



## Arts Charities and the PPAN Model Ethical Policy

At a time of rising authoritarianism, how can an arts organisation engage with the most pressing issues of our times while upholding their responsibilities as a charity, and their responsibilities towards artists, partners, funders and other stakeholders?

### **The PPAN Model Ethical Policy**

In recent years many arts organisations have been engaged in debates and discussions around their ethical responsibilities, both internally and with their audiences and artists. The question of how organisations can communicate and uphold values that align with those of their core constituencies is clearly a sector-wide issue. It is apparent that new tools are required to transparently implement clear red-lines within programming, fundraising and governance practices.

This Model Ethical Policy<sup>i</sup> is designed to address a significant gap in British arts organisations' justice, equity, diversity and inclusion commitments (JEDI). The policy specifically addresses violations of international law as determined by international legal bodies, such as the International Criminal Court (ICC) and the International Court of Justice (ICJ) .

Originally developed by the Palestinian Performing Arts Network (PPAN), the policy wording is simple and direct, and is intended to be tailored to address the particular needs and services provided by your organisation.

### **Registered charities and the PPAN Model Ethical Policy**

Many arts charities are fearful of being challenged over work that may be deemed political, and are unclear about what charity law allows for.

'Political activity' is [defined](#) by the Charity Commission as work that aims to influence or change government policy or that of public bodies. If your board wishes to undertake due diligence within your programming and fundraising work with regards to upholding existing international laws and human rights conventions, the Charity Commission allows for such activity. There would only be an issue if the policy were advocating for something that would require a change of law to realise, or if the organisation was making this advocacy a core part of its activities.

If your organisation would like to go further and undertake work that *is* political, you can do so if you follow the guidance for this - which includes being able to show how the activity aligns with the organisation's mission and purpose. The Charity Commission [guidance](#) says: "Charities can take part in political activity that supports their purpose and is in their best interests. There may be situations where carrying out political activity is the best way for trustees to support their charity's purpose."

For further information, we have summarised the guidance for arts charities who wish to act in solidarity with Palestinian people, [here](#).



### **Why should organisations adopt the PPAN Model Ethical Policy?**

At a time when global legal norms are being undermined and many communities are being endangered by the far right's systematic attacks on human rights and equalities protections, adopting this policy shows that your organisation is committed to respect for international law. While the framework of international human rights-based law undoubtedly has flaws, it allows for concrete and clearly communicable red-lines to be drawn in a cultural sector that is increasingly global.

At its core, the model ethical policy is an opportunity to affirm your organisation's recognition of social purpose in the arts, and foreground your organisation as a vital space for engaging and reflecting cultural debate.

It gives a clear indication to stakeholders that your organisation is, for example, able to engage with a spectrum of critical, radical or non-conforming statements in solidarity with underrepresented voices. But also, that it will not tolerate or be associated with practices or institutions that are complicit in discrimination, violence, hatred, dispossession or genocide.

It offers clarity to your staff and helps ensure coherence between your organisation's public programme and the core values and purpose of the organisation.

### **Future-proofing your organisation**

The model ethical policy is a tool that can help build your organisation's resilience now and for the future. It is designed to be immediately adoptable as a baseline position, working alongside any policies your organisation may already have in place, such as ethical fundraising, EDI, or safer spaces policies. However, it is also intended as a jumping off point for further conversations at leadership, board and staff levels about what ethical practice looks like for your organisation.

The model policy and the conversations that happen around it will help you align your charitable objects, policies and practices, thereby upholding your responsibilities to funders and to regulatory bodies.

The model policy additionally offers a transparent grounding that will free up your organisation to make bold programming and policy decisions with greater confidence in the future. This is an essential consideration for organisations working in the contemporary arts, where disparities between progressive and challenging arts practices and reactionary and risk averse institutions can lead to perpetual crises of trust.

### **Risks and mitigations**

Like any policy, the model ethical policy should be adopted through a documented oversight process involving your organisation's trustees. This process will enable leadership and board members to work through what this policy specifically means for your organisation, in line with your charitable mission; and serves as evidence for external bodies and regulators that the adoption of the policy better enables you to fulfil your organisational goals and charitable objectives.



Formal adoption of the model ethical policy will then help mitigate risks to your organisation, including:

- Reputational damage for perceived silence on / support for war crimes or other breaches of international law;
- Lack of formal grounds for refusing partnerships or funding sources, in cases where the partner or funder is known to be complicit in breaches of international law;
- Programmatic, operational or financial damage from artists, cultural workers or other external service providers withholding their services from your programme for ethical reasons, either individually or through collective boycotts and strikes;
- Challenges from external parties (e.g. lobby groups, media, online commentators) that claim discrepancies between organisational actions and charitable objectives;
- Staff safeguarding issues deriving from lack of clarity on organisational ethics in relation to pressing social and geopolitical concerns.

While adopting the model ethical policy is itself a means to mitigate against significant risks, as with the implementation of any organisational policy, the risks associated with its adoption should also be considered, alongside their mitigation:

- The ethical policy takes as its baseline the precepts of international law. As with any legal framework, these are open to interpretation within different contexts. It is therefore important that your organisation considers what the ethical policy will look like for you in action, in relation to your day-to-day operations and activities.
- Adopting the model ethical policy may garner criticism or accusations of bias from some quarters, especially when its principles are applied to particularly challenging decisions around funding or partnerships. The wording of the policy specifically emphasises evidence-based violations, complicity with, or whitewashing of breaches of international law, which can be readily researched and pointed to in order to mitigate against such criticisms.

### **Examples of the model ethical policy in practice:**

#### **Example #1: LUX**

LUX has incorporated this ethical policy model as part of its protocols around sponsorship and funding partnerships. In addition, it has adapted the policy for use in its film distribution operations, as follows: <https://lux.org.uk/collection/how-to-order/>

*“This organisation does not hire films for screenings or events at any institution (including film festivals, cinemas, galleries, universities and others) that is verifiably complicit in, advocates for, or whitewashes grave violations of international law (such as war crimes, crimes against humanity and genocide), racism or racial violence.”*



## Example #2: Dancers for Palestine

Model Policy on Ethical Programming and Partnerships for Cultural Institutions:

<https://www.instagram.com/p/DQ5c3-NAKc6/>

*“This cultural institution commits to uphold universal principles of human rights and international law, to refrain from doing or contributing to undue harm, and to ensure basic ethical standards.*

*Based on this:*

**1. Programming:** *This institution will not include in its programming artists, cultural groups/bands/orchestras, or cultural products that are produced by entities that are verifiably complicit in, advocate for, or whitewash grave violations of international law (such as war crimes, crimes against humanity and genocide), racism or racial violence.*

**2. Sponsorship & Funding:** *This institution will not accept sponsorship/partnership or other forms of funding from individuals, corporations or other entities that are verifiably complicit in, advocating for, or whitewash grave violations of international law (such as war crimes, crimes against humanity and genocide), racism or racial violence.*

**Note:** *While many of us in the United States grapple with our own government’s historic and contemporary injustices and the implications of accepting federal arts funding, this policy specifically addresses violations of international law as determined by international legal bodies.”*

## End note

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### **<sup>i</sup> The PPAN Model Policy on Ethical Programming and Partnerships for Cultural Institutions**

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Based on this:

**Programming:** This institution will not include in its programming artists, cultural groups/bands/orchestras, or cultural products that are produced by entities that are verifiably complicit in, advocate for, or whitewash grave violations of international law (such as war crimes, crimes against humanity and genocide), racism or racial violence.

**Sponsorship & Funding:** This institution will not accept sponsorship/partnership or other forms of funding from individuals, corporations or other entities that are verifiably complicit in, advocating for, or whitewash grave violations of international law (such as war crimes, crimes against humanity and genocide), racism or racial violence.