

IN.51-05

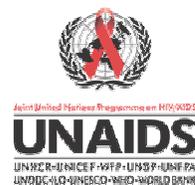
9 March 2005

Memorandum of Understanding Between the Asian Development Bank and the Secretariat of the Joint United Nations Programme on HIV/AIDS

Attached for information is a paper on the above subject.

For Inquiries: B. N. Lohani, Regional and Sustainable Development Department
(Ext. 6781)

R. J. Dobias, Regional and Sustainable Development Department
(Ext. 6783)



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE ASIAN DEVELOPMENT BANK

AND

THE SECRETARIAT OF THE

JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS

MEMORANDUM OF UNDERSTANDING

between

ASIAN DEVELOPMENT BANK (ADB)

and

**THE SECRETARIAT OF THE JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS
(UNAIDS)¹**

I. THE COOPERATION PARTNERS

1. ADB and the UNAIDS Secretariat share an interest in strengthening the response to the AIDS epidemic in the Asia and Pacific region.
2. ADB and UNAIDS have collaborated in a number of areas, including studies related to the financing needs for HIV/AIDS prevention and care in Asia and the Pacific. The collaboration has facilitated access to technical and financial resources as well as strategic information to strengthen the international response to the epidemic for developing countries in Asia and the Pacific.
3. ADB is a multilateral development finance institution dedicated to reducing poverty in Asia and the Pacific. The UNAIDS Secretariat, together with UNAIDS Cosponsors², is the main advocate for worldwide action against HIV/AIDS. Its mission is to lead, strengthen and support an effective response to the epidemic.
4. Representatives of ADB and UNAIDS have agreed that enhanced cooperation and collaboration will strengthen institutional capacities in both institutions and enhance the efficiency and effectiveness of the use of their respective resources.
5. ADB and UNAIDS have concluded that they should cooperate in the identified areas of mutual interest, without creating formal obligations for either Party pursuant to this MOU.

II. AIMS AND GUIDING PRINCIPLES

6. ADB and UNAIDS acknowledge that the collaboration which they seek to foster will facilitate the realization of their shared aim of contributing to a strengthened and expanded response to the AIDS epidemic in the region for purposes of sustainable development and reducing vulnerability and poverty. Both institutions recognize that, given the scale and

¹ UNAIDS refers to the UNAIDS Secretariat in this document, unless otherwise stated

² The UNAIDS cosponsoring organizations are: Office of the United Nations High Commissioner for Refugees (UNHCR); United Nations Children's Fund (UNICEF); World Food Programme (WFP); United Nations Development Programme (UNDP); United Nations Population Fund (UNFPA); United Nations Office on Drugs and Crime (UNODC); International Labour Organization (ILO); United Nations Educational, Scientific and Cultural Organization (UNESCO); World Health Organization (WHO); and World Bank

complexity of the challenges in the region, collaboration is essential to create synergies based on each organization's strengths.

7. Further to the matters stated in paragraph 8, ADB and UNAIDS will work together, particularly through advocacy, policy development and knowledge management:

- (a) towards achieving the Millennium Development Goal related to HIV/AIDS at the regional, sub-regional and country levels;
- (b) to reduce the risk and vulnerability of individuals and communities to HIV/AIDS, and alleviating the impact of the epidemic, as embodied in the UN General Assembly Special Session on AIDS (UNGASS-AIDS) Declaration of Commitment;
- (c) to support poverty reduction at the regional, sub-regional and country levels in Asia and the Pacific.

8. The collaboration between ADB and UNAIDS will be guided and built upon by the following principles and fundamental action:

- (a) Co-ownership of processes with a focus on deriving synergies from shared activities and cooperation;
- (b) The development and promotion of technically sound approaches to address the AIDS epidemic;
- (c) Inclusive approaches that involve civil society, vulnerable populations and people living with HIV/AIDS, and promote gender equity;
- (d) The integration and application of prevention, care, treatment and support initiatives in relation to HIV and AIDS;
- (e) The strengthening of national responses, following the 'Three Ones' principles of: One agreed AIDS action framework that provides the basis for coordinating the work of all partners; One national AIDS coordinating authority with a broad-based multisectoral mandate; and One agreed country-level monitoring and evaluation system.

III. ASPECTS OF THE PROPOSED COOPERATION AND JOINT ACTIVITIES

9. ADB and UNAIDS will focus on their shared strategic and operational priorities and use their comparative strengths and advantages, and:

- (a) consult each other in policy dialogue, programming, and project implementation at the regional, sub-regional and country levels, where feasible and appropriate; and
- (b) share knowledge including lessons learned and evaluations of the programs as relevant to the AIDS epidemic in Asia and the Pacific;

- (c) select and develop collaborative activities to bring a clear benefit to countries in the region in response to the AIDS epidemic;
- (d) undertake all collaborative activities with a clear, mutual, written understanding where respective responsibilities are delineated;
- (e) explore the potential of co-financing programs and projects.

10. It is envisaged that the potential for joint activities may include those areas specified in Appendix 1. The Appendix may be amended from time to time by written agreement of the two organizations.

11. The expected outcomes of this cooperation include:

- (a) strengthened and expanded regional, sub-regional and national responses to the HIV/AIDS epidemic;
- (b) strengthened partnerships across sectors for HIV/AIDS prevention and care;
- (c) promotion of horizontal learning among countries in the region;
- (d) strengthened ADB engagement in the response to HIV and AIDS at various levels; and
- (e) enhanced technical knowledge in HIV and AIDS programs and policies for the benefit of both signatories and countries in the region.

IV. EXCHANGE OF INFORMATION

12. ADB and UNAIDS recognize that effective cooperation depends upon open, comprehensive and regular exchange of information at the institutional level. They agree to make appropriate arrangements to:

- (a) give each other notice of relevant:
 - (i) conferences, seminars and workshops being organized or sponsored;
 - (ii) regional, country, sector and thematic policy/strategy documents;
 - (iii) program and project approval documents; and
 - (iv) regional program, country program, sectoral, project and other evaluations; and
- (b) share with each other information on any relevant projects or studies in which the other has expressed special interest.

13. UNAIDS, in particular, will, as necessary and appropriate:

- (a) provide ADB with access to relevant country, regional and global information; and
- (b) update ADB on new global, regional and country information that ADB might use in the development and design of ADB projects and programs.

14. ADB, in particular, will ensure that, where relevant, information generated in the course of its development assistance to developing member countries is made available to UNAIDS, consistent with ADB's policy on disclosure of information.

15. Consultation and exchange of information and documents pursuant to paragraphs 12-14 will be without prejudice to arrangements that may be required to safeguard the confidential and restricted character of certain information and documents. If either ADB or UNAIDS regards any such information to be confidential or restricted, it will give written notice to that effect and the receiving party will ensure the observance of such confidentiality and/or restricted circulation of such information.

16. Neither ADB nor UNAIDS will make any commitments or take any positions on behalf of the other without the other's specific prior written consent. Each organization will maintain the right to independent expression on issues related to activities that may be undertaken under this MOU, but will endeavor, to the greatest extent practicable, to apprise each other in advance of the publication or dissemination of any such independent expressions or issues, in order to avoid potential public misunderstandings and/or confusion.

V. ATTENDANCE AT MEETINGS

17. ADB and UNAIDS recognize that appropriate representation is important to emphasize their common interests, purpose and intentions and to facilitate all aspects of effective cooperation. They agree on arrangements to extend reciprocal invitations to their respective annual meetings and their other meetings, conferences, seminars and workshops, as relevant to the identified areas of cooperation.

VI. CONSULTATIONS

18. ADB and UNAIDS recognize that it is important to arrange periodic consultations to review the planning, implementation and outcomes of their cooperation activities, including discussions of results, challenges, opportunities and problems. They agree to hold consultations periodically as required, and not less than once every year.

19. ADB and UNAIDS staff at the national and regional levels will meet formally and informally, as mutually agreed, to develop concepts and plans for joint work in consultation with governments and other development partners.

VII. FOCAL POINTS

20. ADB and UNAIDS hereby designate the following focal points for all purposes associated with this MOU:

- (a) for ADB:
 - Director General, Regional and Sustainable Development Department
 - Asian Development Bank
 - 6 ADB Avenue
 - Mandaluyong City
 - 1550 Metro Manila, Philippines
 - Telephone: (632) 632-4444
 - Fax: (632) 636-2444
 - Email: information@adb.org
- (b) for UNAIDS:
 - Director
 - UNAIDS Asia-Pacific Regional Support Team
 - UNESCAP Building
 - Rajadamnern Nok Avenue
 - Bangkok 10200, Thailand
 - Telephone: (662) 288-1490
 - Fax: (662) 288-1092
 - Email: unaids-seapict@un.org

21. The respective focal points will be responsible for:

- (a) establishing effective communication and liaison with the other focal point;
- (b) facilitating the implementation of all aspects of this MOU and the opportunities for cooperation that are identified;
- (c) promoting this MOU and the cooperation activities undertaken under it, within the respective organizations and, as appropriate, with external audiences;
- (d) facilitating the attendance of ADB and UNAIDS representatives at relevant meetings, workshops and seminars held by ADB or UNAIDS, or held jointly;
- (e) convening the periodic consultations that are agreed to be held in accordance with this MOU; and
- (f) monitoring the implementation of this MOU and evaluating the cooperation activities that are undertaken between the two organizations in accordance with Part VIII of this MOU.

VIII. PREPARATION, IMPLEMENTATION AND EVALUATION OF JOINT WORK ACTIVITIES

22. ADB and UNAIDS will, within a mutually acceptable period of the signing of this MOU, prepare and share the following information:

- (a) a list of all current operational cooperation activities between the parties and their implementation status;

- (b) a list of potential cooperation activities for the 12-month period following the execution of this MOU, based on each institution's strategic and annual plans; and
- (c) an indicative list of planned cooperation activities for two years.

23. ADB and UNAIDS will, at the end of the first 24-month period following the execution of this MOU and every 24 months thereafter, prepare a joint written report to be submitted to the President of ADB and the Executive Director of UNAIDS on progress made, with recommendations on the implementation of subsequent cooperation activities.

24. Reporting requirements for joint activities, as well as all other rights and obligations arising therefrom, will be as specified in the agreement for each individual activity.

25. ADB and UNAIDS agree that:

- (a) the relevant program or project managers in the organizations will be responsible for the implementation of cooperation activities within their areas of responsibility;
- (b) the relevant program or project managers will provide brief reports as necessary to the designated focal points on the status of implementation of all relevant cooperation activities that are within their areas of responsibility;
- (c) the designated focal points will prepare joint reports when they deem it necessary detailing the implementation status of the cooperation activities;
- (d) the relevant program managers will prepare annual assessments of the results achieved from the cooperation activities;
- (e) the assessments shall be reviewed by the designated focal points when considering further cooperation activities; and
- (f) the designated focal points shall conduct joint evaluations of the overall development impacts of the cooperation undertaken under this MOU.

IX. PROMOTION OF THE COOPERATION ARRANGEMENTS

26. ADB and UNAIDS recognize that the involvement of both organizations in joint cooperation activities should be publicized, both within their organization and in the general community. They therefore agree that:

- (a) there will be public acknowledgement of the role and contribution of each organization to the cooperation projects and activities in all public information documentation relating to the instances of cooperation;
- (b) the use of the name and logo(s) of each organization in documentation related to the cooperation projects and activities will be in accordance with the current policies of each organization concerning such usage as communicated in writing to the other organization; and

- (c) all publicity materials (such as press releases) will be jointly agreed upon, and approved by each organization prior to release to the public or media.

X. TERM AND REVIEW

27. This MOU will take effect from the date it is signed by the authorized representatives of the two organizations.
28. ADB and UNAIDS agree that the term of this MOU will be for the period 2005-2015. At the end of this period, both parties may agree in writing to extend this agreement.
29. A joint mid-term review of achievements under this MOU will be carried out after 5 years of implementation
30. This MOU may be terminated by ADB or UNAIDS by giving six months' notice in writing to the other.

XI. DEALING WITH PROBLEMS

31. All problems arising between the two organizations during the term of this MOU, and which impact adversely on the potential of the two organizations to collaborate effectively, will be made known to the respective focal points as soon as possible after a problem has become evident. The focal points will take whatever action is appropriate to seek an amicable resolution of any such problem. Where the attempts of the focal points to address any problem have not resolved it to the satisfaction of both parties, the representatives of the two organizations who are the signatories to this MOU will take whatever action they consider may be appropriate to achieve an amicable resolution.

XII. MISCELLANEOUS

32. This MOU is not intended to create legal relations between the two organizations or to impose formal obligations on them.
33. This MOU does not create any financial or human resource implications for either party. Any specific activities, which are identified under this MOU as being opportunities for collaboration between the two organizations, shall be the subject of further written agreements, entered into in accordance with the practices and procedures of the two organizations.
34. This MOU may be amended by mutual written consent of the two organizations.
35. In keeping with the administrative nature of these arrangements, no provision of this MOU shall be construed so as to interfere in any way with the independent decision-making autonomy of the two organizations with regard to their respective affairs and operations.

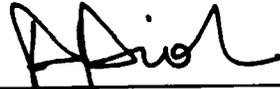
DATED this 21st day of February, 2005

ASIAN DEVELOPMENT BANK

**THE SECRETARIAT OF THE JOINT UNITED
NATIONS PROGRAMME ON HIV/AIDS
(UNAIDS)**



Haruhiko Kuroda
President



Dr Peter Piot
Executive Director

APPENDIX 1

PROPOSED AREAS FOR COOPERATION

ADB and UNAIDS envisage three principal areas as the focus for joint activities

1. Policy and advocacy

ADB and UNAIDS will promote commitment and leadership from key decision makers in the region at the regional, sub-regional and country level. Priority will be given to discussions on HIV and AIDS in policy dialogue with Finance, Planning and other key ministries.

Outputs should include: 1) policies promoting the strategic allocation of budgets for effective HIV/AIDS-related programmes in key ministries; 2) policy dialogue on HIV/AIDS and Development; 3) where possible and appropriate, support for and through regional forums such as the Asia Pacific Leadership Forum on HIV/AIDS (APLF).

2. Support at the regional and country level to ADB's Developing Member Countries

Increased support is needed to deliver public goods that will contribute to development and strengthen responses to HIV and AIDS in the region. The ADB and UNAIDS will cooperate to expand inter-country research and study as well as support relevant regional meetings, events and conferences. At the country level, the ADB and UNAIDS will consider approaches to assist ADB's Developing member countries in: estimating resource gaps and socio-economic impact; tracking resource allocations and commitments; collecting, updating, disseminating evidence for country, regional assessments and strategies; and programmes that facilitate effective multisectoral responses.

Outputs should include: 1) loans and grants for programmes and projects specifically developed to address HIV/AIDS impact and prevention; 2) improved capacity in the region and at country level for strategic planning and programming; 3) updated studies on long-term economic and social costs of HIV/AIDS in the region and in prioritized countries, and; 4) relevant data, information and studies to be used in the formulation and implementation of policies and programmes.

3. Technical support for addressing HIV/AIDS impact mitigation and prevention opportunities in ADB-supported programmes and projects

Recognizing and addressing the potential link between HIV/AIDS and ADB activities in a range of sectors will require capacity building and support at an organizational level. Where possible, UNAIDS can work with ADB to develop good practice models and provide or broker technical support to both ADB and those implementing ADB-financed projects and activities. Where feasible and appropriate, the technical support should aim to facilitate the integration of HIV/AIDS issues into ADB operations using all ADB lending and grant modalities as possible and appropriate.

Outputs should include: 1) mainstreaming of HIV/AIDS into strategies, lending operations and grants; 2) assessment of other programmes and projects in relation to their impact on HIV/AIDS; 3) capacity development to support mainstreaming of HIV/AIDS in relevant programmes of member countries, and; 4) new programmes in sensitive areas that drive the epidemic in the region.