



RULES OF BUSINESS
COUNTRY COORDINATING MECHANISM NEPAL

REVISED VERSION
JANUARY 2019

PREFACE

This Rules of Business (ROB) aims to guide the Country Coordinating Mechanism- Nepal (CCMN) in carrying out its governance functions. It provides the framework for consistent operations of the CCMN, its Committees and its Secretariat.

Intended users of this ROB are all members/alternates of the CCMN, its Secretariat, and CCM Committees.



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TERMS AND ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
CCM	Country Coordination Mechanism
CCMN	Country Coordination Mechanism Nepal
CBO	Community Based Organization
CoI	Conflict of Interest
CSO	Civil Society Organization
EC	Executive Committee
EDCD	Epidemiology and Disease Control Division
EDP	External Development Partner
GoN	Government of Nepal
HIV	Human Immunodeficiency Virus
KP	Key Affected Population
LFA	Local Funding Agent
NCASC	National Center for AIDS and STDs Control
NGO	Non-Governmental Organization
NTC	National Tuberculosis Center
OC	Oversight Committee
PLWD	People Living With Disease
PR	Principal Recipient
RoB	Rules of Business
SR	Sub Recipient
TB	Tuberculosis
TGF	The Global Fund
ToR	Terms of Reference

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1. BACKGROUND AND MANDATE

Since 2002, Country Coordinating Mechanism of Nepal or CCMN as it is popularly known has been established as a central pillar of The Global Fund to Fight AIDS, Tuberculosis and Malaria (TGF) architecture to ensure country-driven, coordinated and multi-sector processes for leveraging and effecting additional resources to reduce morbidity and mortality from HIV, Tuberculosis and Malaria.

As envisioned, CCMN is an independent entity that is closely guided by the Global Fund policy on structure and functions. As the cornerstone of its philosophy, CCMN brings together multiple stakeholders to collectively identify Nepal's needs, be responsible for developing and submitting grant proposals, nominate the grantee (s) or Principal Recipients (PR) and also oversee implementation of Global Fund-supported projects.

The Global Fund is a financing mechanism with the purpose of attracting; managing and disbursing funds that will increase existing resources in countries and make a sustainable and significant contribution to the reduction of infections, illness and death. The Global Fund aims for an integrated and balanced approach to the three diseases, covering prevention, treatment, care and support. Guidelines from the Global Fund encourage CCMs to hold regular and special meetings and engage all relevant stakeholders, including representatives of civil society, in substantive discussions, ensure that information is disseminated to all interested parties and facilitate in the implementation of projects after proposals are developed and submitted to the Global Fund.

Required by the Global Fund, the CCMN mandated to strengthen and reflect high-level, sustained national involvement and commitment in determining the content of concept note and making allocations of the awarded funds to support the substantial scaling up and increased coverage of proven and effective interventions. Ensuring that Fund resources augment existing spending on HIV/AIDS, Tuberculosis, and Malaria is a critical function of the CCMN. The CCMN follows principles to strengthen systems for working: within the health sector across government ministries, and with communities to build on, complement, and co-ordinate with existing programs in Nepal including the government, public/private partnerships, and civil society initiatives. Resources from the Global Fund are expected to support national policies, priorities and partnerships.

The CCMN focuses on performance by linking Global Fund resources to the achievement of clear, measurable and sustainable results through strengthening partnerships between government, private sectors, donors and NGO. The participation of communities and people, particularly those infected and directly affected by the three diseases, are critical for both the development of concept notes and the implementation of the awarded grant funds.

2. PURPOSE OF THE RULES OF BUSINESS (RoB)

This RoB builds on the provisions of the "Structures and Functions of Country Coordinating Mechanism of Nepal. It provides a set of principles, requirements, rules and regulations to guide CCMN membership, structure, governance and operations. It defines the functions, activities and responsibilities of the CCMN, including CCM supporting structures. It sets out procedures and activities to enable CCMN and its support structures to carry out its functions

3. AUTHORITY OF THE RULES OF BUSINESS

This Rules of Business and any amended version shall take effect the day that it is endorsed by the CCMN. The endorsement requires at least a two-third vote of CCMN members present at a meeting at which there is a quorum or an electronic endorsement of two third members. The CCM Nepal has the authority to amend this Rules of Business according to need of the country and changing architecture and policy of the Global Fund. Any amendment(s) shall be passed by at least a two-thirds vote of CCMN members present at a meeting at which there is a quorum, or an electronic endorsement of two thirds of all CCMN members. Amendments shall be proposed by at least four CCMN Members or the Executive Committee and presented as an agenda item in a meeting of the full CCMN. The Rules of Business, as amended, shall be sent to all CCMN Members, the PR, the Local Fund Agent (LFA) and the Global Fund.

This Rules of Business is a guideline and reference that is binding upon the CCMN Chair and Vice Chairs, all CCMN Members and alternates, Committees, all PRs, Sub-Recipients (SRs) and CCMN Secretariat, as well as concerned stakeholders in relation to the implementation of Global Fund grants in Nepal.

The CCMN Rules of Business shall be publicly accessible, as well as distributed to all CCMN Members and alternates, CCMN committee members (including non-CCMN representatives from the civil society serving on committees), PRs and SRs.

4. CORE PRINCIPLES OF THE COUNTRY COORDINATION MECHANISM

- a. Promote and strengthen the spirit of partnership and collaboration to advance strategic national interest.
- b. Promote multi-sectoral representation from all relevant sectors to coordinate and facilitate Global Fund activities to fight against AIDS, Tuberculosis and Malaria in Nepal.
- c. Promote good governance, transparency, accountability, inclusiveness, and public confidence in all its activities. Considering this principle, the CCMN will adopt and adhere to a Conflict of Interest Policy as provided for in this Rules of Business.
- d. Empower and promote equality in partnership. All members of the CCMN will be treated as equal partners, with full rights to participation, expression, and involvement in decision-making.
- e. Promote linkages, complementarities and consistency between Global Fund activities in Nepal and the country's national development strategies; national disease strategies, national systems for monitoring, financial management and procurement; and national efforts to increase the harmonization, coordination, and effectiveness of external assistance.
- f. Promote international agreements and commitments signed and ratified by the Government of Nepal on aid effectiveness, human rights, gender justice and social inclusion.

5. ROLES AND RESPONSIBILITIES OF THE CCMN

The roles and responsibilities of the Country Coordinating Mechanism Nepal are as follows:

- a. To direct, facilitate and support the operations of the Global Fund to fight HIV/AIDS, Tuberculosis and Malaria in Nepal.



- b. Mobilize multi-sectoral stakeholders, through a transparent and documented country dialogue process for funding application by overseeing and supporting the required harmonization of funding, national strategic plans, gap analysis and preparation of funding application.
- c. Respond to inquiries from the Global Fund concerning any Global Fund grant and funding application.
- d. For each funding application, nominate and select one or more PRs who will be responsible for implementing the grant, should the funding application be approved with an exception of CCM and /or countries under Global Fund safe guard policy.
- e. Oversee implementation of the approved grants to ensure that the resources—financial and human are being used efficiently and effectively for the benefit of the country.
- f. Approve major changes in grant implementation that have been proposed by one or more PRs;
- g. Submit request to the Global Fund for reprogramming of approved plans.
- h. Review regular progress report of grant implementation that have been submitted by PRs to the CCMN or Oversight Committee and other reports submitted to the Global Fund.
- i. Ensure compliance with the Eligibility Requirements and Standards of the Global Fund, which are within the preview of the Global Fund CCM policy. As of February 2018, the requirements are:
 - Transparent and inclusive funding application process (requirement 1)
 - Open and transparent PR selection process (requirement 2)
 - Oversight planning and implementation (requirement 3)
 - Membership of people living with and/or affected by three deceases and key affected populations (requirement 4)
 - Processes for non-governmental CCM Member selection (requirement 5)
 - Management of conflict of interest for all CCM Members and across all CCM functions (requirement 6)
- j. Amend and implement this Rules of Business as necessary;
- k. Fulfill other responsibilities as outlined in this Rules of Business and associated policies.
- l. Ensure transparency and accountability in all process of information sharing and make information accessible to general public.

6. CCM MEMBERSHIP AND STRUCTURES

CCMN membership and structures shall be determined by the CCMN and shall be guided by the Global Fund guidelines on CCM membership and the need to ensure a manageable and efficient CCM. The structure of the CCMN is intended to provide a supportive environment in which members may fulfill their roles and responsibilities in a transparent and effective way. CCMN membership is voluntary and there is no remuneration for CCMN members and alternates.

6.1 SIZE OF THE CCM

The CCMN shall have a ceiling limit of seventeen members. The size of CCMN members shall be determined and maintained by the CCMN so as to ensure that the CCMN is representative, manageable and can effectively and efficiently carry out its functions.

6.2 COMPOSITION OF THE CCM

Representation on the CCMN is from government, civil society, external development partners (EDPs), private sectors and academia/research institutions. The civil society sector is comprised of constituencies, which include: people living with and/or affected by the three diseases (HIV, TB and Malaria), people from and representing key populations at greater risk for these

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diseases and civil society organizations. Each CCMN seat shall have one (1) alternate member who can represent the constituency in the absence of the full member. If the CCMN member or his/her alternate member cannot attend the meeting, the elected/selected member shall provide written communication of his/her absence to the CCMN Secretariat. For each Government CCMN seat, the alternate member shall be from the same ministry/institution as the full member. For other sectors the alternate member should be from institution other than the Member's institution. To enable the CCMN to function efficiently and effectively, two permanent committees namely the executive committee and Oversight committee will be formed.

6.3 CONSTITUENCY REPRESENTATION

Membership of the CCMN shall be broadly representative of a variety of stakeholders, each with an active constituency engagement to fight against AIDS, Tuberculosis, and/or Malaria. Member must represent the views and interests of the entire constituency. Each constituency brings a unique and important perspective to the work of the CCMN, thus increasing the probability of achieving measurable impact against the diseases. CCM members are accountable to the sectors they represent and as a group the CCM is accountable to the nation.

6.4 GOVERNMENT SECTOR REPRESENTATIVES

The CCMN, through government representation, should build on national efforts for the specific diseases and be linked to a broader national coordination effort including gender justice, social protection and poverty reduction strategies. The government sector representatives will be familiar with the national disease burden and the legal and policy environments within which national responses to the three diseases are developed. As such, they can coordinate activities and decisions with national programs, and help to strengthen health sector governance for improving integrated planning, programming and sustainability of all national health programs, including HIV, TB and malaria programs. Government sector representatives on the CCM can liaise between the CCM and other government agencies, and should take a lead in advocating for, and supporting, an empowering environment to help PLWD and key populations to access prevention, care and treatment services. Government representatives have a key role in engaging at the highest level to help resolve bottlenecks in programme implementation and monitoring.

6.5 CIVIL SOCIETY REPRESENTATIVES:

The civil societies bring grassroots knowledge and experience of issues faced by key populations and PLWD in accessing prevention, care and treatment services. Their strong ties to their communities, including providing regular, open, bi-directional communication with their constituencies, enable them to provide feedback on the quality and impact of programmes. They must be able to coordinate between various civil society constituencies and ensure timely sharing of key information, thus creating greater transparency and accountability in representation and greater equity in participation. They should be able to develop common advocacy priorities on behalf of PLWD and key populations to convince political leaders to prioritize the needs of infected and affected populations.

6.6 PRIVATE AND RESEARCH/ACADEMIA SECTOR REPRESENTATIVES

Private sector representatives can share expertise and resources with CCMs and can act as advocates for disease programs particularly with issues related to economic development. Academia/research institutions can provide the evidence base to help guide policy, planning and programming.

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6.7 MULTILATERAL AND BILATERAL AGENCIES

Multilateral and bilateral partners are able to provide policy guidance and assist with gap analyses towards a shared understanding of, and commitment to, addressing the epidemics. They are also able to provide technical and management expertise in their technical areas, including gender and human rights. They can broker and coordinate technical, management and financial support, including for proposal development and advocacy, and coordinate assistance to facilitate harmonization of grant activities with other development assistance. EDPs are able to contribute to strengthening monitoring, evaluation and oversight of grant performance.

Every constituency except governmental constituency represented on the CCM will define clear processes for their member(s) to solicit inputs from, and provide feedback to, their constituencies. These processes will include a work plan that specifies key tasks and communication responsibilities that members will fulfill as a representative of the constituency. Other constituencies are also responsible to ensure effective flow of communication with the constituency they represent. As agreed in the 103rd CCM meeting held on 27 January 2018, the composition of the Nepal CCM shall be as follows:

Sector	Constituencies	# seats
Government	Ministry of Health and Population (Secretary and Health Coordination Division Chief)	2
	Ministry of Finance	1
	Ministry of Women, Children and Senior Citizen	1
	Ministry of Federal affairs and General Administration	1
Civil Society	Non-Government Organizations (NGOs) and Community based organizations(CBOs)	2
	People living with or affected by the diseases	3
	Key populations	3
Multilateral and Bilateral/ Development Partners	Multilaterals	1
	Bilateral	1
Private Sector	Profit making organizations	1
Academia/Research	Governmental/Non-governmental research organization or academic institution	1
Total		17

If there is a vacancy of membership on the CCMN, the constituency represented by that member may be invited by the CCMN to elect/select a replacement to serve remainder of the term.

6.8 GLOBAL FUND ELIGIBILITY REQUIREMENTS FOR CCM MEMBERSHIP

CCMN shall adhere to and implement all Global Fund guidelines relating to CCMN Membership, with emphasis on the following:

- a. Membership of people living with HIV and people affected by TB or malaria, as well as people from or representing key populations.
- b. Election of civil society and private sector representatives by their own constituencies, based on a documented and transparent process developed within each constituency.
- c. A minimum of forty percent of CCMN membership will be from civil society constituencies including private sector and academia/research sector. Bilateral and multilateral representatives would not be included in this determination.
- d. The CCMN will endeavor to have female and sexual diversity members of at least 30% of total CCMN members
- e. Relevant expertise in gender justice, human rights and social inclusion, integrating this knowledge to the effective response to the three diseases

6.9 CCMN REQUIREMENTS FOR CSO/NGOS

- a. Eligible organizations shall include existing networks, umbrella organizations and informal groups belonging to PLWDs and KP involved with the fight against at least one of the three diseases.
- b. Legally registered with the Social Welfare Council, District Administrative Office or Ministry of Industry, Commerce and Supplies for at least two (2) years and working in same sectoral programme demonstrated through tangible evidence. Organization's constitutional objectives need to be cohesive with their programme intervention.
- c. The CCMN may accept membership from informal PLWD or KAP groups and individuals that are not legally registered, but have proven track record of active participation within the network and have access to the network's communication channel
- d. Umbrella groups/Networks need to demonstrate a track record corroborated by audit reports for the period of membership.
- e. Umbrella groups/Networks have secured tax clearance from relevant GON authorities.
- f. Individuals selected to represent their constituency shall be at least senior management level or occupy leadership position within their institution.
- g. Individuals elected shall represent the interests of the constituency and not the interests of themselves or their organizations.
- h. Individuals elected to represent their constituency have the mandate and capacity to communicate with the CCMN and constituency voices along with concerns discussed within the CCMN.

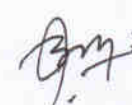
6.10 CHANGES TO CCMN CONSTITUENCIES AND MEMBERSHIP

The constituencies and the number of their representatives are set out in the section "CCMN Membership". The CCMN shall review membership structure on a two-year basis to coincide with election/selection schedule and shall make any adjustments necessary to ensure representation of all relevant sectors in Nepal. Any changes to the constituencies or their representatives on the CCMN must take account of current Global Fund guidance on CCMN membership and must be approved by two-third votes of CCMN members present at a meeting at which there is a quorum.

6.11 NOMINATION AND ELECTION OF CCM MEMBERS

In accordance with the good governance practice and guiding principles of the Global Fund, the CCMN has adopted the following guidelines for the selection/nomination of constituency representatives:

- a. Government Ministries and agencies shall nominate their representatives based on position. The holder of the position shall be the defacto representative of the ministry or agency on





the CCM. The ministry or agency shall submit to the CCM a letter duly nominating its representative to the CCM.

- b. Members and alternate members, representing the bi-lateral and multi-lateral constituencies will be selected by their respective constituencies.
- c. Civil Societies, private sector and research/academia constituencies shall elect their own constituency representative using a documented, transparent process that was developed by the constituency. The constituencies shall forward to the CCM Secretariat documents to show that a transparent process was used.

Examples of documents providing sufficient evidence of the election process for members from nongovernment constituencies include:

- Minutes of constituency election meetings
- Membership lists from organizations participating in the election process with evidence of coverage;
- Letter from organizations participating in the election process explaining the process and criteria with signatures of members of the organizations that were present at the meeting; or
- The document (or the relevant parts of election process) in which election of members is explained to have occurred.

6.12 TERMINATION OF MEMBERSHIP

- a. If a member fails to attend two consecutive CCMN meetings without sending his/her alternate or written notification, the CCMN may propose for the termination of membership. The termination must be supported by fifty-one percent vote of members present at a meeting at which there is a quorum.
- b. Termination due to violation of code of conduct of the Global Fund or the ROB of CCMN. The CCMN shall ensure that the member is given the opportunity to defend himself/herself against any issues concerning the termination of his/her membership.
- c. In case a person's membership of the CCMN is terminated, or that person resigns their membership of the CCMN, the constituency represented by that member may select/elect a person to serve out the remainder of the term of membership.
- d. If any CCMN member resigns from the membership the person shall submit his/her resignation to the Executive committee and the Committee shall approve the resignation and share the update with the CCMN members.
- e. Any member with intent to propose or aspire on behalf of his/her organization to become a PR or SR shall declare this intent at the beginning of the CCMN meeting and this shall be noted in the minutes. The member shall recuse themselves from any discussions and decisions related to PR/SR selection, financing or reprogramming.

6.13 TERMS OF OFFICE

The CCM members shall serve for a two-year term. At the completion of two years' tenure, constituencies shall renew membership. Where elections cannot be conducted, a constituency shall forward reconfirmation letter extending his/her term for another term. In exceptional circumstances, the two-year term for CCMN membership can be extended for another one year. The extension of term must be discussed and justified in a full CCMN meeting and endorsed by two third majorities of CCMN members.



6.14 RIGHTS AND RESPONSIBILITIES OF CCM MEMBER

Members rights

- a. To be treated as full and equal partners on the CCMN;
- b. Full rights of expression and participation in proceedings at meetings and in other business transacted by the CCMN;
- c. The right to nominate and second the nomination of members for election to the positions of Chair and Vice Chair;
- d. To vote on any matter tabled for voting;
- e. To review all proposals/funding applications developed for submission to the Global Fund prior to any decision by the CCMN on the proposals/funding applications;
- f. To have access to all information including financial and programmatic, audit report recommendations, and procurement plan in relation to Global Fund grants in Nepal.

Members responsibilities

- a. To adhere to the provisions of this Rules of Business and any policies adopted by the CCMN.
- b. To adhere with updated guidelines of the Global Fund in respect of Country Coordinating Mechanisms and their members.
- c. To attend and participate in CCMN meetings in a timely and responsible manner.
- d. To ensure the participation of the alternate members in CCMN meeting/s, if he or she is unable to attend.
- e. To share relevant experiences and information at CCMN meetings.
- f. To support and adhere to decisions made by the CCMN.
- g. To regularly report on CCMN proceedings to their respective constituency and provide annual calendar of their constituency consultation to the CCMN Secretariat.
- h. To abide by the CCMN Conflict of Interest Policy.
- i. To participate in reviewing performance of grants, through grant scorecards, oversight visits, Global Fund reviews, site visits, or summary results.

6.15 RESIGNATION, REVOCATION OR REPLACEMENT OF CCM MEMBERS AND ALTERNATES

CCMN members shall commit to a minimum period of two years, but may resign their membership for personal or professional reasons. Resignation must be provided to the chairperson in writing and recorded in the minutes of the next CCMN meeting. The CCMN may decide by consensus to revoke a CCMN member for persistence and unjustified absence from CCMN meetings or for gross misconduct and request the constituency to replace the member. In the case of government representatives, changes in office holders will result automatically in the replacement of the former member.

6.16 CCM OFFICIALS

CCMN shall have a Chairperson and one Vice-Chairperson. The Chairperson and Vice-Chairperson of CCMN shall not be from the same constituencies. The members of the CCMN shall elect a Chair and Vice-Chair in accordance with the election procedures stipulated in this Rules of Business. Member representing the developmental partners are not eligible for the post of chair, hence will not be eligible for the nomination as chair. Chairperson shall be elected from government sector whereas Vice Chairperson shall be elected from the Civil Society sector. Election of the Chairperson and Vice-Chairperson shall take place during a CCMN meeting and CCMN members shall vote for these positions. Names of candidates will be proposed and seconded by CCM members, if more than one person is proposed a formal vote



will be taken and the candidate garnering the highest vote shall be declared the Vice Chairperson.

6.17 TENURE OF CHAIR AND VICE CHAIR:

The term of office of the CCMN chair and the vice-chair shall be two years. The chair and the vice-chair may serve no more than two consecutive terms. The CCMN Chair and the vice chair may be removed from office prior to the end of his/her tenure by a vote of two third majority of CCMN members if the chair /vice chair is found in breach of GF code of conduct or any gross violation of national interest. If the Chair or the vice chair resigns or is removed from office prior to the end of his/her term, elections/selection must be held within 60 days to serve out the remainder of the term of office of the previous chair or the vice-chair.

6.18 RESPONSIBILITIES OF THE CCMN CHAIRPERSON

The Chairperson shall:

- a. Call the CCMN meetings and start and conclude each meeting promptly.
- b. Introduce each agenda item and clarify the primary issues.
- c. Sign the CCMN minutes.
- d. Lead discussion and negotiations on key issues.
- e. Ensure that members of the CCM declare their conflicts of interest before commencement.
- f. Identify problems and or action items that need to be addressed and lead discussion on how to resolve them.
- g. Delegate, as necessary, to CCMN committees any responsibilities within the committees' terms of reference.
- h. As necessary, establish temporary committees and task teams to address pressing issues or problems inappropriate to the CCMN Secretariat.
- i. Assign to the CCMN Secretariat tasks and responsibilities as required.
- j. Make the final decision or vote, in the event of a deadlock or tie on an issue.
- k. Inform the Vice-Chairperson of absences and brief the Vice-Chairperson on the Chairperson's views and/or matters to be raised at meetings and events to be chaired by the Vice-Chair.

6.19 RESPONSIBILITIES OF THE CCMN VICE-CHAIRPERSON

The CCMN Vice-Chairperson shall:

- a. Chair CCMN meetings and represent the CCMN in absence of the Chairperson.
- b. Liaise with the secretariat on issues requiring urgent attention.
- c. Oversee the functioning of CCM task teams.
- d. Sign the document and make decisions as required in absence of Chairperson.

7. CCM COMMITTEES

The CCMN shall have two permanent committees. Permanent committees shall be the Executive Committee and the Oversight Committee.

7.1 EXECUTIVE COMMITTEE

The CCMN shall establish an Executive Committee comprising of **five members**, namely: The Chair, the Vice-Chair, the Chair of the Oversight Committee, and two CCMN members (one from bilateral or multilateral and one from KP constituency). The Executive Committee shall be chaired by the CCMN Chairperson. The CCMN Executive Committee shall meet at such



will also be the secretariat to the executive committee. UNAIDS and WHO will be permanent invitee members in executive committee. The Terms of Reference of the Executive Committee are included in this Rules of Business as Annex I.

7.2 OVERSIGHT COMMITTEE

To ensure effective oversight of the Global fund grants, the CCMN shall establish an oversight committee. The oversight committee shall consist of a Chair, a Vice-Chair, and minimum **six to maximum thirteen members**. Any change to the terms of reference (TOR) of the CCMN oversight committee must be adopted by the CCMN (detailed in Annex II: TOR of the Oversight Committee). Chair and vice-chair of the oversight committee shall be CCMN members and appointed by the CCMN with no conflict of interest. CCMN membership is not a prerequisite for appointment to the oversight member, with the exception for the position of Chair and vice-chair. The CCMN shall appoint members to the oversight committee based on their competencies and technical expertise. Oversight committee membership shall have following skill sets:

- Program Management
- Health financing
- Resilient and sustainable systems for health
- Procurement and supply management
- Human rights, gender justice and social inclusion
- Disease specific expertise (HIV, TB and Malaria)
- Representation from PLWD and KP constituencies
- Risk Management

8. CCMN SECRETARIAT

The CCMN Secretariat is the primary point of communication for the CCMN and shall receive and allocate communications received for consideration and action under the direction of the Executive Committee. The CCMN shall establish a secretariat headed by a secretariat coordinator. The TOR of the secretariat shall be approved by the CCMN. The CCMN secretariat shall execute the day-to-day functions as delegated by the Executive Committee and supports the decision-making and other functions of the CCMN Executive Committee. The Coordinator and other secretariat staff can attend the CCM meetings but do not have any voting rights. The ToR describes the daily functioning of the CCMN Secretariat. The ToR of CCM Secretariat and the CCM Coordinator are attached in Annex III and IV respectively.

9. CCMN MEETINGS

The CCMN shall hold at least four regular meetings per calendar year at approximately quarterly intervals. A calendar of regular meetings shall be prepared by the Executive Committee and circulated to all the members. In urgent situations, and with approval of the CCMN Chair, special meetings may be called. Notice call for special meetings should be made at least one week prior to the date of the meeting. Emergency or special meetings may be called by the CCMN Chair and the vice chair at shorter intervals and labeled accordingly. All members should receive the agenda and meeting documents by email, letter or facsimile at least **three working days** before each meeting. The meeting will take place when at least **fifty-one percent** of the appointed CCMN members are present. When a CCMN member is unable to attend a meeting, a designated alternate member from the same constituency can represent the CCMN member at the meeting. The designated alternate member will

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the same constituency can represent the CCMN member at the meeting. The designated alternate member will assume the rights and responsibilities of a CCMN member in the meeting apart from as specified in this Rules of Business with respect to decisions on amendment of the Rules of Business and election of Office Bearers. Only approved CCMN members, their alternates and any special invitees approved by the CCMN Office Bearers may attend CCMN meetings. Observers and invitees may attend CCMN meetings according to the following criteria:

- PR(s), LFA and three disease entities (NCASC, EDCD and NTC) are accorded permanent observer status and do not require specific invitation. Unless otherwise requested, no more than two individuals from these organizations may attend the CCMN meeting.
- The CCMN Office-Bearers may invite other relevant resource persons to attend the CCMN meeting.
- Observers and invitees may not speak at meetings unless invited by the Chair to do so. They are not allowed to attend meeting at the time of PR (and SR) selection.

All CCMN meetings will be held simultaneously in Nepali language and English, with CCMN members or Secretariat providing support for translation as necessary. All CCMN decisions shall be made by fifty-one percent vote apart from decisions to terminate the Chair or Vice-Chair or to change the Rules of Business of the CCMN – such decisions require votes as separately specified in the Rules of Business. Decisions shall not be made at a CCMN meeting unless a quorum of CCMN members (at 51% appointed members) is present at the time of making the decision. The Chair, Vice-Chairs and the CCMN members will monitor the implementation of meeting decisions. In each CCMN meeting, the CCMN Secretariat will provide information regarding the follow-up actions of the previous meeting decisions at a subsequent meeting. The CCMN Secretariat shall write the meeting minutes and distribute to CCMN members within 15 working days after the meeting. All CCMN members and alternates will be given one week after the minutes are circulated to express any objection to the draft minutes. If no response is given by the member, that shall be considered as endorsement of the minutes.

10. OVERSIGHT BY THE CCMN

Oversight is a key function of the CCMN. It ensures that activities are implemented as planned by providing strategic direction to Principal Recipients, ensuring policies and procedures are met, instituting financial controls including independent audits, and ensuring that key recommendations of the CCMN are implemented. In accordance to the ROB, the CCMN shall establish an Oversight Committee to support the CCMN in performing its oversight activities for Global Fund financed grants. In Annex II of this Rules of Business, the TOR defines the specific role and responsibilities of the Oversight Committee. The CCMN must have in place an oversight plan which is also an eligibility requirement of the Global fund. The plan must detail oversight activities including, but not limited to routine oversight meetings schedule, field visit and communication and engagement with PRs, stakeholders and constituencies. The CCMN will ensure that an oversight plan is implemented in compliance with the principles of good governance set out in this document, covering those processes and functions listed in the Oversight Plan of Nepal, and which meet the Global Fund's eligibility criteria for funding. The CCMN will ensure that the recommendations of the oversight committee are effectively and efficiently deliberated in the CCM and CCM will take follow up actions on the recommendations of the oversight committee.

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ANNEX

10.1 ANNEX I - TERMS OF REFERENCE OF CCMN EXECUTIVE COMMITTEE

Purpose

The core function of the CCMN Executive Committee is to attend to routine urgent CCM business and communication protocols on behalf of the CCM. The CCMN Executive Committee is responsible for coordinating and directing the activity of CCM Secretariat, to ensure that CCM and its structures are supported to execute their functions, supporting and coordinating ad-hoc task team of the CCM, and attending to routine or urgent communications for which calling CCM meetings is not warranted or not feasible. Areas of responsibility of the Executive Committee will be decided or assigned by the CCM, but in general, the decision-making authority that may be delegated by the CCM to the Executive Committee will be limited to routine administrative matters. The CCM remains with powers to endorse or overrule the decisions made by the Executive Committee.

Membership

The CCMN Executive Committee shall comprise the **CCM Chair, CCM Vice-Chair, the Chair of the Oversight Committee and two other CCM members (one from bilateral or multilateral and one from KAP constituency)**. UNAIDS and WHO will be permanent invitee members in executive committee.

Meeting Frequency

The CCMN Executive Committee shall meet at such frequency as the Committee determines to fulfill its functions. The conduct, management of quorum and minutes of meetings will follow the CCM meeting standards.

Roles and Responsibilities of Executive Committee

1. To coordinate communication on behalf of the CCM with the Global Fund, the Government of Nepal, multilateral and bilateral development partners, non-government organizations, Principal Recipients and other grant implementing agencies.
2. To provide coordination and direction to the CCM secretariat in its functions, to monitor performance of the secretariat, and to make recommendations to the CCM on opportunities to improve CCM secretariat functions where necessary.
3. To coordinate and provide support to working party's ad hoc committees and groups of the CCM as needed.
4. To receive and/or investigate allegations of conflict of interest in CCM activities. The executive committee shall advise the CCM on all such matters referred to it, the actions taken by the committee to investigate such matters, as well as any recommendations for action on the part of the CCM.
5. Where delegated by the CCM, to make routine administrative decisions to support CCM functioning. The Committee shall present all such decisions to the next CCM meeting and, where feasible, communicate details to CCM members as soon as possible after the decision is made.
6. To plan oversight activities to improve the capacity of CCM members, including orientation of new members.
7. To address any other matters referred by the CCM, reporting back to the CCM on any decisions made.

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10.2 ANNEX II - TERMS OF REFERENCE OF CCMN OVERSIGHT COMMITTEE

Purpose

The Oversight Committee is responsible for contributing to effective oversight of all Global Fund financed programs and related processes in Nepal, in accordance with Global Fund requirements for grant oversight and the functions delegated to it by the Country Coordinating Mechanism Nepal (CCMN), as defined in the CCMN Rules of Business and the Terms of Reference. The Oversight Committee shall facilitate the grant oversight process for the full CCMN by providing needed information and informed recommendations to guide the CCMN in executing its grant oversight responsibilities.

Scope of grant oversight

Keeping in view of the CCM evolution project where it is envisioned that there will be a continuous performance improvement and risk management for improved grant ratings, higher absorption and better outcomes / impact of GF grant the CCMN Oversight Committee shall conduct grant oversight in major three areas:

1. Financial: Appropriate, timely, and effective use of funding from the Global Fund
2. Programmatic: Timely and effective implementation of Principal and Sub Recipient work plans, including implementation of intended results in short- and intermediate-term periods
3. Procurement: Transparent, competitive, and effective procurement and supply management with appropriate quality assurance and in accordance with national law.

Membership

1. The Oversight Committee shall be appointed by the CCMN, and shall consist of a Chair, a Vice Chair and at least **minimum six to maximum Thirteen** other members.
2. Membership of the CCMN is not a prerequisite for membership of the Oversight Committee with the exception of the positions of Chair and Vice Chair of the Oversight Committee.
3. Members shall serve terms of two years.
4. Candidates who are non-CCM members shall have strong technical or programmatic experience that is directly relevant to the grant oversight mandate and responsibilities of the Committee.
5. Candidates who are non-CCM members will be required to complete the same conflict of interest declarations prepared by all CCMN members.
6. Members of the oversight committee shall not be representatives of Principal Recipients nor Sub Recipient nor Sub Sub-Recipient institutions.
7. The CCMN shall appoint members to the Oversight Committee based on their competencies and technical expertise. Oversight Committee membership shall have following skill sets:
 - Program Management
 - Health financing
 - Resilient and sustainable systems for health
 - Procurement and supply management
 - Human Rights and Gender
 - Specific disease expertise (HIV, TB and Malaria)
 - Representation from PLWD and KAP constituencies
 - Risk Management
8. The CCMN will determine whether, based on the non-CCM candidate's declaration, s/he meets the standard for conflict of interest required for members of the Oversight Committee.



Meetings and Quorum Requirement

1. The Oversight Committee shall meet at least quarterly and may meet more frequently as circumstances require. Meetings shall take place at least two weeks prior to each regular quarterly CCMN meeting, so that Committee deliberations may be reported to the CCMN.
2. At least two-third of the membership will be required for a meeting quorum, including either the Chair or the Vice Chair.
3. Unless otherwise scheduled by a majority vote of the Committee members, meetings of the Committee shall be open to all CCMN Members and to guests invited by the Chair or Vice Chair.
4. Members of other CCMN Committees or other technical experts and resources, may also be invited to provide assistance as needed.

Responsibilities of Oversight Committee

The Oversight Committee is empowered to deliberate and make recommendations on all oversight issues in accordance with this Terms of Reference and its work plan, or on any matter referred to it by the CCMN. Specifically, the Oversight Committee shall lead or contribute to the following oversight processes:

1. Build capacity and prepare annual work plan and budget for CCMN Oversight.
2. Clarify oversight functions, responsibilities, and build capacity for oversight committee members.
3. Engaging other CCMN members, technical partners and program stakeholders in the oversight process and discussion.
4. Gather program performance including health system strengthening, financial, and procurement including risk management plan and information on GF grants through use of routine reports, re-packaging of available data, site visits and participating in joint performance review meetings
5. Analyze information to identify problems and challenges regarding human rights, gender and social inclusion issues.
6. Analyze information to identify problems and bottlenecks requiring CCMN attention.
7. Document problems, issues, or bottlenecks for CCMN review and decision-making.
8. Provide strategic guidance and constructive recommendations for CCMN actions.
9. Request exceptional CCMN meeting in the case of urgent problems.
10. Provide constituency consultations by seeking input and report back to CCMN/program stakeholders on progress, remaining issues, and additional follow-up required.

Oversight work plan and budget

As required by the Global Fund, the Oversight Committee shall develop an annual oversight work plan and budget, updated on annual basis, for CCMN review and approval. The oversight budget will be prepared to support the activities and required resources for implementing the annual oversight work plan.

Technical and Administrative support

The committee may seek the services of technical resources or experts to assist in the discharge of its responsibilities. In addition, the CCMN Secretariat shall provide administrative support to the committee in conducting its oversight activities. The agreed-upon levels and types of technical and administrative support shall be documented in the oversight committee annual work plan.

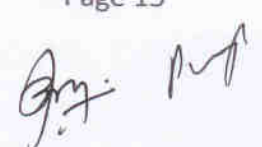
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10.3 ANNEX III - TERMS OF REFERENCE OF CCMN SECRETARIAT

The CCMN shall establish a secretariat headed by a CCM Coordinator. The CCMN secretariat shall execute the day-to-day functions as delegated by the CCMN and supports the decision-making and other functions of the CCMN executive committee and oversight committee.

The key responsibilities of the CCMN secretariat are:

1. Provide administrative and logistic support to the CCMN, executive committee, oversight committee and any other CCM related task groups.
2. Make arrangements for routine CCMN meetings, including preparation and distribution of the agenda, and the issuing of meeting minutes both in Nepali and English.
1. Provide communication support for the preparation and submission of funding applications for CCMN approval, for submission to the Global Fund, and for timely responses by the CCMN to questions and comments regarding the Funding application.
2. Facilitate a transparent PR selection process through calls for expression of interest; review and assessment; grant oversight including field visits and regular dialogue with the PR and implementing partners.
3. Provide information to support harmonization endeavours and the inclusion of Global Fund activities in national results including but not limited to liaising with national and non-government agencies and development partners to ensure Global Fund activities are developed and implemented in close alignment with other national efforts and to ensure a robust gap analyses.
4. Undertake preliminary analysis of programmatic, financial and procurement information on grant performance to be presented to the oversight committee.
5. Facilitate revision to the governance documents and other committee/working party related terms of reference;
6. Facilitate selection/election and appointment of CCMN members from constituency groups; processes for election of CCMN Office Bearers; appointment of CCMN and non-CCMN members to committees and working parties in accordance with approved terms of reference;
7. Facilitate the GF requirement of continuous compliance with all six CCMN eligibility criteria.
8. Prepare CCMN budget and work plan including identifying, and presenting to the CCMN opportunities for resource mobilization to support CCMN activities.
9. Maintaining and archiving all records of the CCMN, its committees and working parties, including minutes and correspondence arising from decisions and deliberations of the CCMN and its committees;
10. Provide advice on availability of, and, where appropriate, repackaging information on Global Fund rules, regulations and guidelines and in-country.

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10.4 ANNEX IV - TERMS OF REFERENCE OF CCMN COORDINATOR

The CCM coordinator will work under the direct supervision of CCMN chair and will coordinate with the vice chair of CCMN under the guidance of CCM Chair. S/he will liaise with the Principal Recipients, Civil Society Organizations, international partners, CCMN members and other stakeholders to ensure the smooth running of the CCMN secretariat. The role and responsibilities of the CCMN Coordinator includes but not limited to:

A. Supporting CCMN Organisation and Management:

1. Provide support to the CCMN by calling and organizing regular meetings, assisting in capacity-building for the CCM, including organization of induction training and regional workshops, and liaison with the various CCM constituencies and their representatives, including the Local Fund Agent, PR and the government entities for HIV, TB and Malaria.
2. Taking the country context and maturity level of the CCM into account, work in close collaboration with the CCM Executive Committee, CCM members and alternates, Oversight Committee and other committees, National Programmes, agencies and institutions represented on the CCM and operating in the country, to support relevant harmonization and portfolio optimization.
3. Management of CCM processes, to include updating list of members, finalizing the election of civil society representatives and selection/nomination from government sector, preparing the agenda of meetings, preparing minutes and circulating them to the CCM within defined time limits. Document all meetings, and all matters relating to policy concerns and formulations, problems and solutions.
4. Monitor financial and management records of the CCM secretariat, and its activities.
5. Establish and update CCMN foundation documents and committee/working party terms of reference.
6. Facilitate selection/election and appointment of CCMN members from constituency groups; processes for election of CCMN Officer Bearers.
7. Appointment of CCMN and non-CCMN members to committees and working parties in accordance with approved terms of reference.
8. Coordinate CCMN member orientation and capacity building activities.
9. Support meetings of the CCMN Executive Committee; CCMN Oversight Committee; Working Groups, and CCMN constituencies' and sub-constituencies' meetings, as and when needed.
10. Supervise CCM Secretariat staffs for smooth functioning.
11. Other duties delegated by the CCMN Chair and/or Executive Committee.

B. Development of Funding Request and Harmonization

1. Monitor the Global Fund's website, notify the CCMN chair about each call for proposals posted on the site, and download the application forms for each call for proposals.
2. Assist the CCMN in identifying technical partners and other potential donors for the funding request preparation stage. Ensure that relevant expertise is available in the TWGs.
3. Developing funding request work plan, budget and SOPs that complies with the CCMN's governance or procedures manual.
4. Facilitating a transparent PR selection process through calls for expression of interest and transparent review and assessment including issuing of public notices and sending invitations to NGOs.
5. Facilitating liaising process with national and non-government agencies and development partners to ensure Global Fund activities are developed and implemented in close alignment with

other efforts and to ensure that information for robust gap analyses is available based on National HIV, TB and Malaria Strategies and Plans;

6. Ensuring the identification of any conflicts of interest (COIs) related to the country's proposal preparation and, when necessary, the prompt application of the CCMN's COI policy.
7. Ensuring that the draft Global Fund proposal is circulated for review by CCMN members and participating stakeholders within the established time frame, and that the documents have all required signatures for submission.
8. Coordinate timely responses to any Global Fund requests for clarification about the submitted proposals.
9. Support the CCMN chair and vice-chair in their communications and negotiations with the Global Fund, Local Fund Agent (LFA), and other donors.
10. Facilitating the GF requirement of continuous compliance with all six CCMN eligibility criteria.

C. Oversight and implementation of the grants

1. Providing administrative and technical support to the oversight committee including support to the CCMN in selecting members to the oversight committee.
2. Working with the oversight committee to ensure that a CCMN oversight work plan and budget are developed annually.
3. Collection of relevant information on in-country grants performance from Principal Recipients (PR), the Global Fund and other information sources and making it available for the oversight committee.
4. Undertaking preliminary analysis of programmatic and financial information on grant performance;
5. Synthesising or repackaging grant performance information to support identification by the oversight committee members of key issues, trends and elements requiring CCMN intervention;
6. Coordinating CCMN oversight site visits;
7. Facilitating reporting by the oversight committee to the CCMN on grant performance, and communication and implementation of CCMN decisions on oversight.
8. Work closely with the oversight committee, PRs and the CCM to analyse the contents of management letters (particularly for grants with B and C ratings), review the grant performance and recommend CCM on its implications for remedial actions and relevant adjustments.
9. In coordination with the CT, assist the Oversight Committee in the development, costing and implementation of the annual oversight plan.

D. Communication and dissemination

1. Disseminate information to CCMN members on important plans, activities, and decisions from the wider health sector and national disease-specific policies that may affect the functioning of Global Fund grants.
2. Monitor and support implementation of an annual communications that identifies audiences, messages, and mechanisms for CCMN communications and dissemination.
3. Disseminate information on the Global Fund grants.
4. Manage communications processes of the CCMN secretariat within and outside the Global Fund architecture in the country.
5. Follow any CCMN recommendation to relay relevant information and decisions of sector-wide interest to key stakeholders in a timely manner.

6. Manage the development, updating, and maintenance of an interactive website for the CCMN and the public that includes framework documents, minutes, proposals, and performance reports.
7. Prepare a two-year CCMN operational and funding plan for the CCMN's approval.
8. Ensure that the CCMN's financial records are kept in accordance with the requirements of the Global Fund and other donors.
9. Help the CCMN mobilize resources for its operations, including the preparation of financial reports for submission to specific donors.
10. Help the CCMN with its routine reviews of its bylaws and standard operating procedures and submit any required changes to the CCMN for approval.
11. Help the CCMN chair ensure adherence to the CCMN's bylaws by all members and advise the executive committee of any failures to comply with the bylaws.
12. Help the CCMN chair and vice-chair (or executive committee) organize meetings of the CCMN and its committees by doing the following:
 - a. Develop and disseminate meeting agendas.
 - b. Invite members, alternates, and other participants.

Qualifications and experience

- Master's degree in Public health or other related field.
- At least five years of experience in a management position in a government agency or a private-sector or civil-society organization.
- At least three years of experience in program development and planning.
- Knowledge of and experience in contracting, grants administration, management systems, operational procedures, and financial management.
- Experience in process management, stakeholder management, networking, and organization of policy-related meetings, preferably in the health sector.
- At least two years of experience supervising administrative support staff members.
- Knowledge and understanding of processes of the Global Fund desirable.

Key skills

- Knowledge about Global Fund modalities and structures, in particular the CCM and PRs.
- Ability to supervise and train others, including staff members and organizational stakeholders.
- Demonstrated management skills including human resources, financial management and oversight.
- Familiarity with and understanding of public health issues, especially in respect of the TB, Malaria and HIV and Health Systems Strengthening.
- Proven ability to communicate and interact with high-level officials from the government, nongovernmental organizations (NGOs), and private-sector organizations.
- Exceptional communications, writing, and editing ability.
- Proficiency in written English to understand Global Fund communications.
- High degree of organization and initiative.
- Ability to work in teams, especially within a multi-cultural environment.
- Strong computer skills, good command over MS Office is essential.



- Solution-oriented.
- Sound decision-making skills.
- Results-oriented.
- Ability to be self-directed and take her/his own initiative.
- Ability to work to tight deadlines.

Performance Indicators

Functions	Performance Indicators
1. Supporting CCMN organisation and management:	<ul style="list-style-type: none"> • Percentage of official CCM meetings for which the agenda and all agenda-item documents are disseminated at least five business days in advance. • CCMN annual work plan and budget developed and approved within established time frame. • Percentage of CCMN activities implemented according to the work plan.
2. Development of funding applications and harmonization	<ul style="list-style-type: none"> • Proposal-development process implemented according to approved work plan and CCMN procedures manual. • Country proposals submitted at least three days prior to the deadline that the Global Fund has stipulated. • Replies sent within established deadlines to Global Fund's request for clarifications on country's proposals.
3. Oversight and Implementation of the grants	<ul style="list-style-type: none"> • Percentage of complete and archived records on selection of PRs for all proposals. • Number of grants with up-to-date progress reports or dashboards in a calendar year. • Number of oversight field visits coordinated for CCMN members in a calendar year.
4. Communication, and dissemination	<ul style="list-style-type: none"> • Annual communications plan developed and implemented. • CCMN website content updated quarterly. • Number of CCMN updates disseminated annually.

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10.5 ANNEX V - TERMS OF REFERENCE OF CONFLICT OF INTEREST



Introduction

The concept of conflict of interest (COI) universally recognizes that the judgment of even the most well-meaning persons may be impaired when their own interests or those of family members, close associates, or those of an institution with which they are affiliated are affected by their work. The Country Coordinating Mechanism Nepal (CCMN) recognizes that addressing COI is not only the requirement of the Global Fund, but that having instituted a COI policy is in the best interest of the institution. Given the diversity of interests and perspectives represented on the CCMN, it is particularly important that the CCMN operate in a balanced, ethical, collaborative, transparent, and open manner. This policy, as an annex to the Rules of Business (ROB) provides guidance in identifying and addressing actual or /and potential conflicts of interest. It is based on clear definitions of potential areas of concern, a duty to disclose, and outlines procedures for managing and mitigating these conflicts as they arise.

Purpose

1. The purpose of this policy is to ensure fairness and a high standard of ethical conduct in the CCMN decision-making processes to protect the reputation and integrity of the CCMN and its interests, and to ensure broad public trust and confidence in the decision-making and grant making activities.
2. The COI policy is intended to provide the CCMN with procedures to appropriately manage and mitigate these conflicts in accordance with the requirements of the Global Fund and prevailing operative laws of the country including the CCMN Rules of Business.

Application

1. The CCMN conflict of interest policy is applicable to all members and their alternates, Secretariat, Principal Recipients (PRs), Sub-recipients (SRs) and Sub-Sub Recipients (SSRs) and any other parties that interact with the CCMN.
2. The CCMN shall ensure that on taking a seat and at least once each year, the members of the CCMN will undergo training on their responsibilities regarding management of conflicts of interest and the requirements of this policy.
3. The CCMN may identify the appropriate body within its structure to address ethics and conflict of interest issues.
4. The CCMN should consider the consequences of conflicts of interest on its composition when considering membership renewal, funding application development and reallocation.

Guiding Principles

The CCMN shall be guided by the following core principles:

1. The CCMN's paramount goal is to serve the public interest of the Federal Democratic Republic of Nepal.
2. The activities of the CCMN should promote transparency, accountability and the integrity at all level. Engendering a culture that is intolerant of actual or perceived conflicts of interest should guide the CCMN in its activities.
3. Conflict of interest should be managed and mitigated through formal policies and procedures.

Definitions

Within the context of the CCMN, a conflict of interest occurs when a member or alternate or the secretariat uses his or her position to advance personal ambitions or interests, the interests of an institution with which he or she is affiliated, those of a family member, or close associate, or in a way that disadvantages or excludes others.

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“Conflict of interest” includes potential conflicts of interest and perceived conflicts of interest.

Potential conflict of interest occurs when a member or the secretariat is placed in a position in which they have the capacity to use their position or status in such a way that a conflict of interest, as defined above, may occur.

Perceived conflict of interest occurs when a person believes or suspects that a conflict of interest, as defined above, exists on the part of a member or its secretariat.

Close associate of a person includes a family member (spouse, child, sibling, parent, cousin, in-law), friend, business partner, or professional associate.

Affiliated with an institution when he or she is an employee or volunteer; or has a financial interest or a technical or governance role with that institution.

Recusal occurs when a person removes himself or herself from participation in deliberations and decision-making when a conflict of interest would arise through their involvement. The conflict of interest may arise in association with gifts, which is defined as including favors, gratuities, or sponsorships whether of a monetary or intangible nature.

CCM body refers to any of the organizational or governance structures a CCM establishes, including committees, subcommittees, working groups, task teams, and the CCM Secretariat.

Potential area of COI

Conflicts of interest can occur but are not limited to the following:

1. Selection of principal recipients (PRs) and sub-recipients(SRs).
2. Issues relating to assessment, monitoring, and oversight of principal recipients and sub recipients.
3. A substantial reprogramming and reallocation of the grant funds.
4. Discussions of matters for which CCMN members or their institutions have a financial interest, such as procurement, contracting, recruitment of staff, etc.

Protocol to Manage and Mitigate Conflict of Interest

Statutory Declaration

All CCMN members, alternates, and members of the TWGs and other CCMN committees shall complete an acceptance of COI Policy & Declaration of Interest Statement (Annex: I of ToR on CoI at the time of being seated on the CCM and disclose any actual or perceived conflict of interest at that time. The statement will be completed on an annual basis thereafter and updated as needed, whenever a material change occurs in the information. Statements shall be archived by the secretariat and made available for inspection by the delegated body charged with ethics and conflict of interest responsibilities. These statements shall form part of the public record of the CCMN.

Role of Chair & Vice-Chair(s)

The CCMN shall ensure that neither its chairperson nor its vice-chairpersons is from an organization that serves as a principal recipient for a CCMN-initiated project financed by the Global Fund. In the event that this is the case, or that the CCMN chairperson or vice-chairpersons represent organizations that are candidates for selection as a principal recipient, then Section 6.6 shall apply. CCMN shall ensure that the Chair and the Vice-Chair shall each be elected from different constituencies.

Committee Membership

1. CCM members representing institutions that are principal recipients or sub recipients shall NOT be named to the CCM Oversight Committee. CCM members may however be invited to Oversight Committee meetings as non-voting participants to provide information on the grants.



2. CCM members representing institutions that are candidates to serve as a principal recipient or sub recipient or sub-sub recipient shall not participate in deliberations (committee or general meetings) pertaining to the respective entity.

Notice of Agenda Items, Declaration of Potential or Perceived Conflict of Interest

1. Each member of the CCM will receive an agenda of the meeting at least one week in advance. Members of the CCM must decide whether a potential conflict of interest exists and prepare to recuse themselves from CCM discussions. These members must disclose the nature of such interests to the chairperson. The member must recuse himself or herself from any and all deliberations and voting.
2. CCM members or alternates must declare whether a conflict of interest exists at the beginning of the CCM meeting, at the time when all agenda items are read or reviewed.
3. Any member of the CCM may raise the question of a potential conflict of interest prior to or during a meeting. Members may present an allegation of conflict of interest to the chairperson or other CCM body charged with responsibility for conflict of interest, who must investigate each question raised.

Recusal

1. At the moment in the meeting when the relevant agenda item is to be discussed for which there exists a conflict of interest for a CCM member or alternate, members and alternates shall recuse themselves, leave the room, and wait elsewhere.
2. CCM members and alternates having a conflict of interest may NOT vote on the issue at hand and shall not be present in the meeting room when the vote is taken. Once the discussion and any necessary votes or decision making have been completed, the CCM member or alternate shall be recalled into the meeting room.
3. CCM members and alternates having a conflict of interest may be called into the meeting room in their capacity as a representative of their organization to provide needed information to the CCM. Once they have finished providing this information, they will again leave the room until recalled.
4. Whether in the meeting room, outside, or at any other time, the CCMN members and alternates shall not attempt to exert their personal influence with respect to the discussion topic.
5. If the chairperson has a conflict of interest, he or she must delegate meeting responsibilities to a vice-chairperson for the period of the deliberation and recuse himself or herself. If a vice-chairperson also has a conflict of interest, the vice-chair shall also recuse himself or herself and the CCM must elect an acting chairperson for the period of deliberation and thoroughly document the process that was followed.

Gifts and Favors

1. CCM members and alternates are prohibited from accepting gifts under circumstances in which it could reasonably be construed that the gift is motivated by the position as a CCM member or alternate and could substantially affect decisions of the CCM.
2. CCM members and alternates are prohibited from giving gifts if it could be reasonably construed that the gift is intended to affect the policies or practices of the CCM, a principal recipient, or any of the programs it funds.
3. CCM members and alternates who represent governments, corporations, or organizations, and who are subject to a code of ethics or standards of conduct as a result of their position, may accept complimentary invitations to widely attended gatherings otherwise prohibited by this policy where such attendance is permitted under the code of ethics or standards of conduct to which the individual is subject.

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Suspected Conflict of Interest

1. If a suspected conflict of interest is reported by any party, the CCM chairperson and the appropriate CCM body responsible for conflict of interest issues will review the matter immediately to determine whether the CCM member or alternate has failed to declare an interest and if the breach is his or her responsibility. The issue must be reported to all CCM members. Any substantive issues must be brought to the entire CCM to decide.
2. If the matter is brought before the CCM for deliberation, the member or alternate shall be requested to withdraw while the matter is being deliberated. Any CCM member or alternate can bring allegations of conflict to the CCM, and such allegations must be discussed.

Failure to Disclose an Interest

1. If the CCM learns that a CCM member or alternate has wittingly failed to disclose an interest, the CCM shall take all reasonable measures to revoke any benefit gained. Before taking such action, the CCM shall inform the member or alternate in writing of the conflict of interest issue and provide the member or alternate with the opportunity to explain the alleged failure to disclose.
2. The CCM chairperson shall refer all available information in relation to the conflict of interest to the appropriate CCM body charged with conflict of interest matters (i.e., oversight committee, executive committee, full CCM), which shall make a determination on whether a conflict of interest exists. If a conflict of interest does exist, the CCM body shall make a recommendation to the full CCM regarding appropriate action to be taken with respect to the person who has failed to declare the conflict of interest.
3. The full CCM shall consider and vote on the recommendation of the CCM body at the first meeting following receipt of the determination and recommendation.
4. Following the CCM's vote on the recommendation, the circumstances and CCM member or alternate shall be reported to the member's constituency. The constituency shall be requested to immediately replace the member or alternate who serves on the CCM.
5. The CCM shall report all instances of conflict of interest situations that are in apparent violation of any operative laws to the appropriate official government body responsible for enforcement and the Global Fund country team

Documentation of Conflict of Interest

All decisions associated with conflict of interest will be recorded by the CCM and reported in the minutes of the meeting. The record will state:

1. The nature and extent of the conflict.
2. A summary of the discussion.
3. The actions taken to manage the conflict.

Periodic Review of COI Policy

The COI policy shall be reviewed on a periodic basis at least consistent with the CCM's review of other governance documents or earlier as needed.

A handwritten signature in blue ink, appearing to be 'G. M. P. K.', is located at the bottom right of the page.



Annex 1: Acceptance of COI Policy and Declaration of Interest Statement

Upon appointment to the Country Coordinating Mechanism Nepal, please complete this Declaration and submit it to the Secretariat prior to attending your first meeting. You will be asked to update this annually throughout your term of office.

Section 1: Acceptance of COI Policy

Name of CCM Member/Alternate:

Institution: Title:

Constituency:

I, the undersigned, hereby pledge to comply with the attached Conflict of Interest Policy of the Country Coordinating Mechanism Nepal (CCMN).

As a CCMN member or alternate, I shall not participate in deliberations, the making of recommendations or decisions, or other processes in which I have a conflict of interest, or a potential conflict of interest, as defined in the attached Conflict of Interest Policy.

I will complete Section 2 of this document concerning my professional and personal affiliations. I promise to declare my conflict of interest to the general assembly of the CCMN prior to or at the commencement of any CCM meeting at which a relevant matter will be considered. I will state the nature of the conflict of interest and all relevant facts pertaining to my interest. I will then recuse myself from participating in any proceedings concerning the matter.

If another person alleges that I have a conflict of interest, I will respond to this charge and will abide by the decision taken by the CCMN.

If I have reason to believe that a person has a conflict of interest in relation to any matter arising from his or her role or responsibilities in the CCMN, I will report my belief and the information on which it is based to the chairperson, and will provide such further information as is requested from me by the chairperson to the best of my abilities. I undertake not to make allegations of conflict of interest except in good faith, and on the basis of a genuine belief that such conflict or conflicts could compromise the transparency, accountability, inclusiveness of or public confidence in the CCMN.

If I have any questions or need any assistance understanding or complying with the Conflict of Interest Policy, I will contact the chairperson of the CCMN or the Secretariat who will assist me.

I hereby certify that I have received a copy of, and read the CCMN Conflict of Interest Policy.

Signed.....

Date.....



Annex 2: Declaration of Interest Statement

Please answer the following questions completely. When done, initial the page.

No.	Question	Response
1a.	Where do you work?	
1b.	What position do you hold?	
2.	Are you a member of a Board of Directors of an organization? If so, please list the organization(s).	
3.	Are you the owner, co-owner, or stockholder of a private business? If so, please list.	
4.	Do any of your affiliated organizations listed above, serve as a principal or sub recipient of a Global Fund grant? If so, please list the organization and grant.	
5.	Does a close family member work for or hold an ownership interest in an organization serving as a principal or sub-recipient of a Global Fund grant? If so, please list the person, organization, and disease program.	
6.	Do you serve on a CCM committee? If so, please list and identify if you have a leadership role on the committee (Chair, co-Chair, etc).	
7.	Do the policies of the organization you work for conflict or have the potential to conflict with that of the national disease strategy? If so, for which disease and how?	
8.	Please list any other affiliation or situation you believe may cause a conflict of interest for you.	

[Handwritten initials]