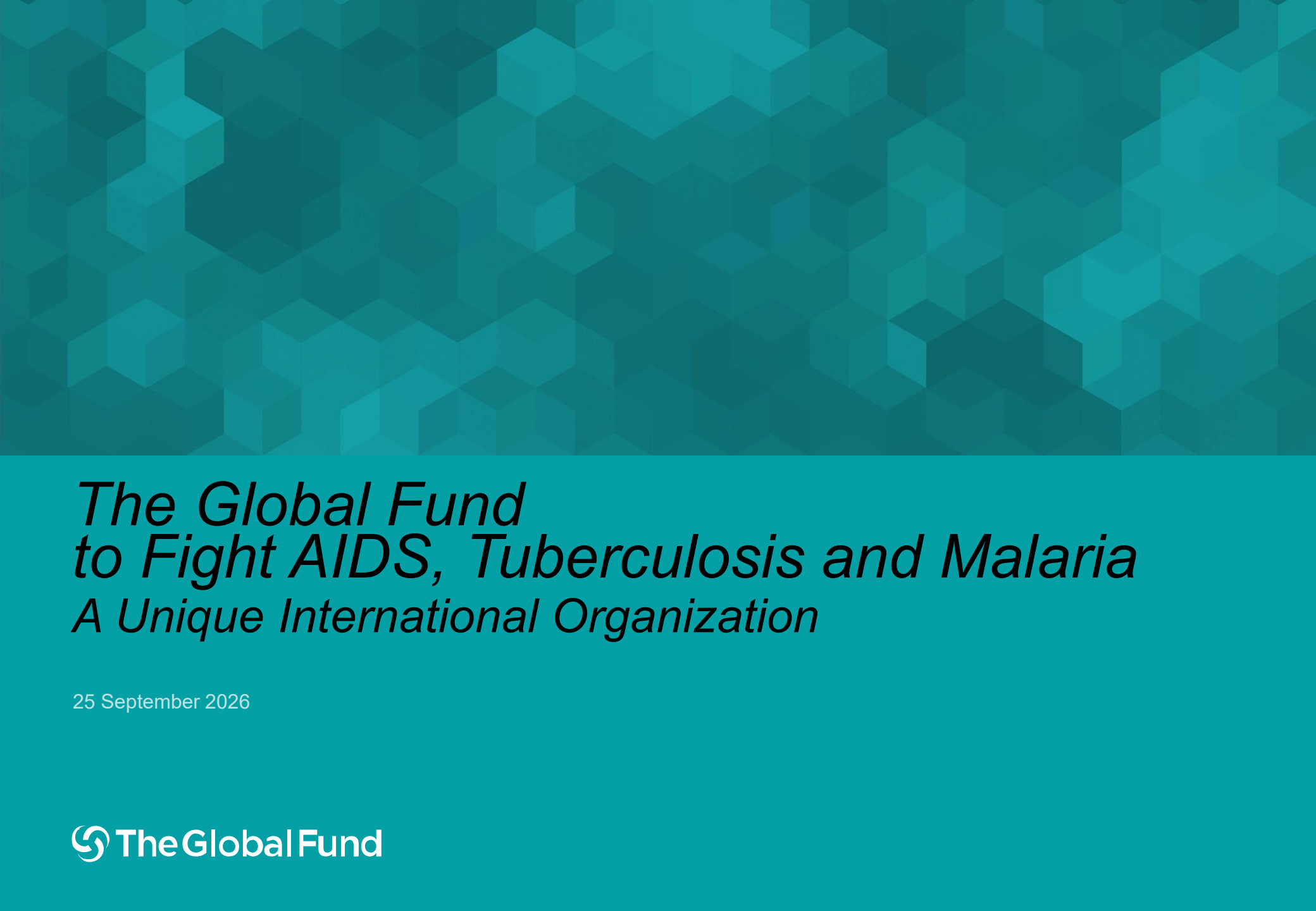




The Global Fund to Fight AIDS, Tuberculosis and Malaria A Unique International Organization

25 September 2026

I. Institutional features of the Global Fund

1. *Origins, establishment and initial arrangements*
2. *Legal Team*
3. *Select Legal Issues: Privileges and Immunities, etc.*
4. *Governance landscape*

II. Activities and operations

III. Funding, partnerships and procurement activities

I. Institutional Features of The Global Fund

1. Origins, establishment and initial arrangements

2001

- United Nations Resolution on Declaration of Commitment on HIV/AIDS: creation of a health fund distinct from the United Nations.
- Transitional Working Group: identification of the optimal legal design for the new organization given the urgent need to establish the Global Fund and initiate large-scale financial disbursements to fight the diseases.
- Dual-track approach: formation as a Swiss foundation & interim host relationship with WHO and clarification of the legal status of Global Fund by the Swiss Government over time.

2002

- Formal establishment of the Global Fund.
- Approval of the first round of grants.

I. The Legal Team & Institutional features of the Global Fund

The Legal Department consists of:

- Grant Management Legal Team
Country Portfolios/Regional – Language Requirements
- Institutional Legal Team
Procurement, HR/internal justice mechanisms, Treasury, IT

2. *Privileges and Immunities*

- Headquarters Agreement concluded in 2004 between the Global Fund and the Swiss Federal Council: recognition of the international juridical personality and legal capacity of the Global Fund in Switzerland.
- The Global Fund is designated in the US as a public international organization entitled to enjoy the privileges exemptions and immunities.

I. Institutional Features of the Global Fund and its officials

2. *Privileges and Immunities*

- Under the P&I Agreement and bilateral agreements:
 - ❖ The Global Fund is accorded juridical personality;
 - ❖ Global Fund assets, income and property, wherever located, be immune from all forms of legal process;
 - ❖ Officials, representatives of States and certain other persons are granted standard privileges and immunities;
 - ❖ Privileges and immunities are granted to officials in the interest of Global Fund and not for personal benefit – The Executive Director is under duty to waive the immunity if it will impede justice and if it can be waived without prejudice to the purpose for which the immunity was granted.
- Today the Global Fund enjoy P&Is in some 32 countries and is recognized as an international organization by international organizations and institutions (UNGA, ILOAT, European Commission):

Afghanistan, Belize, Benin, Burkina Faso, Burundi, Congo, Cote d'Ivoire, Djibouti, Ethiopia, Eswatini, Gabon, Georgia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritania, Moldova, Mozambique, Niger, Rwanda, Sao Tome and Principe, Senegal, South Africa, Suriname, Togo, Uganda, Zambia, Zimbabwe, Switzerland and the United States

I. Institutional Features

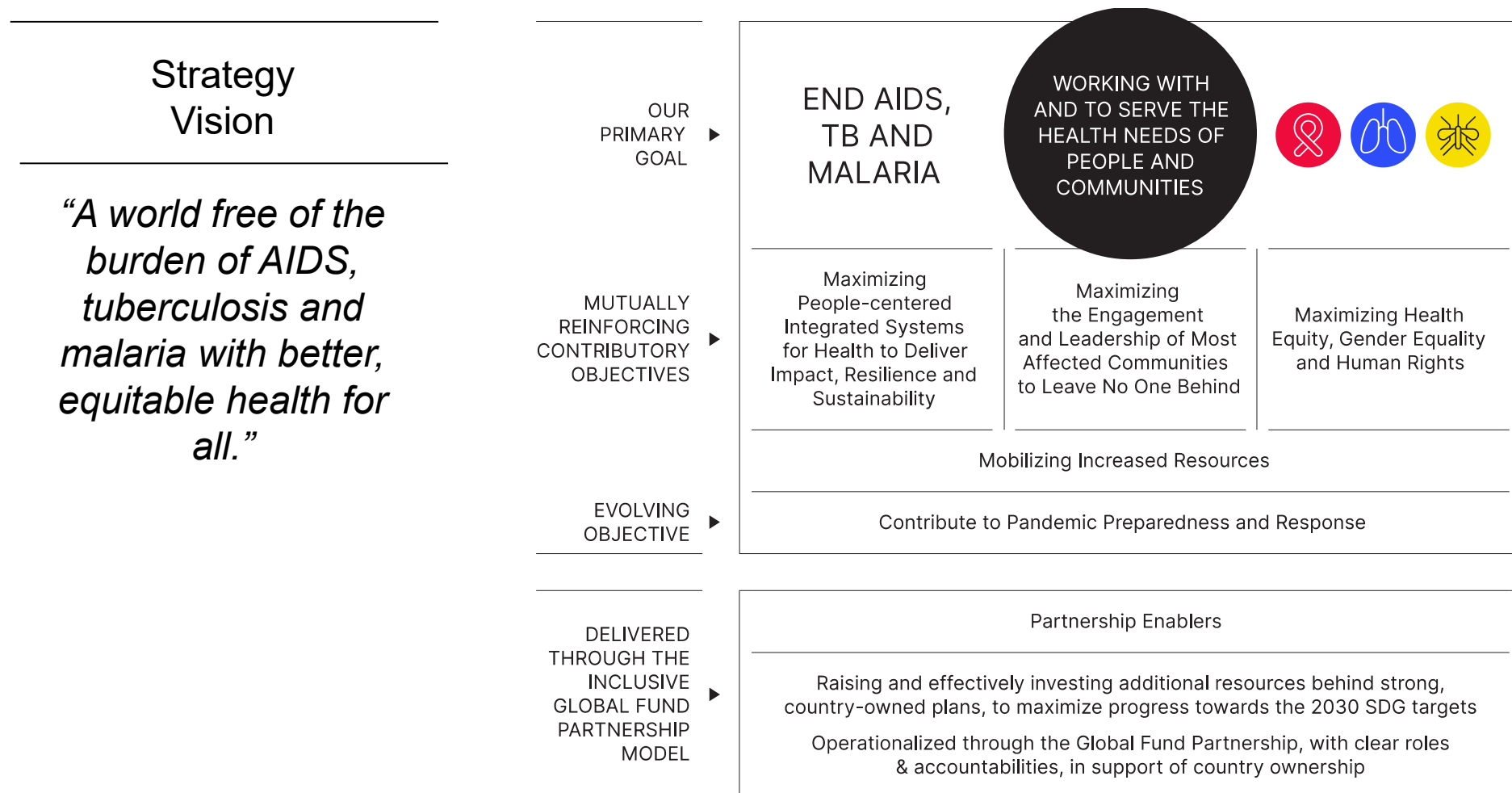
3. Governance landscape

- The supreme governing body is the Global Fund Board.
- The Global Fund Board is composed of 20 voting members and 8 non-voting members.
- Each member represents a constituency which could be composed of one (e.g., United States, or UK) or a group of countries (e.g., West and Central Africa).
- In addition to the governmental constituencies, the civil society, the private sector and the private foundations are represented through constituencies of the Board. Constituencies are divided between a Donor Group and an Implementer Group.
- Decisions require a 2/3 majority of the constituencies of both Groups.

95% of Global Fund resources come from governmental donations.

II. Grant Management activities and policy landscape

The Global Fund Strategy Framework 2023-2028



HOW IT WORKS

WE RAISE THE MONEY

The Global Fund raises and invests nearly US\$4 billion a year to support programs run by local experts in more than 100 countries. The money comes 95 percent from donor governments and 5 percent from the private sector and foundations.

1

COUNTRIES MAKE INVESTMENT DECISIONS

A Country Coordinating Mechanism made up of representatives of people whose lives are affected by the three diseases, medical experts, government and civil society meets and develops a plan to fight the diseases in their community.

2

WE REVIEW AND APPROVE

An independent panel of experts reviews the plan to determine if it will achieve results. The panel may request changes to the plan. Once finalized, it goes to the Global Fund's Board for approval.

3

OVERSIGHT IN ACTION

Local Fund Agents in each country monitor implementation of grants. The Global Fund's Office of the Inspector General conducts audits and investigations.

5

LOCAL EXPERTS IMPLEMENT

Local experts and partners use grant money to deliver programs. Impact is continuously monitored and evaluated.

4



II. Activities and operations

- Our grants have three-year implementation periods.
- Our **grant agreements** are comprised of the: (a) Framework Agreement (which incorporate our standard terms and conditions); and (b) Grant Confirmation (detailing bespoke conditions).
 - Examples of legal issues arising under grant agreements.
 - Governing law, dispute resolution
- Oversight is conducted by the Country Coordinating Mechanism, the Local Fund Agent, Auditors, the Global Fund Secretariat and the Office of the Inspector General.

III. Funding, partnerships and procurement activities

Funding landscape

Over **90%** of the funding comes from **public donors**, with the rest contributed by the **private sector, foundations, and innovative financing initiatives (USD 11.3 billion for the 8th Replenishment)**.

Public donors cannot earmark their contributions, whereas private donors are given such possibility.

- Types of private contributions include:

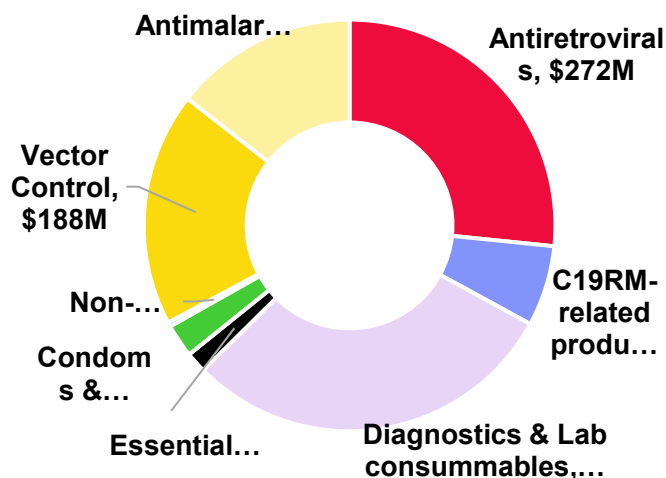
- ❖**Cash Contributions (USD 1.3 billion for the 8th Replenishment)**.

- ❖**In-Kind Contributions** (goods or services instead of cash)

In 2025, US\$ 1.02B in health products through pooled procurement

Procurement by Category

[in US\$M, Pooled Procurement Mechanism]



Global Fund's Pooled Procurement Mechanism / wambo.org

Through the mechanism, Principal Recipients can place orders for the health products they need to implement their programs. Eligible buyers can also place orders for health products with non-Global Fund finances.

Core principles of the Procurement Policy:

- 1. Value for Money:** Pooled procurement provides rolling demand forecasting, enabling better production planning, optimizing upstream supply chain management, result in overhead efficiency and returns on investments.
- 2. Effective Competition:** Suppliers participate in competitive tenders and are incentivized to excel in performance and innovation, ensuring efficiency gains that ultimately benefit the people served.
- 3. Fairness, Impartiality, and Integrity:** Transparent and consistent quality requirements create a level playing field, encouraging suppliers to invest in quality management and continuous improvement
- 4. Client centricity:** Products made available are aligned to clinical recommendation for intended use and efficacy, meeting national requirements and end-user needs.
- 5. Sustainable Procurement:** PPM guarantees timely payment, fosters open competition among all eligible suppliers, and promotes long-term sustainability in the market.
- 6. Best interest of the Global Fund:** Affordable, quality assured health products are essentially for ending the three diseases.

Concluding remarks

- The journey of the Global Fund reflects the example of a novel multilateral organization seeking to increase its efficiency and to maximize its impact while operating within certain confines of more traditional international organizations.
- By and large, the journey has been a successful one:
 - ❖ Health programs supported by the Global Fund partnership have saved 70 million lives;
 - ❖ Overall, the number of deaths caused by AIDS, TB and malaria each year has been reduced by 63% since 2002 in countries where the Global Fund invests.