

Calling for an actionable accountability framework in the 2011 UN Resolution on HIV & AIDS



SUMMARY

From Rhetoric to Action:

This proposal suggests a way to ensure that the principle of political accountability in the response to AIDS is translated from rhetoric into a set of actionable governance steps that are endorsed by the forthcoming resolution on HIV and AIDS to be adopted at the UN High Level Meeting 8-10 June.

UN Secretary-General Ban Ki-moon emphasizes the need to ensure that mutual accountability in the AIDS response translates commitments to action, as one of five recommendations in his progress report released in preparation for the High Level Meeting in June.

A paragraph calling for 'accountability' and 'accountable leadership' from government should be included among the first ten paragraphs of the 2011 HLM resolution, in order to emphasise the need for accountability mechanisms and accountable leadership, and to increase the normative status of such leadership.

The purpose of this initiative is to propose a framework for how the principle of accountability – as it refers to relations between national governments and civil society and other stakeholders – should be referred to in the 2011 HLM resolution in order to make **accountability an effective governance mechanism to ensure country ownership over an effective response to AIDS.**

References to Accountability in 2001 Declaration & 2006 Political Declaration on HIV/AIDS

No explicit reference was made to 'accountability' in the 2001 UNGASS Declaration of Commitment on HIV/AIDS although it referred to the need for civil society participation in reviews of the national response to AIDS. The 2006 Political Declaration on HIV/AIDS was an improvement in this regard as it **specifically refers to accountability as a principle that should characterize country responses in paragraphs 38 and 51:**

38. Pledge to provide the highest level of commitment to ensuring that costed, inclusive, sustainable, credible and evidence-based national HIV/AIDS plans are funded and implemented with transparency, accountability and effectiveness, in line with national priorities;

51. Call upon Governments, national parliaments, donors, regional and sub-regional organizations, organizations of the UN system, the Global Fund, civil society, people living with HIV, vulnerable groups, the private sector, communities most affected by HIV/AIDS and other stakeholders to work closely together to achieve the targets set out above, and to ensure accountability and transparency through participatory reviews of responses to HIV/AIDS;

Paragraph 49 also makes clear what governments should be held accountable for:

49. Commit ourselves to setting, in 2006, through inclusive, transparent processes, ambitious national targets, including interim targets for 2008 in accordance with the core indicators recommended by UNAIDS, that reflect the commitment of the present Declaration and the urgent need to scale up significantly towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010, and to setting up and maintaining sound and rigorous monitoring and evaluation frameworks within their HIV/AIDS strategies;

See appendix for a list of the paragraphs in the 2001 and 2006 UN Declarations that directly or indirectly refer to some element of accountability extracted from UNAIDS Reference Document "Comparison of political documents pertaining to the response to AIDS".

The Accountability Framework in the 2011 Resolution - A Three-Step Accountability Mechanism

The framework provides a basic three-step accountability mechanism involving people living with, affected by and vulnerable to HIV. On the one hand, the right of civil society to hold governments accountable for poor performance is balanced by the responsibility to avoid simplistic and antagonizing blaming. On the other hand, the legitimate expectation of government for civil society to understand and constructively engage with the complexities of the response and the limits to government power is balanced by its duty to show leadership and act decisively wherever possible.

1. Transparency

The dialogue on accountability cannot start unless stakeholders including people living with, affected by and vulnerable to HIV have sufficient and equal access to the relevant data on the national response collected through national M&E systems. Further, it is essential that this data is presented in a way that enables civil society stakeholders to engage with it and draw conclusions from it. It is important to note that the failure by governments to provide transparent access to the relevant data is sufficient grounds for legitimate demands for accountability.

Governments are urged in the 2011 Resolution on HIV and AIDS to:

- Reaffirm all previous commitments set out in the 2001 Declaration of Commitment and the 2006 Political Declaration to ensure sufficient resources for developing and sustaining national M&E systems that, for the sake of meaningful comparison, align with a set of global indicators as requested by UNAIDS
- Ensure meaningful participation of civil society in the monitoring and evaluation process
- Produce reliable information that must be accessible and available to civil society and other stakeholders.

2. Dialogue on performance

The 2011 HLM resolution must restate previous commitments by government to engage with all relevant stakeholders in periodic reviews of country performance in the response in relation to the relevant national or global targets for service coverage and governance principles. The reviews will give government opportunities to explain instances of poor performance, and civil society stakeholders can assess whether those explanations are acceptable or whether to demand political accountability. Obviously, the failure of government to participate in such reviews, or a politically biased engagement only with some civil society stakeholders, are sufficient grounds for demands for accountability.

Governments are urged in the 2011 Resolution on HIV and AIDS to:

- Reaffirm previous commitments by government commitments set out in 2001 Declaration of Commitment and 2006 Political Declaration to engage with all relevant stakeholders in annual reviews of country performance, coordinated by National AIDS Councils or equivalent, in relation to the relevant national and global targets for service coverage and governance principles.
- Emphasize that such reviews lie at the core of the national dialogue between stakeholders through which country ownership is forged.

3. Political action

Access to data and dialogue between stakeholders are no ends in themselves but should determine which forms of political action are necessary. Where stakeholders can agree with government that unified action is required in relation to potential funders or global agencies such action will increase the leverage of country demands. Where government accepts responsibility for poor performance in some aspect of the response it should take action to improve that performance. Where civil society actors do not accept government explanations for poor performance, or disagree with government plans to remedy poor performance, civil society stakeholders should take political action to try increase the leverage of their demands for political accountability.

The 2011 resolution on HIV and AIDS needs to emphasize that:

- The annual reviews referred to above must lead to agreements on how governments could improve their performance and political action by stakeholders to ensure an improved response.

This proposal has been developed with partners of the HIV & AIDS Accountability Forum. The Forum is a Ford Foundation funded project with AIDS Accountability International, GESTOS, Global Health Council, GNP+, ICW, IPPF/WHR and World AIDS Campaign as members. A draft was developed where members of the forum had the opportunity to comment in two rounds during March 2011. The proposal will be used for advocacy purposes in the negotiating process for the UN resolution on HIV and AIDS to be adopted at the High Level Meeting 8-10 June.

Please endorse this proposal by sending an email to lisa@aidsaccountability.org

Accountability Framework in the 2011 UN Resolution on HIV & AIDS

Introduction

The need for greater clarity and stronger commitments on political accountability is neither new nor marginal to the global discourse. UN Secretary-General Ban Ki-moon emphasizes the need to ensure that mutual accountability in the AIDS response translates commitments to action, as one of five recommendations in his progress report released in preparation for the High Level Meeting in June.

Since the onset of the AIDS pandemic, stakeholders have negotiated much political terrain to develop a common understanding of what principles should govern the response to AIDS in order to ensure effectiveness. The response is now expected to reinforce individual human rights, to address gender inequality, to respect sexual diversity, to be structured by the notion of the 'Three Ones', and to have Universal Access as its unambiguous target. Further, in terms of the political process to generate policy and affect implementation, there is consensus that general stakeholder participation is essential and that participation by people living with HIV and AIDS is critical (the GIPA principle).

More recently the principle of accountability has gained currency among key stakeholders as an additional component that should characterise the response. However, no equivalent consensus has yet developed on how, more concretely, the principle of accountability should shape the governance of the AIDS response.

The purpose of this initiative is to make a proposal for how accountability should be addressed in the resolution that will be adopted at the United Nations High-Level Meeting on HIV/AIDS in June 2011 in order for the resolution to become an effective normative reference for governments and for those that advocate for accountable leadership by government in the response to HIV and AIDS.

The Meaning and Applications of Accountability

Most definitions of accountability refer in one way or another to the use of power. For example, a government, a civil society organisation or even a person can be held answerable for the use or abuse of power. Several bases for accountability exist in the context of the AIDS response. For example, a local organisation working against HIV stigma can be said to be accountable to those that suffer stigma for how its resources were used; this is referred to as 'downward accountability'. Power relations that determine funding arrangements between donor and recipient governments are captured with the notion 'mutual accountability'. Actors such as the Global Fund and UNAIDS are similarly accountable to several stakeholders for delivering on their mandate. With reference to national governments, 'horizontal accountability' refers to a power-relation between government and other institutions such as Parliament or the Judiciary, and 'vertical accountability' refers to the relationship between government and voters as well as civil society.

This proposal recognises the relevance and validity of different definitions and applications of the principle of accountability. The AIDS response would be stronger if it was permeated by accountability from all relevant stakeholders at global, national and local levels. For this reason, this proposal would support references to other grounds for accountability in the HLM resolution than the one advocated here. However, in order to have the greatest chance to make an impact on the text in a UN resolution, and to try to add value to contributions by other stakeholders, this initiative presents a more focused proposal for how accountability should be understood in the relationship between national governments and stakeholders in civil society.

Accountability in Past UN Declarations on HIV/AIDS

Although the 2001 UNGASS Declaration of Commitment on HIV/AIDS referred to the need for civil society participation in reviews of the national response to AIDS, no explicit reference was made to the notion of accountability as a mechanism to address shortcomings. In fact, no reference was made to accountability at all. The 2006 Political Declaration on HIV/AIDS was an improvement in this regard as it specifically refers to accountability as a principle that should characterize country responses in paragraphs 38 and 51:

38. Pledge to provide the highest level of commitment to ensuring that costed, inclusive, sustainable, credible and evidence-based national HIV/AIDS plans are funded and implemented with transparency, accountability and effectiveness, in line with national priorities;

51. Call upon Governments, national parliaments, donors, regional and sub-regional organizations, organizations of the UN system, the Global Fund, civil society, people living with HIV, vulnerable groups, the private sector, communities most affected by HIV/AIDS and other stakeholders to work closely together to achieve the targets set out above, and to ensure accountability and transparency through participatory reviews of responses to HIV/AIDS;

The 2006 Declaration's paragraph 49 also makes clear what governments should be held accountable for:

49. Commit ourselves to setting, in 2006, through inclusive, transparent processes, ambitious national targets, including interim targets for 2008 in accordance with the core indicators recommended by UNAIDS, that reflect the commitment of the present Declaration and the urgent need to scale up significantly towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010, and to setting up and maintaining sound and rigorous monitoring and evaluation frameworks within their HIV/AIDS strategies;

Building on the more general references in the 2001 Declaration, the 2006 Declaration states clearly that governments shall ensure that the AIDS response will be characterized by accountability more generally (Para. 38), and that government can be held accountable for its performance with regard to national and global targets (Para. 48 and 51). It should be noted that paragraphs 38 and 51 are the only two places in the 2006 Declaration that make explicit reference to accountability. See appendix for a list of the paragraphs in the 2001 and 2006 UN Declarations that directly or indirectly refer to some element of accountability extracted from UNAIDS Reference Document "Comparison of political documents pertaining to the response to AIDS".

Although the way that accountability is addressed in the 2006 Declaration represents an improvement on the 2001 Declaration, the reference does not provide clear normative guidance on how accountability should be understood or what governments and civil society stakeholders should do more concretely in order to give effect to the principle of accountability. These shortcomings will be addressed in the proposal that is formulated in the next section.

Accountability in the 2011 HLM Resolution

This proposal is based on two normative arguments. The first is that the principle of accountability gives civil society stakeholders the right to criticize governments for failing to meet commitments made in the AIDS response. This implies that governments – democratic or otherwise – that aspire to ideals of good governance must accept such demands as legitimate and that they should develop a constructive response that ensures improved performance.

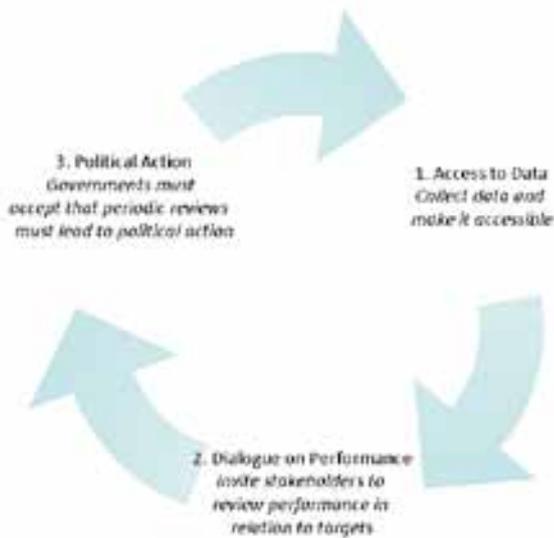
The second argument is that the right to voice such criticism and the legitimate expectation of an improved performance are conditional on civil society having tried to engage the government in constructive dialogue on the issues. To ensure an effective response to AIDS is a considerable governance challenge for most governments, especially in those countries that are worst affected. There are several possible reasons for a country's failure to meet targets for the response, some of which are beyond the control of government.

The two arguments give a basic structure to the dialogue on accountability. On the one hand, the right of civil society to hold governments accountable for poor performance is balanced by the responsibility to avoid simplistic and antagonizing blaming. On the other hand, the legitimate expectation of government for civil society to understand and constructively engage with the complexities of the response and the limits to government power is balanced by its duty to show leadership and act decisively wherever possible.

Global agencies and civil society networks can assist with information, analysis and facilitation of this national dialogue. However, it is imperative for national stakeholders in government and civil society to face up to this governance challenge in order to forge genuine country ownership of the response to AIDS.

The process to develop a constructive dialogue on accountability can be set out in three concrete steps that realize the principle of accountability in the response to AIDS.

Figure 1. Three-step Accountability Mechanism



1. Transparency

The dialogue on accountability cannot start unless stakeholders including people living with, affected by and vulnerable to HIV have sufficient and equal access to the relevant data on the national response collected through national M&E systems. Further, it is essential that this data is presented in a way that enables civil society stakeholders to engage with it and draw conclusions from it. It is important to note that the failure by governments to provide transparent access to the relevant data is sufficient grounds for legitimate demands for accountability.

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with a set of global indicators as requested by UNAIDS

-- Ensure meaningful participation of civil society in the monitoring and evaluation process

- Produce reliable information that must be accessible and available to civil society and other stakeholders.

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The 2011 resolution on HIV and AIDS needs to emphasize that:

- The annual reviews referred to above must lead to agreements on how governments could improve their performance and political action by stakeholders to ensure an improved response.

Annex

Current references in the 2001 Declaration of Commitment and 2006 Political Declaration
 Extracted from UNAIDS Reference Document “Comparison of political documents pertaining to the response to AIDS”

2001 Declaration of Commitment on HIV/AIDS	
94	Conduct national periodic reviews involving the participation of civil society, particularly people living with HIV/AIDS, vulnerable groups and caregivers, of progress achieved in realizing these commitments and identify problems and obstacles to achieving progress and ensure wide dissemination of the results of these reviews;
95	Develop appropriate monitoring and evaluation mechanisms to assist with follow-up in measuring and assessing progress, develop appropriate monitoring and evaluation instruments, with adequate epidemiological data;
96	By 2003, establish or strengthen effective monitoring systems, where appropriate, for the promotion and protection of human rights of people living with HIV/AIDS;
97	Include HIV/AIDS and related public health concerns as appropriate on the agenda of regional meetings at the ministerial and Head of State and Government level;
98	Support data collection and processing to facilitate periodic reviews by regional commissions and/or regional organizations of progress in implementing regional strategies and addressing regional priorities and ensure wide dissemination of the results of these reviews;
100	Devote sufficient time and at least one full day of the annual General Assembly session to review and debate a report of the Secretary-General on progress achieved in realizing the commitments set out in this Declaration, with a view to identifying problems and constraints and making recommendations on action needed to make further progress;
101	Ensure that HIV/AIDS issues are included on the agenda of all appropriate United Nations conferences and meetings;
2006 Political Declaration on HIV/AIDS	
38	Pledge to provide the highest level of commitment to ensuring that costed, inclusive, sustainable, credible and evidence-based national HIV/AIDS plans are funded and implemented with transparency, accountability and effectiveness, in line with national priorities;
49	Commit ourselves to setting, in 2006, through inclusive, transparent processes, ambitious national targets, in accordance with the core indicators recommended by UNAIDS, and to setting up and maintaining sound and rigorous monitoring and evaluation frameworks within their HIV/AIDS strategies;
50	Call upon UNAIDS to assist national efforts to coordinate the AIDS response, as elaborated in the “Three Ones” principles and in line with the recommendations of the GTT on Improving AIDS Coordination; and strengthen global coordination on HIV/AIDS, including through the thematic sessions of the Programme Coordinating Board;
51	Call upon Governments, national parliaments, donors, regional and sub-regional organizations, organizations of the UN system, the Global Fund, civil society, people living with HIV, vulnerable groups, the private sector, communities most affected by HIV/AIDS and other stakeholders to work closely together to achieve the targets set out above, and to ensure accountability and transparency through participatory reviews of responses to HIV/AIDS;
52	Request the Secretary General to include in his annual report to the General Assembly (GA) on the status of implementation of the 2001 DoC the progress achieved in realizing the commitments set out in the present Declaration;