



## Guidelines for Ethical Funding

The British Institute of International and Comparative Law has adopted these Guidelines for financial and other arrangements with external persons and bodies in relation to the acceptance of donations, and the funding of research, events and other activities.

1. The Guidelines are intended to ensure compliance with the Institute's legal obligations, as well as with the moral and ethical obligations arising out of its status as a leading independent research institution and charity. They will be reviewed at least every five years.
2. The ultimate responsibility in respect of the acceptance or refusal of all donations and other funding rests with the Trustees. The Trustees (and their delegates) must make all decisions relating to the acceptance/refusal of donations and other funding in the best interests of the charity and in the light of these Guidelines. Day-to-day responsibility is ordinarily exercised by the Development Director (through whom all donations are to pass) and the Institute Deputy Director [or the Finance Director in the absence of the Deputy Director] (in relation to other funding) or, in case of difficulty, by the Institute Director. All Institute staff must be aware of these Guidelines and their responsibilities under them.
3. The Development Director and the Institute Deputy Director/Finance Director will refer to the Institute Director, who will refer to the Board of Trustees, any donation or other funding or combination of them that raises any ethical, reputational or other concern, including by virtue of the size of the amount involved. All other Institute staff have the responsibility to refer all offers of donations and other funding proposals to the Development Director or the Institute Deputy Director/Finance Director where they consider that they may raise any ethical, reputational or other concern.
4. An otherwise acceptable donation and other funding may be refused, for example,
  - if there is evidence that acceptance of the proposed donation or funding, or compliance with any of its terms, might damage the Institute's reputation, including deterring other donors;
  - if its acceptance might involve disproportionate costs or other burdens for the Institute, or
  - if it appears that it is intended or likely to unduly influence the content, academic integrity or outcome of any work undertaken by the Institute.
5. Donations and other funding will be declined if the Trustees (or their delegates) consider that
  - the proposed donation or other funding might arise in whole or in part from activity that
    - appears to be unlawful in the United Kingdom,
    - appears to violate international agreements on human rights,
    - limits freedom of inquiry, or
    - is apt to suppress or falsify academic research;
  - the proposed donation or other funding, or any of its terms, would
    - require action that is unlawful in the United Kingdom,
    - be apt to limit the Institute's freedom of inquiry, or
    - be apt to suppress, unduly influence or falsify academic research;



- the Trustees or staff of the Institute would derive personal benefit from the donation or other funding, individually or collectively, beyond the benefit provided or available to the Institute or its membership as a whole or ordinarily provided or available to its staff.
6. Donations and other funding may be refused in the absolute discretion of the Trustees if they consider that, for any reason, accepting the donation or funding would or might contravene these Guidelines, be contrary to the mission of the Institute, or otherwise not be in the best interests of the Institute. The Trustees may also refund all or part of the donation or other funding if subsequent events or information comes to light after the receipt of the donation or other funding if the Trustees consider that, for any reason, continuing to accept the donation or funding would or might contravene these Guidelines or otherwise not be in the best interests of the Institute.
  7. Donors and other funders will be made aware in writing of the relevant parts of these Guidelines at an early stage in any discussions about donations or funding, and must confirm in writing to the Institute that the proposed donation or funding complies with these Guidelines. Questions may be asked of any prospective donor in order to satisfy the Trustees (or their delegates) that the donation would be appropriate and would satisfy these Guidelines.
  8. The Trustees might need to apply for an order from the Charity Commission if:
    - it is not immediately clear what the best interests of the Institute are in relation to any proposed donation or other funding;
    - the Trustees have reason to believe that a decision taken by them might be subsequently challenged in the courts;
    - the Trustees wish to use the authority of a Charity Commission order to counteract a potential threat of negative publicity engendered by the refusal of a donation or other funding.
  9. The foregoing principles apply by analogy to any question relating to the external relations of the Institute.

#### Confidentiality Policy

10. The Institute reserves the right to disclose the identity of any donor, funder or third person with whom it has dealings, as well as details of any donation, funding or such dealings, if it considers that it is in the best interests of the Institute to do so. The Institute will not otherwise disclose (except as may be required by court order or otherwise by law) or make use of information given or obtained in confidence from their members, donors, funders or any other source without prior express consent.

#### Communication policy

11. Relevant parts of these Guidelines (or the substance thereof) will be published on the Institute's website and a copy will be made available on request.

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