

No. 55785*

Multilateral

Agreement on privileges and immunities of the Global Fund to Fight AIDS, Tuberculosis and Malaria. Geneva, 14 December 2009

Entry into force: 17 April 2019, in accordance with article 8

Authentic text: English

Registration with the Secretariat of the United Nations: Executive Director of the Global Fund to Fight AIDS, Tuberculosis and Malaria, 17 April 2019

Note: See also annex A, No. 55785.

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

Multilatéral

Accord sur les privilèges et immunités du Fonds mondial de lutte contre le sida, la tuberculose et le paludisme. Genève, 14 décembre 2009

Entrée en vigueur : 17 avril 2019, conformément à l'article 8

Texte authentique : anglais

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Directeur exécutif du Fonds mondial de lutte contre le sida, la tuberculose et le paludisme, 17 avril 2019

Note : Voir aussi annexe A, No. 55785.

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

| Participant | Ratification | |
|--|---------------------|------|
| Eswatini | 24 May | 2018 |
| Ethiopia (with reservations and declaration) | 20 Jun | 2017 |
| Georgia (with reservations) | 19 Sep | 2018 |
| Liberia | 21 Aug | 2018 |
| Malawi (with reservations) | 30 Jul | 2018 |
| Mozambique | 24 Jan | 2018 |
| Republic of Moldova (with reservation) | 14 Feb | 2012 |
| Rwanda (with reservations) | 31 Mar | 2015 |
| Senegal | 18 Mar | 2019 |
| Togo | 15 Jun | 2017 |

Note: The texts of the declarations and reservations are published after the list of Parties -- Les textes des déclarations et réserves sont reproduits après la liste des Parties.

| Participant | Ratification | |
|---|---------------------|------|
| Eswatini | 24 mai | 2018 |
| Éthiopie (avec réserves et déclaration) | 20 juin | 2017 |
| Géorgie (avec réserves) | 19 sept | 2018 |
| Libéria | 21 août | 2018 |
| Malawi (avec réserves) | 30 juil | 2018 |
| Mozambique | 24 janv | 2018 |
| République de Moldova (avec réserve) | 14 févr | 2012 |
| Rwanda (avec réserves) | 31 mars | 2015 |
| Sénégal | 18 mars | 2019 |
| Togo | 15 juin | 2017 |

**Agreement on Privileges and Immunities of the Global Fund to Fight AIDS,
Tuberculosis and Malaria**

The States Parties to the present Agreement,

Whereas the Declaration of Commitment on HIV/AIDS adopted by the assembled Heads of State and Representatives of Governments at the Special Session of the 2001 United Nations General Assembly dedicated to HIV/AIDS, supported the establishment, on an urgent basis, of a global HIV/AIDS and health fund;

Whereas the Global Fund to Fight Aids, Tuberculosis and Malaria (“the Global Fund”) was subsequently established in Switzerland in 2002 in order to attract, manage and disburse resources to make a sustainable and significant contribution to the reduction of infections, illness and death, thereby mitigating the impact of HIV/AIDS, tuberculosis and malaria in countries in need, and contributing to poverty reduction;

Whereas the Global Fund concluded an Administrative Services Agreement in 2002 with the World Health Organization, pursuant to which Global Fund officials enjoyed privileges and immunities;

Whereas the Global Fund concluded a Headquarters Agreement with the Government of Switzerland in 2004, pursuant to which the Global Fund and its officials enjoy broad privileges and immunities within Switzerland;

Whereas the Global Fund-World Health Organization Administrative Services Agreement was terminated with effect on 1 January 2009; and

Whereas it is important to maintain the current organizational structure and decision-making processes of the Global Fund.

Have agreed as follows:

Article 1

Juridical Personality

The Global Fund shall be accorded by each of the States Parties to this Agreement juridical personality, and it shall have the capacity (i) to contract, (ii) to acquire and dispose of immovable and movable property, and (iii) to institute legal proceedings.

Article 2

Property, Funds and Assets

(1) The Global Fund, its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in a particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

(2) The property and assets of the Global Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.

(3) The archives of the Global Fund, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.

(4) Without being restricted by financial controls, regulations or moratoria of any kind:

(a) The Global Fund may hold funds, gold or currency of any kind and operate accounts in any currency;