

EAPN Discussion Paper on Principles for Commercial Support or Sponsorship

to the attention of the

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Introduction

At its meeting in Athens, November 2012, the Executive Committee (EXCO) discussed the proposal made by GDF Suez to grant a fund to EAPN for a project on energy poverty. The members of the EXCO then discussed the pros and cons of being funded by this corporation, yet, without relying on any internally discussed and approved set of criteria, principles or position with regard to commercial or corporate grants. One year later, at its meeting in Reykjavik, November 2013, the EXCO of EAPN discussed the different funding strategies EAPN would like to implement. These strategies are described in the document “Elements of an EAPN Finance and Fund Raising Strategy”. One of the mentioned funding possibilities is commercial or corporate support or sponsorship. It was then agreed to produce a first draft document on such principles. This document intends to open the discussion within EAPN on corporate funding and eventually aims at an agreement on this topic.

This paper will have three short chapters. Before looking more closely to the actual principles to adopt with regard to corporate funding, the first part intends to address the **general corporate context and reality**. It seems crucial to us to outline the situation and evolution of corporations today and to look closer to what kind of players corporations are today. This chapter is not exhaustive; nonetheless, it gives a trustworthy indication of the “state of power”¹ of corporations, based principally on in-depth research by universities and NGOs.

Subsequently, in its second part, this paper will tackle **NGO-corporations relationship**. It tries to sketch the behaviour of NGOs and corporations to each other. The reasons why NGO do (not) engage with corporations will be commonly explained as well the reasons why corporations do engage with NGOs. For this latter issue, we will also focus on the concept of corporate social responsibility and explain to what extent it is a serious instrument within corporations or, yet, just a strategic tool.

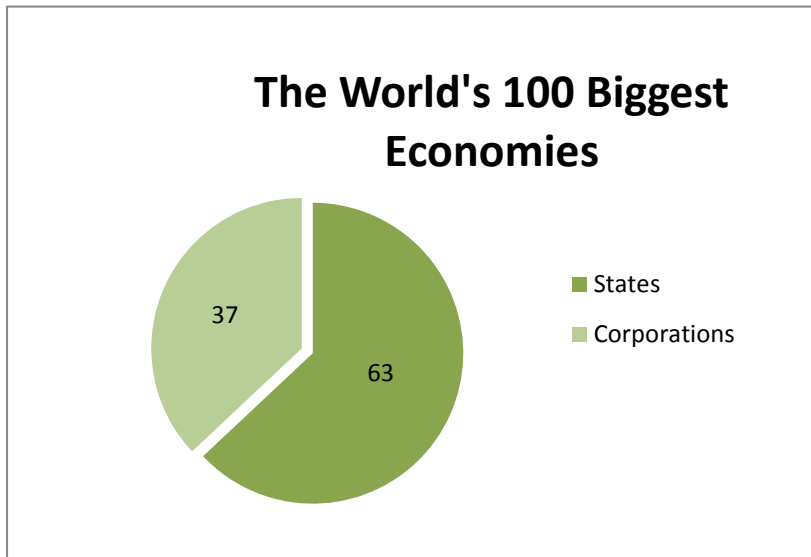
The first two parts of this paper contain some fundamental information in order to be able to start – knowing some major facts – a comprehensive and in-depth discussion, within EAPN, on the **principles to adopt with regard to corporation funding**. This third part will deal with these principles and criteria EAPN has to discuss, decide upon and adopt.

At the end of the document, you will find some references. If you are interested in deepening or developing some topics, you find there a reading list with regard to three major topics that are briefly discussed in this paper, i.e. 1) the general corporate context (including future trends), 2) the notion of accountability and Corporate Social Responsibility (also tackling notions like corporate philanthropy), and 3) the relationship between NGOs and corporations. Almost all of the mentioned references are available electronically and can be asked. So, do not hesitate to ask for them.

Outlining the Corporate Context

Corporations have an increasingly amplified power in the world and factual impact on people’s lives. Unlike States whose richness and wealth ought to be organized in order to guarantee the well-being of its populations – and we are conscious about the fact that this is far from being realized –, corporations’ first objective is profit-making which goes predominantly to the corporations’ shareholders.

¹ This phrase refers to the publication “State of Power 2014. Exposing the Davos Class” by the Transnational Institute, January 2014.



The 100 biggest economies by Gross National Product (GNP) for States or revenues for corporations
(Transnational Institute, Amsterdam 2013).

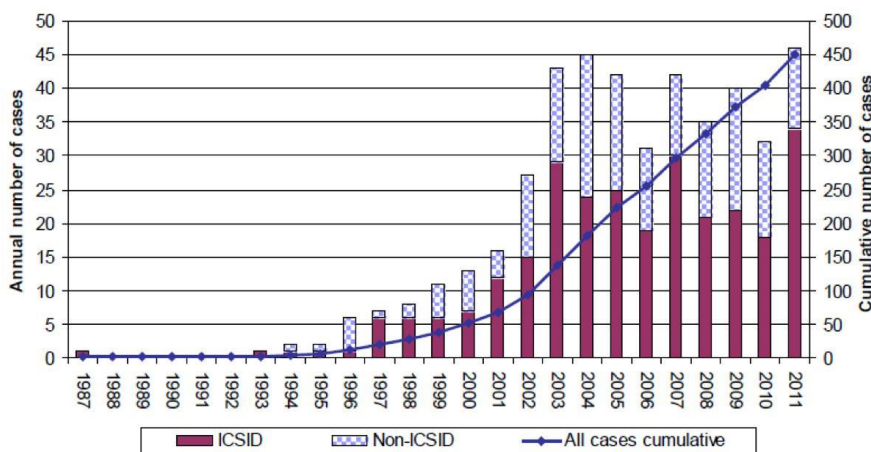
some comparisons (in \$US billions)

Royal Dutch Shell	Austria
467	399
Volkswagen Group	Finland
254	250
Toyota	Portugal
232	223
Allianz	Hungary
144	127
Nestlé	Slovakia
103	98

Many studies reveal with evidence the way corporations work and how they implement strategies in order to increase their profits, either regardless of numerous legally binding human rights instruments and constitutions (at international or national levels) or being legalistic, yet, without actually being concerned by the spirit of these sets of legal regulation.

A telling indicator for this is the evolution of the so-called State-Investor Dispute Settlement.

Figure 1. Known investor-State treaty based disputes, 1987-2011
(Cumulative and newly instituted cases)



Source: UNCTAD.

The number of cases where corporations sue States has tremendously increased since the mid-1980s. Within the scope of these dispute settlements between States and corporations, it is - without any exception - corporations that sue States (not vice-versa) when the latter adopt legal measures that will or could constitute obstacles to the corporations' own enrichment. When being confronted with such legal obstacles, corporations either infringe these laws and regulations or merely sue States. The Courts then have to pronounce a sentence and the number of cases where States – and as a consequence the citizens as tax payers – have to pay compensations (enormous amounts of public money) is increasing as well.

The currently negotiated Transatlantic Trade and Investment Partnership (TTIP) between the EU and the USA paints a grim picture of the future with regard to corporation-State disputes. In fact, the proposal for investor-state dispute settlement under the TTIP would enable companies to skirt European courts and directly challenge EU governments at international tribunals, whenever they find that laws in the area of public health, environmental or social protection interfere with their profits. US companies will then have this privilege in Europe, likewise EU companies investing abroad would have the same privilege in the US.²

NGO-Corporation Relationship

Why do NGOs engage with corporations?

The attitudes of NGOs vis-à-vis corporations can vary to a large extent. Rieth and Göbel³ distinguish five different attitudes NGOs adopt:



In another study, Jane Nelson⁴ distinguishes four different types of NGO behaviour towards corporations:

CONFRONTATION	Antagonistic relationship
COMMUNICATION	One-way information flows
CONSULTATION	Two-way dialogue and processes to listen to and incorporate different views and feedback into organizational decision-making and policy making
COOPERATION	Formal agreements to work together in a mutually supportive manner

What is the current trend in the relationship between NGOs and corporations? A survey carried out amongst 25 important German NGOs asking them their points of view about social responsibility of corporations and particularly their relation towards corporations, showed that “basically, NGOs are faced with the choice if they behave, as widely believed, in a primarily confrontational way towards corporations or rather be cooperative and increasingly engage in dialogue with corporations. That study comes to the conclusion that amongst NGOs there is a clear trend towards increased cooperation with corporations.”⁵

NGOs and the private sector are often perceived as being at opposite ends of the continuum of concern on issues of poverty and development. Yet an increasing number of NGOs and members of the private sector are seeking to work collaboratively, also notes another study (Simon Heap).

² “A Transatlantic Corporate Bill of Rights. Investor Privileges in EU-US trade deal threatens public interest and democracy”, The Seattle to Brussels Network (S2B), Corporate Europe Observatory and the Transnational Institute, Brussels/Amsterdam, October 2013, p.1. The leaked EU negotiation mandate, dated 17 June 2013, can be found on the website of the [S2B Network](#).

³ Lothar Rieth and Thorsten Göbel, *Unternehmen, gesellschaftliche Verantwortung und die Rolle von Nichtregierungsorganisationen*, in *Zeitschrift für Wirtschafts- und Unternehmensethik (zfwu)*, Jahrgang 6 (2005) / Heft 2, St.Gallen, 2005, p.249.

⁴ Jane Nelson, *The Operation of Non-Governmental Organizations (NGOs) in a World of Corporate and Other Codes of Conduct*, Corporate Social Responsibility Initiative, Working Paper No. 34, John F. Kennedy School of Government, Harvard University, Cambridge, MA., 2007, p.9.

⁵ Lothar Rieth and Thorsten Göbel, *Unternehmen, gesellschaftliche Verantwortung und die Rolle von Nichtregierungsorganisationen*, in *Zeitschrift für Wirtschafts- und Unternehmensethik (zfwu)*, Jahrgang 6 (2005) / Heft 2, St.Gallen, 2005, pp.246-247.

The decision for either a cooperative or strongly confrontational action depends, on the one hand, on the attitude NGOs have towards corporations, but also, on the other one, on the respective goal that should be achieved through its actions. In that sense, NGOs being hostile towards or sceptical about corporations refuse any kind of cooperation with corporations. They mistrust the power of free markets and decline any form of self-regulation between corporation without any State control. They strive for binding rules at national and international level.

There are also NGOs having a moderate or a fundamentally benevolent attitude towards corporations. They are “open” for instruments like codes of conduct and public-private partnerships. These NGOs consider corporations not only as part of the problem, but also see them as part – in certain circumstances as partner – for the solution. But still, it’s with a high degree of restraint that dialogue- and cooperation possibilities are being discussed, knowing that their own independence and consequently also a part of their credibility are endangered.

Some examples from other NGOs

How do other NGOs behave towards corporations when it comes to corporate funding? Here beneath, we give the example of four well-known international NGOs having a different attitude towards corporate funding, reaching from unconditional refusal to manifest acceptance.

categorical refusal

Greenpeace

*“To maintain absolute independence Greenpeace does **not accept money from companies, governments or political parties.** We're serious about that, and we screen for and actually **send checks back when they're drawn on a corporate account.** We depend on the donations of our supporters to carry on our non violent campaigns to protect the environment.”⁶*

prior thorough examination

Amnesty International

*“The overwhelming majority of our income comes from individuals the world over. These personal and unaffiliated donations allow AI to maintain full independence from any and all governments, political ideologies, economic interests or religions. We neither seek nor accept any funds for human rights research from governments or political parties and **we accept support only from businesses that have been carefully vetted.** By way of ethical fundraising leading to donations from individuals, we are able to stand firm and unwavering in our defence of universal and indivisible human rights.”⁷*

acceptance without any clear line

Human Rights Watch

*“We are a fully independent non-governmental organization, supported by contributions **from private individuals and foundations worldwide.** In order to maintain our independence, we accept no money from any government, directly or indirectly.”⁸*

Yet, HRW got criticism for having accepted a 10-year-long grant by George Soros.

explicit consent

World Wide Fund

*Revenues come from Individuals, In-Kind Revenues, Government Grants and Contracts, Foundations, **Corporate**, etc.*

“Working with business is as important to us as munching bamboo is for a panda”.

⁶ <http://www.greenpeace.org/international/en/about/faq/>.

⁷ <http://www.amnesty.org/en/who-we-are/faq>.

⁸ <http://www.hrw.org/node/75138#8>.

Corporate Social Responsibility

In the 1980, following pressure of social NGOs, a wide range of instruments have been set up in order to make multinational corporations responsible. From that moment onwards, corporations started – both slowly and reluctantly – to get constrainedly attentive to corporate social responsibility.

There are numerous articles, papers and publications studying and analysing corporate social responsibility. Some of them put forward the merits of CSR, others underlining its pure strategic image-making. The first set of publications praising the virtues of CSR are often produced by academics who have contacts with corporations but also with NGOs. There is almost no need to say that corporations themselves focus on the benefits and merits of their CSR. The second set of publications being highly doubtful and much more critical about CSR are mainly produced by NGOs being active in the field of analysing corporate state and behaviour.

Whom should we believe most? Two additional factors should be taken into account and will tell us more.

On the one hand, there are some interviews that have been done of some former CSR officers in corporations, underlining the fact that they felt rather isolated from the actual core business within their corporation, that their jobs were often *de facto* not valued and that all this was linked with growing frustration.⁹

On the other hand, when negotiations take place between public authorities and corporations in order to make CSR more ambitious and binding, the actual reluctance of corporations is really revealed. As a matter of fact, two quotes from BusinessEurope on this regard:

“In the wake of the financial and economic crisis, voices are raised against irresponsible behaviour, lack of transparency or insufficient regulation. Due to the systemic nature of the financial crisis, adequate transparency and improved standards are crucial to restore confidence and stability in the financial sector. However, this should not be confused with introducing CSR regulation as a preventive measure to generate more responsible companies. On the contrary, this could prove counterproductive and other methods should be explored.”¹⁰

“EU policy should not interfere with companies seeking flexibility to develop an approach to CSR according to the specific needs of their stakeholders and their individual circumstances.”¹¹

Hence, CSR rather resembles to be a tool of storytelling and marketing for corporations. And so are NGOs engaging with corporations: a tool of storytelling. “Corporate Social Responsibility is the currently popular ideology by which companies claim to be good for society and the environment. However, it ignores the fact that corporations are legally responsible only to their shareholders’ profits and are not allowed to consider other interests. This means that CSR is basically a hollow myth.”¹²

EAPN Principles

“The NGO-intern decision in favour of a more cooperative or a more confrontational course of action depends on its attitude towards corporations but also on its respective objective that shall be achieved with its actions.”¹³

EAPN has to decide in what way it wants to behave towards corporations and corporate funding, being aware and conscious about the current corporate situation and evolution.

⁹ See Claire Fauset, What’s wrong with corporate social responsibility?, Corporate Watch Report 2006.

¹⁰ BusinessEurope, “[European Business Supports Transparency](#)”, 18 September 2009.

¹¹ BusinessEurope, “EU Strategy 2011-2014 for CSR”, 9 January 2012.

¹² Rebecca Spencer, Corporate law and structures. Exposing the roots of the problem, Corporate Watch, 2004, p.3

¹³ Lothar Rieth and Thorsten Göbel, **Unternehmen, gesellschaftliche Verantwortung und die Rolle von Nichtregierungsorganisationen**, in *Zeitschrift für Wirtschafts- und Unternehmensethik (zfwu)*, Jahrgang 6 (2005) / Heft 2, St.Gallen, 2005, p.248.

Some aspects seem to be crucial when adopting EAPN-internal criteria or principles:

1. EAPN’s vision, mission and values have to be safeguarded.
2. Corporate founding should, in no way whatsoever, interfere with them.
3. The credibility and integrity of EAPN have to be guaranteed.

Some fundamental EAPN quotes that are linked with, or can be impacted by, corporate funding.

EAPN Values

*EAPN believes in the possibility to achieve a **better sharing of wealth, opportunities and resources.***

Goals and Objectives

*Objective 1.3: EAPN will seek to engage and contribute to alliances for an **alternative model of social and sustainable development** that puts people and planet first.*

*Goal 3: **People Experiencing Poverty and Social Exclusion recognise EAPN as their Network.***

Strategies

EAPN seeks to be a critical voice, proposing solutions and defending the interest of people experiencing poverty and social exclusion by:

- *Providing a space for exchange, debate and learning on practices and policies to fight poverty and social exclusion and to **promote a better distribution of wealth.***
- *Contributing to developing and implementing a **social and sustainable development model.***

Quadrennial Strategic Action Plan 2014-2017: external issues central to EAPN’s future work

4. *The important debates and discussion about demographic change and globalisation*
 - *“**questions on the impact of globalisation, competitiveness, international regulation and global poverty**”*
5. *The **impact of liberalisation** on the access of people experiencing poverty and exclusion to essential goods and services.*
 - *“**The question of access to affordable and quality of services of general interest.** [...] There is a clear tendency to prioritize short-term narrow economic goals over long-term social and economic returns.*

EAPN either adopts a **categorical attitude** towards corporate funding or decides to proceed to a **case-to-case analysis**.

At what moment funding from corporations can it be acceptable? When is accepting corporate funding damaging? Here beneath a typology of moral development of corporations, as suggested by Simon Heap, that can be helpful.¹⁴

Type of Corporation	Behaviour
Amoral Corporation	Pursues winning at any cost; views employees merely as economic units of production.
Legalistic Corporation	Concerned with the letter of the law, but not its spirit; adopts codes of conduct that read like products of legal departments (which they are).
Responsive Corporation	Interested in being a responsive corporate citizen, but because it is expedient has codes of conduct that begin to look more like codes of ethics.
Emergent Ethical Corporation	Recognises the existence of a social contract between business and society, and seeks to instil that attitude throughout the corporation.
Ethical Corporation	Balances profits and ethics throughout its culture.

¹⁴ Simon Heap, **NGOs and the Private Sector: Potential for Partnerships?**, *Occasional Papers Series Number 27*, INTRAC - International NGO Training and Research Centre, Oxford, December 1998, p.11.

In order to define **criteria** with regard to corporate funding, we could get inspired by criteria used by two ethical banks that fund some initiatives.

Criteria used by GLS Bank (Germany):

YES	NO
socially and ecologically oriented corporate policy	violation of human rights
social commitment	violation of fundamental rights and labor laws
development policy objectives	child labor
energy efficiency and renewable energy	animal experiments
energy-efficient transport systems	controversial environmental behavior
resource efficiency	controversial economic practices
anthroposophic medicine, homeopathy, herbal and natural medicine	atomic energy
	biocides
	organochlorine mass products
	embryo research
	agro-genetic engineering
	pornography
	armaments
	addictive drug

Criteria used by Triodos Bank (Belgium):

YES		
Nature & environment		
Biological agriculture	Eco-development	Ecological technologies
Biological food	Renewable energy	
Culture & non-profit		
Education	Health care	“Life Philosophy”
Child care	Art & culture	Community projects
Social Economy (Financial Labelling Organisation - FLO)		
non-food retail (books, clothes)	Leisure	Development cooperation
Professional services	Housing	Fair trade
Production (printers, edition...)		
NO		
Non-sustainable products and services		
Fur industry	Substances harmful to the environment	Armament industry
Gambling	Pornography	Tobacco
Nuclear energy		
Non-sustainable work methods		
Intensive agricultural production	Corruption	Dictatorial regimes
Animal experimentations	GMO	Violation of legislation, codes of conduct or conventions

If EAPN opts for a case-by-case decision based on criteria, then what procedure should be adopted?

1. Defining criteria of exclusion / acceptance
2. Prior screening
 - EAPN staff and/or Bureau?
3. Screening Information sent to EXCO
4. Decision taken by EXCO

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