

International Advocates Code of Ethics

Introduction

This Code of Ethics contains principles voluntarily adopted and committed to by advocates who support communities to use non-judicial grievance mechanisms (“NJGMs”) tied to international finance and development (“advocates”).¹ The following principles are drawn with permission from the work of the Centre for Applied Legal Studies at the University of the Witwatersrand School of Law in Johannesburg, South Africa.²

By adopting these principles, advocates seek to further three common goals:

- (1) ensuring that communities harmed by internationally-financed projects have access to support to use NJGMs,
- (2) ensuring that communities seeking such support have an identifiable group to turn to for assistance with known ethical standards, and
- (3) ensuring that all parties, including NJGMs and communities, understand the ethical commitments of such advocates.

Definitions

Advocate: Any organization or individual that has committed to work in partnership with a community and support that community to use non-judicial grievance mechanisms, and which has adopted this Code of Ethics.

Client/partner community (or “community”): A group of people impacted by (an) internationally financed project(s), with at least some shared goals in relation to that project, who partners with and receives support from an Advocate. Given the complex dynamics and diversity of views that can be present within groups of people, in some instances a client/partner may constitute only part of a wider group of people who are impacted by a project.

Principles

1. Mutual Respect and Co-operation

Our primary role is to enable a group of people to gain control of the forces which affect their lives. We remain vigilant against re-creating the dependency model that for so long has entrapped communities and left them reliant on external actors and external

¹ These include, for example, the World Bank’s Inspection Panel and Compliance Advisor Ombudsman; accountability mechanisms of the Regional Development Banks; accountability mechanisms of export promotion agencies, such as the Overseas Private Investment Corporation; and the National Contact Points tied to the OECD Guidelines for Multinational Enterprises.

² Community Engagement Policy, Center for Applied Legal Studies, University of the Witwatersrand School of Law (2014), *available at* [https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/CALS Community Engagement Policy.pdf](https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/CALS%20Community%20Engagement%20Policy.pdf).

mechanisms. Mutual respect refers to the notion that both parties have respect for and cooperate with one another. Active listening and understanding are important tools in cultivating a respectful relationship.

2. Prioritizing Community Goals

Client/partner communities and their advocates may bring different goals to the collaboration. While advocates must take instructions from the community representatives before jointly determining their intervention(s), they also cannot expend their limited resources to support interventions that do not fall within their own theory of change. In this way, advocates must straddle the fine balance between accountability to the community client or partner as well as to their own mandate. Where communities and their advocates share different goals, the goals of the community must be prioritized above any separate goals of the advocate. In the rare instance where client/partner community goals conflict with an advocate's basic mission or values, the advocate may need to work with the client/partner to limit the scope of the partnership to avoid the conflict. If another solution cannot be reached, the parties may decide to end the relationship.

3. Non-Discrimination and the Pursuit of Equality

Advocates will endeavor to elicit the input of marginalized groups and individuals within a client/partner community by focusing on and understanding gender, racial, ethnic, age or other forms of intra-community discrimination. This principle is based on the need to respect community practices and structures without participating in or endorsing discriminatory standards. We believe that in order to unearth the reality of any given community, the rights of every group in that community need to be respected and not infringed or suppressed. We aspire to a form of advocacy that is appropriate for cultural and contextual imperatives. This requires active consultation with communities according to the customs, traditions and/or rules of engagement established by the community in question. International advocates will be guided by communities and local partners in this respect. Local advocates will seek to guide international partners.

4. Security and Dignity of Clients

Every intervention should have a positive component of enhancing the wellbeing or rights-knowledge of the community in question (intended consequences). Advocates should also analyze and be mindful of the potential negative effects their intervention may trigger (unintended consequences). It will not be possible to map every possible outcome but a thorough analysis will reduce the risk of dangerous, conflict-inducing or other unintended consequences for the clients and partners with whom we work. Above all else, the security and other human rights of community members should always be protected and respected. This comes before any other objectives advocates may have.

5. Clarity regarding intended outcomes and managing expectations

Many marginalized communities have been disappointed by over-commitment and underperformance. Advocates undertake to manage expectations and offer assistance on which we can realistically deliver. Advocates have a two-pronged approach to all of our work: rigorous research and strategic advocacy. Advocates endeavor to facilitate systemic change while ensuring the wellbeing of the client/partner community. Advocates recognize that NJGMs are often a blunt instrument to effectuate this kind of social change, and therefore work in multiple forums, including with media, in courts, with lawmakers, and with social movements. Even where an NJGM strategy is appropriate, processes and outcomes are unpredictable. It is therefore imperative that the nature of the advocates' interventions and the risks involved are properly communicated to the client/partner.

6. Representative, Participatory, and Responsive Leadership Structures, and Individual Agency, within Communities

Subject to the provisions relating to equality and non-discrimination, advocates will respect and work with the client/partner community's existing decision-making structures. Where those structures do not exist, advocates will attempt to facilitate the establishment of communal structures to guide the matter. These structures are usually developed and adopted over time in order to ensure both that the client/partner community can come to decisions as needed, and that these decisions are perceived as legitimate by the entire client/partner community. Advocates will actively raise questions, though, about participation, take steps to ensure that all voices within the community are being heard and represented in decision-making, and ensure that the structures remain responsive to the community's concerns and interests.

As far as possible, community representation should include subgroups so that advocates can ensure that our representation and partnership effectively meets the needs of the entire community, and not just a sector thereof. If this is not possible, a joint decision should be made about how to manage such representation. Where advocates identify a strong bias that calls into question whether they can honestly rely on the community's pre-existing leadership structures to represent the interests of the whole client/partner community, advocates will engage in a candid negotiation with the client/partner community to modify these structures. At all times, advocates strive to promote leadership by those parts of the client/partner community that are or will be most affected by the particular abuses or risks at issue.

7. Clear Instructions based on informed decision-making

Advocates commit to obtaining and following instructions from client/partner communities based on free, prior and informed decisions made by those communities. Advocates commit to putting sufficient time and resources into explaining to the community the advocacy options and strategies, including strengths and weaknesses and possible outcomes and risks, using an accessible form and language to disseminate the information.

8. Professionalism

Advocates undertake to conduct themselves with communities in the utmost professional manner with honesty and integrity, based on the uncompromising principle that all people deserve the highest quality legal representation and/or advocacy support.

9. Accountability, Honesty and Integrity

Advocates commit to accountability to client/partner communities, honesty, and integrity in all dealings.

10. Regular and Accessible Communication and Discussion

From the moment of initial consultation through to evaluation of the intervention and follow-up after the completion of the matter, advocates commit to maintaining regular communication in order to convey important information and developments to client/partner community representatives and to discuss the way forward at decision-making moments.

11. Confidentiality and Anonymity

Often the clients or partners with whom we engage require a high standard of confidentiality and anonymity to protect their security and well-being. Advocates will never use or distribute information shared with them unless otherwise instructed by client/partner community representatives.

12. Transparency and Sharing of Information

Transparency relates to openness of decisions and actions. Throughout the process of the matter, advocates must remain open, candid and clear about their actions and decisions. It is advocates' belief that it is only through such transparent processes of conducting our work that we can be truly accountable to the client/partner communities with which we work. We commit to transparency regarding our financing and related resources.

13. Pursuit of Cross-Cultural Competency

Advocates recognize that a high level of cross-cultural competency is critical to their work. Where advocates partner with communities from different cultures, they must be respectful of the dignity, voice and story of each client or partner, and must maintain an awareness of their own biases and ethnocentric worldviews.

14. Avoiding Conflicts of Interest

Advocates will be mindful of any conflict of interest and will attempt to resolve and/or

manage the situation as early as possible. Full disclosure of information and regular communication are critical to achieving this.

15. Continuity and Longevity

Advocates recognize that effective advocacy that achieves meaningful outcomes for communities is a long-term endeavor, and may take several years. Advocates commit to ensuring continuity and longevity of support to and relationships with client/partner communities.

16. Maintain Objectivity and Independence

Advocates strive to maintain their objectivity and independence at all times and to act in a manner that creates a perception of being objective and independent. Advocates take their instructions from the client/partner community and will not advance the interests or agenda of any political party, interest group, journalist, or other third party in the name of working 'on behalf of' the community.

17. Self-Reflection

We commit to creating the space and resources to facilitate self-reflection in our work.

18. Compliance with Rules of the Profession

Advocates may be members of professional organizations with their own sets of professional rules. These professional rules represent a floor, not a ceiling to guide our work.