordinating arrangements for regional workshops to further potential NIEs' understanding of the accreditation process. The first workshop is scheduled for July 2011. The funding for the workshops will not come from the AF budget. In addition, some UN agencies and other partners have initiated pilot activities to support capacity building for direct access.

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<sup>&</sup>lt;sup>3</sup> http://www.theglobalfund.org/documents/ccm/CCMOnePageBrief\_CCMSecretariatFunding\_2008\_10\_en.pdf.