



## UvA-DARE (Digital Academic Repository)

### Responsibility of hybrid public-private bodies under international law: A case study of global health public-private partnerships

Clarke, L.C.

**Publication date**  
2012

[Link to publication](#)

#### **Citation for published version (APA):**

Clarke, L. C. (2012). *Responsibility of hybrid public-private bodies under international law: A case study of global health public-private partnerships*.

#### **General rights**

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

#### **Disclaimer/Complaints regulations**

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

## SELECTED RESOURCES ON PARTNERSHIPS

### GAVI ALLIANCE (GAVI)

Address given by Mrs. Evelyne Gerber, Head of the diplomatic and consular law section of the Department of Foreign Affairs on the occasion of the inauguration of GAVI in Geneva, 17 September 2009

<[http://fr.gavialliance.org/resources/Speech\\_Gerber\\_ENG\\_final.doc](http://fr.gavialliance.org/resources/Speech_Gerber_ENG_final.doc)>

Agreement between the GAVI Alliance (Global Alliance for Vaccines and Immunization) and the Swiss Federal Council in order to determine the legal status of the GAVI Alliance in Switzerland, 1 January 2009 (on file with author)

Audit and Finance Committee <<http://www.gavialliance.org/about/governance/gavi-board/committees/audit-finance-committee/>>

The Bill & Melinda Gates Foundation

<<http://www.gavialliance.org/about/governance/gavi-board/composition/bmgf/>>

Board Committees <<http://www.gavialliance.org/about/governance/gavi-board/committees/>>

Board composition <<http://www.gavialliance.org/about/governance/gavi-board/composition/>>

Board members <<http://www.gavialliance.org/about/governance/gavi-board/members/>>

Civil society constituency <<http://www.gavialliance.org/about/governance/gavi-board/composition/cso-constituency/>>

Developing country governments constituency

<<http://www.gavialliance.org/about/governance/gavi-board/composition/developing-country-governments/>>

Developing country vaccine industry constituency

<<http://www.gavialliance.org/about/governance/gavi-board/composition/developing-country-vaccine-industry/>>

Direct contributions <<http://www.gavialliance.org/funding/how-gavi-is-funded/direct-contributions/>>

Evaluation Advisory Committee

<<http://www.gavialliance.org/about/governance/gavi-board/committees/evaluation-advisory-committee/>>

Executive Committee <<http://www.gavialliance.org/about/governance/gavi-board/committees/executive-committee/>>

GAVI Alliance <<http://www.gavialliance.org/>>

GAVI Alliance By-Laws, 29-30 October 2008, Revised 19 March, 16-17 June and 1 December 2010 <<http://www.gavialliance.org/about/governance/gavi-board/composition/>>

GAVI Alliance Statutes, 29-30 October 2008

<[http://www.gavialliance.org/resources/GAVI\\_Alliance\\_Statutes.pdf](http://www.gavialliance.org/resources/GAVI_Alliance_Statutes.pdf)>

GAVI Board <<http://www.gavialliance.org/about/governance/gavi-board/>>

GAVI Internal Audit <<http://www.gavialliance.org/about/governance/internal-audit/>>

GAVI Press releases

--GAVI recognized as an international institution, 23 June 2009

<<http://www.gavialliance.org/library/news/press-releases/2009/gavi-recognised-as-international-institution/>>

- GAVI commits US\$ 100 million to fight meningitis A, 11 May 2011  
<[http://www.gavialliance.org/library/news/press-releases/2011/gavi-commits-us\\$-100-million-to-fight-meningitis-a/](http://www.gavialliance.org/library/news/press-releases/2011/gavi-commits-us$-100-million-to-fight-meningitis-a/)>
- GAVI Alliance partners to tackle childhood killer in Ethiopia, 15 October 2011  
<<http://www.gavialliance.org/library/news/press-releases/2011/gavi-alliance-partners-to-tackle-childhood-killer-in-ethiopia/>>
- GAVI Secretariat <<http://www.gavialliance.org/about/governance/secretariat/>>
- GAVI's impact – Saving lives <<http://www.gavialliance.org/about/mission/impact/>>
- GAVI's mission <<http://www.gavialliance.org/about/mission/>>
- Governance Committee <<http://www.gavialliance.org/about/governance/gavi-board/committees/governance-committee/>>
- Governance and legal structures  
<<http://www.gavialliance.org/about/governance/legal-structures/>>
- Grant Agreement created by Her Britannic Majesty's Secretary of State Acting Through the Department for International Development as the Grantor in favor of The GAVI Fund Affiliate as the initial Beneficiary, 28 September 2006 (on file with author)
- How GAVI is funded <<http://www.gavialliance.org/funding/how-gavi-is-funded/>>
- Independent individuals <<http://www.gavialliance.org/about/governance/gavi-board/composition/independent-individuals/>>
- Industrialised country governments constituency  
<<http://www.gavialliance.org/about/governance/gavi-board/composition/industrialised-country-governments/>>
- Industrialised country vaccine industry constituency  
<<http://www.gavialliance.org/about/governance/gavi-board/composition/industrialised-country-vaccine-industry/>>
- Investment Committee <<http://www.gavialliance.org/about/governance/gavi-board/committees/investment-committee/>>
- Innovative finance <<http://www.gavialliance.org/funding/how-gavi-is-funded/innovative-finance/>>
- Key figures: donor contributions & pledges, Donor contributions and Proceeds to GAVI (2000-2031) as at 31 May 2012  
<<http://www.gavialliance.org/funding/donor-contributions-pledges/>>
- Millennium Development Goals <<http://www.gavialliance.org/about/ghd/mdg/>>
- Overview <<http://www.iffim.org/about/overview/>>
- Origins of GAVI <<http://www.gavialliance.org/about/mission/origins/>>
- Press Release WHO/GAVI, Children's Immunization Campaign Launched at World Economic Forum, 31 January 2000 <<http://www.who.int/inf-pr-2000/en/pr2000-GAVI.html>>
- Programme and Policy Committee  
<<http://www.gavialliance.org/about/governance/gavi-board/committees/programme-policy-committee/>>
- Public-private partnerships <<http://www.gavialliance.org/funding/how-gavi-is-funded/public-private-partnerships/>>
- Research and technical health institutes' constituency  
<<http://www.gavialliance.org/about/governance/gavi-board/composition/research-and-technical-health-institutes/>>
- UNICEF <<http://www.gavialliance.org/about/governance/gavi-board/composition/unicef/>>
- WHO <<http://www.gavialliance.org/about/governance/gavi-board/composition/who/>>

The World Bank <<http://www.gavialliance.org/about/governance/gavi-board/composition/the-world-bank/>>

The World Health Organization <<http://www.gavialliance.org/about/partners/who/>>

### **THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA (THE GLOBAL FUND)**

Agreement between the Swiss Federal Council and the Global Fund to Fight AIDS, Tuberculosis and Malaria in view of determining the legal status of the Global Fund in Switzerland, 13 December 2004 <[www.theglobalfund.org](http://www.theglobalfund.org)>

Board <<http://www.theglobalfund.org/en/about/structures/board/>>

Core Structures <<http://www.theglobalfund.org/en/about/structures/>>

Country Coordinating Mechanisms (CCMs)

<<http://www.theglobalfund.org/en/about/structures/ccm/>>

Development Partners

<<http://www.theglobalfund.org/en/about/partnership/development/>>

Donors and Contributions, Pledges and Contributions

<<http://www.theglobalfund.org/en/about/donors/>>

Executive Order 13395 of January 13, 2006 Designating the Global Fund To Fight AIDS, Tuberculosis and Malaria as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities, 13 January 2006

<<http://www.gpo.gov/fdsys/pkg/FR-2006-01-19/pdf/06-554.pdf>>

Fighting AIDS, Tuberculosis and Malaria

<<http://www.theglobalfund.org/en/about/diseases/>>

The Global Fund to Fight AIDS, Tuberculosis and Malaria

<<http://www.theglobalfund.org/en/>>

The Global Fund to Fight AIDS, Tuberculosis & Malaria By-Laws, 21 November 2011 <<http://www.theglobalfund.org/en/about/structures/board/>>

The Global Fund to Fight AIDS, Tuberculosis and Malaria, Fifth Board Meeting, Report of the Governance and Partnership Committee, Annex 6, Update on Legal Status for the Global Fund, 5-6 June 2003

<<http://www.theglobalfund.org/en/board/meetings/fifth/documents/>>

Global Fund Press Release,

--Global Fund Gains Privileges and Immunities Similar to International Organizations, 13 December 2004

<[http://www.theglobalfund.org/en/mediacenter/pressreleases/Global\\_Fund\\_gains\\_privileges\\_and\\_immunities\\_similar\\_to\\_international\\_organizations/](http://www.theglobalfund.org/en/mediacenter/pressreleases/Global_Fund_gains_privileges_and_immunities_similar_to_international_organizations/)>

--The Global Fund becomes an Administratively Autonomous Institution as of 2009, 19 December 2008

<[http://www.theglobalfund.org/en/mediacenter/pressreleases/The\\_Global\\_Fund\\_becomes\\_an\\_administratively\\_autonomous\\_institution\\_as\\_of\\_2009/](http://www.theglobalfund.org/en/mediacenter/pressreleases/The_Global_Fund_becomes_an_administratively_autonomous_institution_as_of_2009/)>

--Agreements Reduce Prices of Malaria Medicines by up to 80%, 14 July 2010

<[http://www.theglobalfund.org/en/mediacenter/pressreleases/Agreements\\_reduce\\_prices\\_of\\_malaria\\_medicines\\_by\\_up\\_to\\_80\\_/](http://www.theglobalfund.org/en/mediacenter/pressreleases/Agreements_reduce_prices_of_malaria_medicines_by_up_to_80_/)>

--Moldova Signs Agreement to Grant Privileges and Immunities to the Global Fund, 28 September 2010

<[http://www.theglobalfund.org/en/mediacenter/pressreleases/Moldova\\_signs\\_agreement\\_to\\_grant\\_privileges\\_and\\_immunities\\_to\\_the\\_Global\\_Fund/](http://www.theglobalfund.org/en/mediacenter/pressreleases/Moldova_signs_agreement_to_grant_privileges_and_immunities_to_the_Global_Fund/)>

- International initiative slashes cost of anti-malaria drugs in several African countries, 22 April 2011  
 <[http://www.theglobalfund.org/en/mediacenter/pressreleases/2011-04-21\\_International\\_initiative\\_slashes\\_cost\\_of\\_anti-malaria\\_drugs\\_in\\_several\\_African\\_countries/](http://www.theglobalfund.org/en/mediacenter/pressreleases/2011-04-21_International_initiative_slashes_cost_of_anti-malaria_drugs_in_several_African_countries/)>
- Global Fund to Fight AIDS, Tuberculosis and Malaria, Report of the Second Meeting of the Board, GF/B2/13 version 2, 22-24 April 2002, 14 May 2002  
 <<http://www.theglobalfund.org/en/board/meetings/second/>>
- The Global Fund Secretariat  
 <<http://www.theglobalfund.org/en/about/structures/secretariat/>>
- The Global Fund, Twentieth Board Meeting, 9-11 November 2009, GF/B20/4 Attachment 1, Annex A: Agreement on Privileges and Immunities of the Global Fund to Fight AIDS, Tuberculosis, and Malaria  
 <<http://www.theglobalfund.org/en/board/meetings/twentieth/documents/>>
- The Global Fund, Report of the Twenty-Second Board Meeting, Twenty-Third Board Meeting, 11-12 May 2011, GF/B23/2  
 <<http://www.theglobalfund.org/en/board/meetings/twentythird/documents/>>
- International Organizations: The United States Extends the International Organizations Immunities Act to the Global Fund to Fight Aids, Tuberculosis and Malaria' (22 January 2006) Juscogens.net, Recent Developments in International Law  
 <[http://www.juscogens.net/orgs/global\\_fund\\_to\\_fight\\_aids\\_tuberculosis\\_and\\_malaria](http://www.juscogens.net/orgs/global_fund_to_fight_aids_tuberculosis_and_malaria)>
- Local Fund Agents (LFAs) <<http://www.theglobalfund.org/en/about/structures/lfa/>>
- Market Dynamics Advisory Group (MDAG)  
 <<http://www.theglobalfund.org/en/about/structures/mdag/>>
- Office of the Inspector General  
 <<http://www.theglobalfund.org/en/about/structures/oig/>>
- Our History <<http://www.theglobalfund.org/en/about/whoweare/history/>>
- Partnership Forum  
 <<http://www.theglobalfund.org/en/about/structures/partnershipforum/>>
- Performance-based Funding  
 <<http://www.theglobalfund.org/en/performancebasedfunding/>>
- Portfolio and Grant Performance  
 <<http://www.theglobalfund.org/en/performance/grantportfolio/?lang=en>>
- Principal and Sub-Recipients <<http://www.theglobalfund.org/en/about/structures/pr/>>
- Program Grant Agreement between the Global Fund and a Principal Recipient Template  
 <[www.theglobalfund.org/documents/lfa/LFA\\_StandardGrantAgreement\\_Form\\_en/](http://www.theglobalfund.org/documents/lfa/LFA_StandardGrantAgreement_Form_en/)>
- Technical Evaluation Reference Group (TERG)  
 <<http://www.theglobalfund.org/en/about/structures/terg/>>
- Technical Review Panel (TRP)  
 <<http://www.theglobalfund.org/en/about/structures/trp/>>
- UNIDROIT Principles (2004) (UNIDROIT Principles of International Commercial Contracts) <<http://www.unidroit.org/english/principles/contracts/main.htm>>
- 22 USC §288f-6: Global Fund to Fight AIDS, Tuberculosis and Malaria; extension of privileges, exemptions, and immunities <<http://www.gpo.gov/fdsys/pkg/USCODE-2009-title22/pdf/USCODE-2009-title22-chap7-subchapXVIII-sec288f-6.pdf>>

22 USC §7622: Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria <<http://www.gpo.gov/fdsys/pkg/USCODE-2006-title22/pdf/USCODE-2006-title22-chap83-subchapII-sec7622.pdf>>

Who We Are <<http://www.theglobalfund.org/en/about/howweare/>>

### **THE ROLL-BACK MALARIA PARTNERSHIP (RBM)**

ACTs <<http://www.rollbackmalaria.org/psm/acts.html>>

The Affordable Medicines Facility for Malaria (AMFm)

<<http://www.rollbackmalaria.org/psm/amfm.html>>

Case Management Working Group (CMWG)

<<http://www.rollbackmalaria.org/mechanisms/cmwg.html>>

Central Africa Roll Back Malaria Network (CARN)

<<http://www.rollbackmalaria.org/mechanisms/carn.html>>

Communication Working Group (CWG)

<<http://www.rollbackmalaria.org/mechanisms/cwg.html>>

East Africa Roll Back Malaria Network (EARN)

<<http://www.rollbackmalaria.org/mechanisms/earn.html>>

Executive Committee (EC) <<http://www.rollbackmalaria.org/mechanisms/ec.html>>

Harmonization Working Group (HWG)

<<http://www.rollbackmalaria.org/mechanisms/hwg.html>>

Malaria Advocacy Working Group (MAWG)

<<http://www.rollbackmalaria.org/mechanisms/mawg.html>>

Malaria Commodity Access <<http://www.rollbackmalaria.org/psm/index.html>>

Malaria in Pregnancy Working Group (MPWG)

<<http://www.rollbackmalaria.org/mechanisms/mpwg.html>>

Memorandum of Understanding between the Roll Back Malaria Partnership and the World Health Organization Concerning Hosting, Secretariat and Administrative Services, 15 December 2006 <<http://www.rollbackmalaria.org/docs/MoU.pdf>>

Monitoring & Evaluation Reference Group (MERG)

<<http://www.rollbackmalaria.org/mechanisms/merg.html>>

Nets and insecticides <<http://www.rollbackmalaria.org/psm/netsandinsecticides.html>>

Procurement and Supply Chain Management Working Group (PSMWG)

<<http://www.rollbackmalaria.org/mechanisms/psmwg.html>>

Procurement: Insecticides and spraying equipment for Indoor Residual Spraying

<<http://www.rollbackmalaria.org/psm/procurementIRS.html>>

Procurement: Long lasting insecticidal mosquito nets (LLINs or LNs)

<<http://www.rollbackmalaria.org/psm/procurementLLINs.html>>

Rapid diagnostic tests (RDTs) <<http://www.rollbackmalaria.org/psm/rdts.html>>

RBM Constituencies

<<http://www.rollbackmalaria.org/mechanisms/constituencies.html>>

The RBM Executive Director

<<http://www.rollbackmalaria.org/mechanisms/exdirector.html>>

RBM Mandate <<http://www.rbm.who.int/rbmmandate.html>>

RBM Partnership Board

<<http://www.rollbackmalaria.org/mechanisms/partnershipboard.html>>

RBM Partnership By-Laws, November 2011

<[http://www.rbm.who.int/partnership/secretariat/docs/rbm\\_bylaws.pdf](http://www.rbm.who.int/partnership/secretariat/docs/rbm_bylaws.pdf)>

RBM Partnership Forum

<<http://www.rollbackmalaria.org/mechanisms/partnershipforum.html>>

RBM Partnership Operating Framework, November 2011

<<http://www.rbm.who.int/partnership/secretariat/docs/RBMoperatingFramework.pdf>>

RBM Partnership Secretariat

<<http://www.rollbackmalaria.org/mechanisms/partnershipsecretariat.html>>

RBM Press release, Roll Back Malaria report heralds record success and anticipates near-zero malaria deaths in next decade if efforts sustained, 12 September 2011

<<http://www.rollbackmalaria.org/globaladvocacy/pr2011-09-12.html>>

RBM Vision <<http://www.rollbackmalaria.org/rbmvision.html>>

Roll Back Malaria, Financial Report – 31 October 2010, 19th RBM Board Meeting (5-8 December, 2010)

<<http://www.rollbackmalaria.org/partnership/board/meetings/ppt/19pbm/19pbmDay3.pdf>>

Roll Back Malaria Partnership <<http://www.rbm.who.int/>>

Roll Back Malaria Partnership power point presentation,

<<http://www.rollbackmalaria.org/changeinitiative/RBMPartnership.ppt#353>>

Roll Back Malaria Partnership, Progress & Impact Series, A Decade of Partnership and Results, Number 7 – September 2011,

<<http://www.rollbackmalaria.org/ProgressImpactSeries/docs/report8-en.pdf>>

SMS for Life: An RBM initiative

<<http://www.rollbackmalaria.org/psm/smsWhatIsIt.html>>

Southern Africa Roll Back Malaria Network (SARN)

<<http://www.rollbackmalaria.org/mechanisms/sarn.html>>

Vector Control Working Group (VCWG)

<<http://www.rollbackmalaria.org/mechanisms/vcwg.html>>

West Africa Roll Back Malaria Network (WARN)

<<http://www.rollbackmalaria.org/mechanisms/warn.html>>

## **STOP TB PARTNERSHIP (STOP TB)**

About Us <<http://www.stoptb.org/about/>>

Coordinating Board <<http://www.stoptb.org/about/cb/>>

DOTS Expansion Working Group <[http://www.stoptb.org/wg/dots\\_expansion/](http://www.stoptb.org/wg/dots_expansion/)>

Global Drug Facility <<http://www.stoptb.org/gdf/>>

Global Laboratory Initiative <<http://www.stoptb.org/wg/gli/>>

The Global Plan to Stop TB <<http://www.stoptb.org/global/plan/>>

Join the Partnership <<http://www.stoptb.org/getinvolved/joinus.asp>>

New Diagnostics Working Group <[http://www.stoptb.org/wg/new\\_diagnostics/](http://www.stoptb.org/wg/new_diagnostics/)>

Our History <<http://www.stoptb.org/about/history.asp>>

Our Structure <<http://www.stoptb.org/about/structure.asp>>

Secretariat <<http://www.stoptb.org/about/secretariat.asp>>

Stop TB News Stories

--Global Drug Facility reaches 16.5 million mark for tuberculosis treatments, 6 May 2010 <[http://www.stoptb.org/news/stories/2010/ns10\\_027.asp](http://www.stoptb.org/news/stories/2010/ns10_027.asp)>

--Novartis donates 250 000 TB treatments to the Stop TB Partnership, 19 May 2010 <[http://www.stoptb.org/news/stories/2010/ns10\\_028.asp](http://www.stoptb.org/news/stories/2010/ns10_028.asp)>

-- BAYER to provide second-line drugs to the Global Drug Facility, 15 August 2011 <[http://www.stoptb.org/news/stories/2011/ns11\\_055.asp](http://www.stoptb.org/news/stories/2011/ns11_055.asp)>

Stop TB Partnership <<http://www.stoptb.org/>>

Stop TB Partnership, Annual Report 2010

<<http://www.stoptb.org/assets/documents/resources/publications/annualreports/Stop%20TB%20Annual%20Report%202010.pdf>>

Stop TB Partnership, Request for Proposals, Independent Evaluation of the Global Stop TB Partnership, 20 March 2007

<<http://www.stoptb.org/assets/documents/news/announcements/RFP20Mar.pdf>>

Stop TB Partnership Secretariat, Basic Framework for the Global Partnership to Stop TB <<http://www.stoptb.org/assets/documents/about/STBBasicFramework.pdf>>

Stop TB Working Group on MDR-TB <<http://www.stoptb.org/wg/mdrtb/>>

TB-HIV Working Group <[http://www.stoptb.org/wg/tb\\_hiv/](http://www.stoptb.org/wg/tb_hiv/)>

Welcome to the Stop TB Partnership Partners' Directory

<<http://www.stoptb.org/partners/>>

Working Group on New TB Drugs <<http://www.newtbdrugs.org/>>

Working Group on New TB Vaccines <[http://www.stoptb.org/wg/new\\_vaccines/](http://www.stoptb.org/wg/new_vaccines/)>

## **OTHER**

Clean Development Mechanism <<http://cdm.unfccc.int/about/index.html>>

Codex Alimentarius Commission

<[http://www.codexalimentarius.net/web/index\\_en.jsp](http://www.codexalimentarius.net/web/index_en.jsp)>

Global Noncommunicable Disease Network <<http://www.who.int/ncdnet/en/>>

Global Outbreak Alert & Response Network

<<http://www.who.int/csr/outbreaknetwork/en/>>

Global School Health Initiative <[http://www.who.int/school\\_youth\\_health/gshi/en/](http://www.who.int/school_youth_health/gshi/en/)>

Global Water Partnership <<http://www.gwp.org/>>

International Conference on Harmonization of Technical Requirements for the Registration of Pharmaceuticals for Human Use (ICH) <<http://www.ich.org/>>

Internet Corporation for Assigned Names and Numbers (ICANN)

<<http://www.icann.org/>>

Margaret Chan, Director-General of the World Health Organization, 'Time to get back on track to meet the Millennium Development Goals' Address to Sixty-third World Health Assembly, 17 May 2010

<[http://www.who.int/dg/speeches/2010/WHA\\_address\\_20100517/en/index.html](http://www.who.int/dg/speeches/2010/WHA_address_20100517/en/index.html)>

Quote on homepage of the United Nations Office for Partnerships

<<http://www.un.org/partnerships/YPartnershipInitiatives.htm>>

Tobacco Free Initiative <<http://www.who.int/tobacco/en/>>

World Anti-Doping Agency <<http://www.wada-ama.org/>>

World Health Organization, Glossary of globalization, trade and health terms, Public-Private Partnerships for Health

<<http://www.who.int/trade/glossary/story077/en/index.html>>