

International Development Law Organization

Policy on Non-Public Sector Fundraising

Background

It is recognized in the international community that developing close relationships and support from the private sector has become imperative to achieve critical objectives of the international community. Many international organizations, including those within the UN system, now seek to cooperate with the private sector.¹ In recent years, this cooperation has expanded beyond joint activities to encompass voluntary contributions of resources. Reflecting this trend, IDLO has begun developing relationships and resources in the private and philanthropic sectors.

Policy Statement

IDLO has determined as a policy to seek and accept private voluntary contributions (hereinafter “contributions”) from private enterprises, business or professional associations, private foundations and individuals (hereinafter “contributors”) to further the policies, aims and activities of IDLO, when it can be accomplished without jeopardizing the Organization’s neutrality, independence and good name. To ensure the consistency of such contributions with these values, IDLO has determined that the following principles should be observed in connection with any receipt of private contributions.

Guiding Principles

- (a) Contributors should support IDLO’s core mission, values and strategic objectives.
- (b) IDLO should never be influenced by any contributor in exchange for any contribution.
- (c) Contributions should not compromise IDLO’s integrity, independence and impartiality.
- (d) Relationships with contributors and the terms of contributions should be made transparent and public.

Due Diligence

Contributions should neither be sought nor accepted from any contributor whose policies run contrary to the mandate of the Organization, or if association with the contributor would be likely to cause embarrassment to the Organization.

- The Organization views association with certain private contributors as *per se* likely to cause embarrassment to the Organization. Such contributors include manufacturers or distributors of products generally judged to be harmful to public health or against public morals (such as tobacco, alcohol, arms or firearms) and

¹ Examples include FAO, IFAD, UN Secretariat, UNESCO and UNICEF.

companies that are complicit in human rights abuses, or tolerate forced or compulsory labor or the use of child labor. In this regard, the principles of the UN Global Compact are a useful reference point.

Impartiality

The Organization should also avoid seeking donations from contributors in circumstances where such acceptance could be seen as possibly compromising the impartiality of the Organization on major policy issues.

- The Organization must always maintain and be seen to maintain its impartiality and never be influenced in its policies by the acceptance of any contribution.
- IDLO's position on legal and governance questions must never be tainted by the suspicion that its position has been influenced by the acceptance of contributions.
- Contributions by companies that have a commercial interest in an issue are not *per se* excluded. However, the terms of such contributions must make it clear that IDLO remains in control of the program, meeting, publication, training activity or other event that is being sponsored.
- Under no circumstances may a contribution be accepted if, by way of its acceptance, a contributor appears to be gaining or is led to believe that he or she is gaining an inside track to the decision-making process of IDLO, whether on policy or administrative matters, including in relation to procurement or tenders.
- IDLO should make clear to potential contributors its policies and what IDLO offers in return for contributions.
- Contributions should not be solicited or accepted from consultants or suppliers. For the purposes of this clause, the maintenance of banking facilities with a commercial bank will not preclude acceptance of contributions.
- IDLO should not accept contributions from any entity with which it expects to contract as a result of a formal tender process or otherwise.
- In any event, if there is any serious doubt as to the appropriateness of a contribution, it should not be accepted.

Acknowledgements

By IDLO

- The use of IDLO's name and identifying logo relate to the mandate given by its Member States. Contributors may use the name and logo of IDLO in connection with activities to publicize their contributions.
- Contributions should be acknowledged by IDLO but it must never be seen to be endorsing a contributor or its products.

- A contribution should be acknowledged in an appropriate way, that is, to show the Organization's appreciation for the financial support provided.
- Contributors should be seen as supporting IDLO, not the other way around.
- Arrangements where contributions are linked to a company reaching certain sales targets or determined as a percentage of sales, should not be accepted.
- If a publication is funded by contributions, it is appropriate to mention the contribution in the foreword or similar section. Contributors to meetings, seminars, or other events may have their contributions acknowledged in the official records of the events, including their emblem or logo included in an appropriate place on the cover.

By Contributor

- Contributors may themselves be allowed to publicize the fact that they have made a contribution to IDLO, but the text of such publicity must be approved by IDLO beforehand.

Clearances and Reporting

Before a contribution is accepted or solicited, clearance should be obtained from the Director General, after consultation with the General Counsel as appropriate.

- IDLO's financial procedures must be followed scrupulously. The Director of Finance must be notified of all contributions in order to determine the financial worth of in kind contributions; ensure that contributions do not entail additional financial obligations for Member States; and record contributions for inclusion in the financial statements of the Organization.
- Written agreements or an exchange of letters should be concluded in connection with any contribution.
- All contributions must appear in the financial statements of the Organization. Anonymous contributions must be scrutinized to avoid the appearance of impropriety.