



TRUST FUND FOR VICTIMS

GUIDELINES FOR ACCEPTING PRIVATE CONTRIBUTIONS

1. Introduction

The purpose of this document is to delineate guidelines for the acceptance of private contributions by the Trust Fund for Victims (the Fund).¹ While the majority of voluntary funding has historically come from States Parties to the Rome Statute, there is now a need to expand the pool of potential contributors. The diversification of the Fund's revenue base to include private donors could be particularly valuable as a means of increasing the support for the Fund.

The United Nations has formally recognized the supportive role and potential benefits of voluntary contributions from the private sector and has developed a Global Compact, which contains guidelines that the Fund may adopt as a point of reference². Many UN system organizations or affiliates have already taken steps to engage the private sector.

2. Eligibility

The Fund seeks financial and non-financial support (in the form of cash contributions and in-kind donations) from private entities whose reputation and behaviour demonstrate social responsibility and respect for human rights. In view of the consideration that *all* private contributions should correspond to the same set of principles, for the purpose of these guidelines, the Fund has taken the term "private institutions" to include, but not to be limited to, corporations, foundations, non-governmental organizations, as well as individuals. The eligibility of all potential contributors will be assessed according to the general principles established in these guidelines.³

¹ These guidelines have been developed pursuant to the Regulations of the Trust Fund for Victims, Part II, Chapter II, paragraphs 24 and 26. They have been adopted by the Board of Directors at their 9th Annual Meeting on 20-22 March, 2012.

² See United Nations General Assembly resolutions A/RES/56/76, A/RES/58/129, A/RES/60/215 and A/RES/62/211

³ In the case of prospective engagement with corporate entities, all efforts shall be made to comply with recommendations set out by the United Nations Global Compact (see Annex I and <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>)

3. General Principles

Whether or not a private contribution is subject to a formal agreement, and regardless of the specific nature of an agreement, the following general principles shall be respected:

a) *Advance the Fund's goals*: Contributions must support overall goals and specific objectives that have been identified by the Board of Directors of the Trust Fund for Victims (the Board) or through the Assembly of States Parties.⁴

b) *Shared values*: The Fund is interested in accepting financial support and in-kind donations from private entities that share its values. Cash contributions and in-kind donations may not be accepted from entities which, inter alia, violate United Nations sanctions, are involved in the sale of armaments or weapons, are engaged in the production of alcohol or tobacco products, are complicit in exploitive or corrupt practices, or engaged in practices that are considered contrary to the Fund's basic principles.⁵

c) *Roles and responsibilities*: Agreements governing a private contribution must be clearly articulated in writing, with due regard to specific roles and responsibilities that will be assigned to each party. Objectives, timelines and budgetary information must all be clearly delineated.

d) *Maintain the Fund's independence*: Agreements governing a private contribution should not diminish in any way the independence or impartiality of the Fund.⁶ For this reason, agreements should not be of an exclusive nature or otherwise imply endorsement of or by a particular entity, product, or service.

e) *Transparency*: Information on the nature and scope of contributions/donations from private entities should be freely available, both internally and externally. Relevant information should be made available, inter alia, on the Fund's website, within the Board's annual reports and the Fund's financial statements.⁷

⁴ Rome Statute, Article 79 and Regulations of the Trust Fund for Victims, Part II, Chapter II, paragraph 30

⁵ Trust Fund for Victims Financial Framework (2007), page 1, Section 3 "Criteria for accepting donations" and "The Trust Fund for Victims Minutes of the Board Meeting, held through phone conference on June 28th 2007"

⁶ Trust Fund for Victims Financial Framework (2007), page 1 "Criteria for accepting donations" and the Regulations of the Trust Fund for Victims, Part II, Chapter II, paragraph 30(c)

⁷ Regulations of the Trust Fund for Victims, Part IV, paragraph 76 and 77

4. Use of the Fund's Name, Logo and Emblem

The use of the name "Trust Fund for Victims" and the abbreviation of that name shall not be used for commercial purposes. The Fund's logo, emblem, and other officially adopted means of representation should be similarly protected from commercial use.

The use of the name, logo and emblem may be authorized on an exceptional basis, in the event that the primary purpose of such use is to show support for the Fund. Permission for such use must be agreed upon in writing and shall be subject to specific terms and conditions.⁸

5. Procedures for acceptance of private contributions/donations by the Fund

Private entities may wish to support the Fund through cash contributions and in-kind donations, all of which may only be accepted by the Board. Agreements governing private contributions must be in accordance with relevant criteria adopted by the Assembly of States Parties⁹ and comply with the Fund's Regulations, the Fund's Financial Framework¹⁰ and any relevant ICC regulations, rules, policies and procedures¹¹.

In accordance with the Board's decision of 2007, all voluntary contributions from private entities above the level of USD 5,000 will be subject to vetting. The Secretariat for the Trust Fund for Victims will oversee this vetting to ensure that all contributions meet acceptance criteria¹², comply with the Fund's Regulations as well as ICC regulations, rules, policies and procedures and protect the Fund from financial, reputational, legal and political risks. As approved by the Board within the Financial Framework in 2007, cash contributions received will be deposited in a transit account in the name of the Fund pending the vetting outcome. Approved cash contributions will then be transferred to the appropriate account and a final

⁸ A differentiation is made between "commercial use" of the Name and Emblem and "use by a commercial entity" in consistency with the "Guidelines on Cooperation between the United Nations and the Business Sector" (2009)

⁹ Rome Statute, Article 79

¹⁰ ICC-ASP/4/Res.3, Regulations of the Trust Fund for Victims, and the Trust Fund for Victims Financial Framework (2007)

¹¹ E.g. in case of acceptance by staff of any honour, decoration, favour, gift or remuneration – see Staff Rule 101.5

¹² Private cash contributions and in-kind donations worth more than 5,000 USD shall be screened through a specialized, private firm as decided in "*The Trust Fund for Victims Minutes of the Board Meeting, held through phone conference on June 28th 2007*". In addition, the ICC Security and Service Section (SSS) offered to assist in vetting individuals within its existing vetting contract; the extent of this assistance will depend on the volume of additional work created for SSS. Furthermore, the ICC Procurement Unit uses a commercial vetting company which does financial evaluations and financial reviews of companies; again, the ICC Procurement Unit offered to do the financial background checks for the Secretariat of the TFV as long as the number of these financial checks is limited and the entities have adequate commercial registration..

confirmation of acceptance will be sent to the donor. If rejected, the cash contributions will be returned to the donor in its entirety.¹³

In-kind donations may be accepted if the offers add value to the Fund. The costs of handling, shipping and customs clearance shall normally be borne by the donor.¹⁴

The Regulations of the Trust Fund for Victims permit the Board to refuse voluntary contributions, e.g. when they are deemed inconsistent with the goals and activities of the Fund; would affect the independence of the Fund; or would result in an inequitable distribution of available funds and property among the different groups of victims, etc.¹⁵

The Board submits an annual report on the activities of the Fund, including an overview of accepted and refused voluntary contributions¹⁶, to the Assembly of States Parties, the Committee on Budget and Finance and the External Auditor.¹⁷

6. Programme Support Costs

As adopted by the Board in June 2007, any reimbursement for programme support costs must be articulated as part of the written agreement between the Fund and the private entity. The level of programme support costs shall normally be calculated at 13 per cent of the disbursements recorded in any financial period. Exceptions to this standard may be made by the relevant authority.¹⁸

¹³ Trust Fund for Victims Financial Framework (2007), page 1, Section 4 “Collection, transfer and recording of donations”

¹⁴ Trust Fund for Victims Financial Framework (2007), page 2, Section 5 “Programme support costs and disbursement of funds”

¹⁵ See ICC-ASP/4/Res.3, Regulations of the Trust Fund for Victims, Part II, Chapter II, paragraph 30

¹⁶ See ICC-ASP/1/Res.6, Annex to the resolution, paragraph 11

¹⁷ Regulations of the Trust Fund for Victims, Part IV, paragraph 76 and 77

¹⁸ Trust Fund for Victims Financial Framework (2007), page 2, Section 5 “Programme support costs and disbursement of funds”

THE GLOBAL COMPACT'S TEN PRINCIPLES

The Global Compact asks companies to embrace, support and enact a set of core values within their sphere of influence in the areas of human rights, labour standards, the environment and anti-corruption. The Fund could use these same principles when evaluating companies (see below).

Human Rights

Principle 1: businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

Labour Standards

Principle 3: businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

Principle 4: the elimination of all forms of forced and compulsory labour;

Principle 5: the effective abolition of child labour; and

Principle 6: the elimination of discrimination in respect of employment and occupation.

Environment

Principle 7: businesses should support a precautionary approach to environmental challenges;

Principle 8: undertake initiatives to promote greater environmental responsibility; and

Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

Principle 10: businesses should work against corruption in all its forms, including extortion and bribery.