

RESTRUCTURING THE BOSTWANA

NATIONAL AIDS COUNCIL

NAC 2012

1.0 Background

The National AIDS Council was established in 1995 through Presidential Directive CAB28/95. Its main purpose was to function as 'supra-sectoral' body to, among others, monitor and coordinate the implementation of the National AIDS Policy and programmes that are within the framework of the policy, and advise Government on policy and strategic adjustments that needed to be made in the national response. These terms of reference were further confirmed, through the Presidential Directive CAB 33/98, approved and adopted Botswana National Policy on HIV/AIDS of 1998.

The Council was constituted by 22 members from the Public Sector represented by five (5) Permanent Secretaries, including local authorities through Botswana Association of Local Authorities and disciplined forces through the BDF and the Botswana Police Force; the Private Sector represented by BOCCIM; the Labour Sector represented by the Botswana Federation of Trade Unions; the Youth Sector represented by Botswana National Youth Council; the Legislature represented by a Member of Parliament; the Traditional Leadership represented by a Member of the House of Chiefs; the Non-Governmental Organisations represented by Botswana Network of AIDS Service Organisations; the academia represented by the University of Botswana; and People Living with HIV/AIDS represented by an unspecified organization. The Minister of Health was the Chairperson, while the Assistant Minister of Local Government, Lands and Housing was the Vice Chairperson of the Council. The only new addition to the membership was the representative of the Women's NGO Coalition.

In December 1999, Government through the Presidential Directive CAB 32/99, decided that the implementation of the HIV/AIDS Programme should be declared an emergency and that the leadership and coordination structures needed to be strengthened. This resulted in the establishment of NACA at the Ministry of Health, the appointment of the National HIV/AIDS Coordinator, the establishment of HIV/AIDS

Units in Ministries, Parastatals and the Private Sector, the chairing of the Council by His Excellency, the President and deputizing by His Honour, the Vice President.

The implementation of this Directive was later varied to among other changes; relocate NACA from the Ministry of Health to the Ministry of State President and to increase the membership of the Council from 22 to 36. In addition to the increased membership, a lot more people attended the Council meetings on the justification that they were there to support substantive members of the Council.

The scope of responsibility for the NAC outlined in the terms of reference were to include coordination, oversight, monitoring and facilitating capacity building for implementation of the national response. Within the specific functions of the NAC, there was only a small variation between the points outlined in the National Policy, and those of the MTP II because the development of the MTP II and the revision of the National Policy were being undertaken concurrently. The terms of reference for the NAC were;

- Monitor and coordinate implementation of the National AIDS Policy and programmes developed within the framework of the MTP II.
- Advocate for the involvement of all sectors in the implementation of programmes within their own organizations, and at various levels of society.
- Ensure that monitoring and evaluation of national response programmes are carried out.
- Ensure periodical reviews of the National Policy and the MTP II in light of emerging issues.
- Advise Government of strategic adjustments needed in the national response.
- Mobilize resources for the national response.

As earlier stated above, the National AIDS Council, as dictated by the National Policy and the MTP II, was to have around **22 members**. However, as Botswana's national

response to the epidemic became more complex, and a greater number of sectors and organizations became more deeply involved in the national response, more members were added until today, membership in the NAC numbers approximately 36-45.

The MTP II sought the establishment of a Technical Advisory Committee (TAC) of the NAC. This was to “enhance the scientific and technical base of its decisions” (MOH, 1997: 65). The TAC was to have various sub-committees which were to include:

- Clinical Management and Nursing Care Committee
- Counselling and Home Based Care Committee
- HIV and Development Committee
- IEC and Logistics Committee
- Research, Evaluation and Surveillance Committee

The membership of each of these sub-committees was to be multi-sectoral and encompass the existing expertise in the country in each of the specific areas. The Secretaries to each of the sub-committees was to be the head of the relevant unit in NACA, while the Secretary of the TAC itself was to be the head by NACA. While representing a conscious effort to keep the NAC focused on areas of technical need and promoting programme development based on evidence and expertise, *these five committees, as far as can be ascertained, never became a functional part of the NAC.*

On the other hand the NAC Sectors also grew in number and not all became functional out of the 18 originally planned. In general, these sectors have not been very active, save for a few examples such as the Men’s Sector and the Ethics, Law and Human Rights Sector. They largely suffer from a lack of clarity in terms of their role and responsibility. Those that have been active have relied on convictions and responsibilities and commitment of the Chairpersons

2.0 Restructuring the NAC

A number of reviews and assessments continue to point out to the need for a much more reformed and effective NAC to effectively execute its mandate (NACA, 2006, NACA 2008, NACA 2010). The first major problem has always been the lack of legal or legislative backing for the existence of the NAC. However years have gone past and probably it is appropriate and important review and restructure the NAC through implementation of the recommendations from the Organisation & methods review report, Harmonisation and Alignment needs assessment report of 2010 with a view to strengthen institutional arrangements of the national response and the first being reforming and restructuring the National Aids Council.

At present the NAC is too large and this has cost implications of having to accommodate such a large number members. The present membership and structure of the NAC is not sustainable in the long-term. The large size of the Council has, in many ways, compromised the quality of debates in meetings and reduced the high level body to a stakeholder's forum. The presence of too many middle-level professional staff, such as the Ministry AIDS Coordinators, has tended to overshadow the membership of the policy-makers particularly from the public sector. In this regard, the National AIDS Council has effectively been reduced to an information sharing forum. A review of national AIDS councils/Commissions in the East and Southern Africa region (Kenya, Uganda and Zimbabwe) shows lean membership of NACs for effective oversight and corporate governance.

The importance of the link between national and district level in execution of the mandate of the national response remains paramount to the national response. The current structure has DMSACs and VMSACs and district and local level but these structures have no direct link with NACA or the NAC.

Going forward it is prudent therefore to have a small but effective National AIDS Council that can make substantive inputs to the national response and provide strategic and solid advisory functions to the national government.

3.0 Revised Mandate of the National AIDS Council

The mandate of a coordinating body such as the NAC should be profiled at a policy and strategic level. The NAC therefore should be in a position to provide leadership guidance and support in the HIV/AIDS in the areas of policy, planning, resource mobilisation, oversight and advocacy. The mandate of NAC needs to clearly differentiate itself from that of implementing institutions or organisations.

3.1 Mandate of the National AIDS Council

1. Facilitate and support development and review of the National AIDS Policies.
2. Facilitate effective planning for the national response to HIV and AIDS
3. Resource mobilisation to ensure that programmes receive adequate resources for effective implementation.
4. Provide strategic oversight of implementation and monitoring of performance of the National Response.
5. Conduct advocacy at all levels for improved service delivery across all sectors
6. Foster accountability among all structures, partners and stakeholders in the national response.
7. Provide advice on legislative issues within the national response

3.2 Proposed Composition

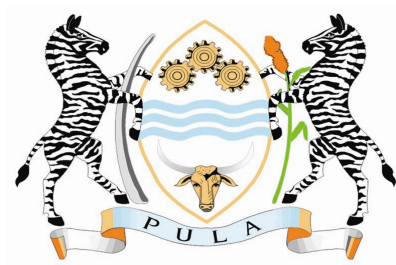
| No. | Member | Organisation | Sector |
|-----|-------------------------------|--|----------------|
| 1 | Chairperson: Minister | Ministry of Presidential Affairs and Public Administration | Government |
| 2 | Vice-Chair: Elected | non government sector | Non Government |
| 3 | Minister | Ministry of Health | |
| 4 | Minister | Ministry of Local Government | |
| 5 | Chairperson | Parliamentary HIV/AIDS Select Committee | Public Sector |
| 6 | Chairperson | House of Chiefs | Public Sector |
| 7 | Chairperson | Botswana Association of Local Authorities (BALA) | Civil Society |
| 8 | Attorney General | AG Chambers | Public Sector |
| 9 | National Coordinator | National AIDS Coordinating Agency | Public Sector |
| 10 | Permanent Secretary | Ministry of Health | Public Sector |
| 11 | Permanent Secretary | Ministry of Local Government | Public Sector |
| 12 | Permanent Secretary | Ministry of Finance and Development Planning | Public Sector |
| 13 | Permanent Secretary | Ministry of Labour and Home Affairs | Public Sector |
| 14 | Permanent Secretary | Ministry of Youth, Sports and Culture | Public Sector |
| 15 | Permanent Secretary | Ministry of Education and Skills Development | Public Sector |
| 16 | Executive Secretary | Botswana Network of AIDS Service Organisations (BONASO) | Civil Society |
| 17 | Executive Director | Botswana Network of People Living with AIDS (BONEPWA) | Civil Society |
| 18 | Executive Director | Botswana Network of Ethics Law and Human Rights | Civil Society |

| | | | |
|----|----------------|------------------------------|----------------|
| 19 | Chairperson | Botswana Council of Churches | |
| 20 | Representative | BBCA | Private Sector |
| 21 | Representative | Trade Unions | Private Sector |
| 22 | Representative | Academia | |
| 23 | Representative | MISA | Private Sector |

In order to ensure active participation and involvement of all members of the Council and for efficient running of Council affairs standard operating procedures and rules have been developed to guide all Council activities and hold members accountable for their actions. It is also critical that members of the NAC also represent the interests of their sectors. In this way those not directly represented at the Council would still have a reasonable voice through their sector members at the Council. The members would be expected to take issues from the NAC to their sectors and vice-versa.

Attendance at the NAC meetings would be controlled to ensure that only approved membership attends and those that maybe required to present specific reports as laid down in the NAC operating procedures.

All members who have been part of the NAC at present would become part of the Pre-NAC where all issues to be deliberated at the NAC are presented and discussed. All Pre-NAC members would be required to fully brief their NAC members to facilitate active discussion at the NAC meetings.



OPERATING PROCEDURES

FOR THE

NATIONAL AIDS COUNCIL

NAC 2012

1. National AIDS Council Membership

1.1 Membership

There shall be 21 members of the National AIDS Council drawn from the following sectors; Government (13), Private Sector (2) and Civil Society (6). The civil society membership will be consist of the following; NGO (4), People Living With HIV/AIDS (1), Religious/Faith Based (1).

1.2 Advisers, observers and invited guests

NAC meetings may from time to time include additional delegates/advisers or invited guests. Such delegates must be cleared with the Secretariat specifically the National Coordinator prior to attendance. In addition such delegates shall not have the right to speak or to participate directly in the deliberations and cannot vote either.

2. Meetings

2.1 Regular Meetings

There shall be a schedule of all NAC meetings for every year approved by the NAC at the beginning of each year in January. The schedule shall be adhered to as much as is possible throughout the year. Any changes to the schedule at any time during a year shall be through a consensus of NAC Chair/Vice-Chair and the National Coordinator. Notification on change of schedule shall be sent to the members in not less than two weeks prior to the scheduled NAC meeting. The duration of the meetings will generally be kept to a maximum of **three hours**. The meetings shall be held at a venue selected by the Secretariat. The NAC shall meet at least **three times** in a year that is, every four months.

2.2 Extraordinary meetings

The chairperson, vice chairperson with the assistance of the secretariat shall call emergency meetings only when such a need arises. The Chair and Vice Chair acting together with the National Coordinator may as reasonably required under the circumstances, modify the normal procedural guidelines for NAC meetings in the case of an extraordinary meeting. In the case where there is no consensus between the chair and vice chair over procedural changes the Chair shall make the determination.

2.3. CONDUCT OF MEETINGS

The Chair and Vice Chair shall conduct the meetings. In cases where both are not able or available the Chair would in advance nominate another member to conduct a meeting.

2.4 Agenda

The Secretariat in consultation with the Chair and or Vice Chair will be responsible for drafting the agenda for meetings. Proposed agenda items for meetings should be submitted to the secretariat at least three weeks in advance of a scheduled meeting. The agenda and documents for the meeting must be circulated to members at least one week prior to the meeting.

2.5. Decision-making

The NAC shall use the best efforts to reach all decisions by consensus. If all practical efforts by the NAC have not led to consensus, any member of the NAC with voting powers can call for a vote. In order to pass, motions require a two-thirds majority of voting members present. If in the exceptional circumstances, the secretariat, the Chair and the Vice Chair determine that a pending issue cannot wait until the next scheduled meeting, the Chair and Vice Chair directly or through the Secretariat shall consult with members. (Such member input will wherever possible take the form of consultations that inform the decisions of the Chair and Vice Chair, rather than formal NAC decisions).

2.6 QUORUM

The NAC may conduct business only when at least half (50%) members with voting powers are present. If no quorum exists an urgent meeting with the same agenda may be called within two weeks and all voting members present thereafter may make binding decisions.

3. Communication

Communication between the secretariat and NAC members may be done by mail, email and or by both. NAC meetings can be held by teleconference or in circumstances, and subject to conditions, determined by the Chair and the Vice-Chair together with the Secretariat. Unless otherwise requested, the Secretariat will send all necessary documentation related to meetings in advance.

4. Language

The main language of communication at the meetings shall be English but the Chair can vary this requirement as and when a need arises. Materials prepared by and for

the NAC, including minutes of meetings, shall be in English unless otherwise specifically requested by the Chair or Vice Chair.

5. Transparency

NAC deliberations and related documentation will be made available to the public through the NACA website and newsletters.

6. Office Bearers

6.1 Chair and Vice Chair

The Chair of NAC shall come from the government sector and Vice Chair shall be from a non government sector. In the absence of the Chair or as delegated the Vice Chair shall assume full functions of the Chair. The Chair and Vice Chair will maintain close communications among the members and work closely with the Secretariat to carry out the day-to-day functions of the NAC.

6.2 Chair

The Chair shall be responsible for;

- Chairing NAC meetings
- Propose and seek approval of the agenda of each meeting
- When necessary, making decisions between NAC
- Seek opinion of the Vice Chair on all important matters
- When necessary, delegate certain responsibilities and decisions to the Vice Chair

6.3 Vice Chair

- Assist the Chair in facilitating transparent discussions and fair decision making
- Stand in for the Chair when requested to do so and when the Chair is unable to full fill his/her functions
- Perform tasks delegated by the Chair

7. Term of office

The term of office for the Chair shall be determined by the Government. The term of office for the Vice-Chair shall be three years. A Vice-Chair cannot hold office for more than two consecutive terms.

8. Election of Vice Chair

Elections shall take place at the first meeting of the restructured NAC and at the expiry of the term of office.

9. Nomination

The Chair shall announce forthcoming elections and call for nominations at least 30 days in advance of an election. Nominations may be received at any time prior to the election. Candidates are eligible for election when they have been nominated and their nomination has been seconded by members with voting powers and they have confirmed that they accept the nomination.

10. Voting process

The Chair shall conduct the election or in the case the Chair is an interested party, the Vice Chair. In the case where both the Chair and Vice Chair are interested parties or have conflicts of interests, the Head of the Secretariat shall conduct the election. During the election no candidates/nominees shall be permitted in the meeting room. Once voting is completed and the results verified, the Chair will announce the selected candidate as the Vice Chair upon return of the nominees. In the event that there is only one candidate, the process shall proceed by exclamation.

11. Timing of Elections

Elections of the Vice Chair will take place at the beginning of the year as per the terms of office.

12. Requirements for members

It is the responsibility of every NAC member to attend all scheduled meetings. Each NAC member is required to attend a minimum of **two** scheduled meetings per year. The NAC shall make a determination in cases where a member fails to attain the minimum attendance requirement in a given year. Every member shall further be responsible for preserving the integrity and image of the NAC and shall observe this position for the duration of membership.

13. NAC Secretariat

The Secretariat of the NAC shall be NACA and will be responsible for running the affairs of the council and providing secretarial services in all NAC activities.

14. Amendments

These NAC Operating Procedures may be amended by the NAC once a year.

GENERAL PRINCIPLE

The NAC adheres to the principles of broad and inclusive participation, democratic decision-making, full transparency, cooperative partnership, and efficient operation.

RIGHTS AND RESPONSIBILITIES OF MEMBERS

Individual rights:

- 1.1 The right to nominate people for positions such as Vice-Chair or any committee/task team of the NAC and to stand for such position(s).
- 1.2 The right to vote on any matter put to a vote.
- 1.3 The right to be heard
- 1.4 The right to participate in all discussions and activities of the NAC.

Individual responsibilities:

- 1.1 Respect the Mandate of the Council
- 1.2 Attend and participate in NAC meetings in a timely and responsible manner
- 1.3 Freely share relevant experiences and information
- 1.4 Respect NAC decisions.
- 1.5 Consult regularly with organizations and individuals within their sector with an aim to fairly and accurately representing their views and concerns at NAC meetings.
- 1.6 Openly declare conflict of interest when the NAC is discussing an issue that could have an impact on them or their organization, and recuses themselves from participation in the deliberations

