

The Council for International Development Incorporated of Aotearoa New Zealand

Kaunihera mo te Whakapakari Ao Whanui Incorporated

CONSTITUTION AS AMENDED AND ADOPTED AT CID AGM 29 OCTOBER 2018

CONSTITUTION AS AMENDED AND ADOPTED AT CID AGM 19 OCTOBER 2021

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PART 1 - PRELIMINARY

1. NAME

The name of the organisation shall be the Council for International Development Incorporated of Aotearoa New Zealand/Te Kaunihera mo te Whakapakari Ao Whanui o Aotearoa, under the Incorporated Societies Act.

2. DESCRIPTION

The Council for International Development of Aotearoa New Zealand (CID) is the national umbrella agency of international non-governmental organisations, and mission-aligned organisations and individuals with an active presence in Aotearoa New Zealand, involved in international development cooperation and humanitarian aid. CID is a registered charity with the New Zealand Charities Commission (registration CC42922).

3. REGISTERED OFFICE

The registered office of CID shall be at Level 9, 117 Lambton Quay, Wellington New Zealand, or such other place in New Zealand as the Board may determine by resolution.

4. REGULATIONS

The Board may make, amend or rescind any by-laws or regulations not inconsistent with this constitution, to attain or facilitate the Objectives of CID.

5. INCORPORATION

CID has been incorporated under and in compliance with, the Incorporated Societies Act, and the provisions of the rules of the Act are deemed to be incorporated therein. This Constitution has no effect to the extent that it contravenes or is inconsistent with, the Act.

6. OBJECTIVES

- 6.1. To seek and promote greater consultation and cooperation on international development and humanitarian programmes, and concerns between the government, its ministries and non-government organisations involved in international development cooperation and humanitarian aid.
- 6.2. To promote sustainable locally-led development, and eradication of injustice and poverty, so that people everywhere can realise their potential.
- 6.3. To strengthen national and international links with organisations actively involved in development and humanitarian issues.

- 6.4. To work for an increase in the quality, standards and impact of Aotearoa New Zealand's international development cooperation and humanitarian aid.
- 6.5. To carry out or support research on international development cooperation and humanitarian aid issues, to further understanding and for the reduction of poverty and injustice.
- 6.6. To undertake well-researched advocacy on international development cooperation, humanitarian aid and social justice issues.
- 6.7. To support and promote education in order to achieve among all people of Aotearoa New Zealand a greater awareness, understanding of, and commitment to, international development cooperation and humanitarian aid.
- 6.8. To support members' adherence with the CID Code of Conduct through a Standing Committee of CID known as the Code of Conduct Committee (CCC).
- 6.9. To facilitate the co-ordination of emergency relief assistance activities through a Standing Committee of CID known as the CID Humanitarian Network.

PART 2 - GOVERNANCE

7. POWERS AND FUNCTIONS

- 7.1. A general meeting of CID members is the ultimate governing body of the organisation and may delegate to an elected Board its powers and functions, other than the requirements of this Constitution that are reserved to the general meeting of members.
- 7.2. To advance the objectives of CID, the general meeting of members may exercise or delegate to an elected Board the following powers in addition to all the powers conferred by law:
 - i. To acquire by all lawful means income and property, granted or donated and vested in CID solely for the promotion and carrying out of the objectives of CID;
 - ii. To deal with every kind of property, including real and intellectual property;
 - iii. To apply the funds of CID in furthering its objectives and to invest such funds in any manner authorised by the Board;
 - iv. To employ such staff or contract such professional services as the Board shall think desirable;
 - v. To set the annual membership fees;

- vi. To appoint Standing Committees and working groups from time to time, to operate in specific fields or under specific terms of reference, and to approve the appointment of Chairs for Standing Committees; and
- vii. To carry out such powers and functions that may be deemed necessary for the advancement of the objectives of CID.

8. BOARD MEMBERSHIP

8.1. Elections for a Board are held at a general meeting of CID:

- i. Board members are elected for a period of two years and may be re-elected after that time for up to three consecutive terms;
- ii. A Board member who has served three consecutive terms may stand again for election after standing down for two years;
- iii. The Chair, Deputy Chair and Treasurer will be elected by the Board;
- iv. Nominations for members of the Board must be called for by the Chair at least 28 days before a general meeting.

8.2. The Board shall have no less than four elected members, and up to a maximum of eight members elected from the CID membership;

- i. In addition to the elected members, the Board may co-opt or terminate the co-option of up to two additional Board members, reviewed annually, who are individuals either internal and/or external to the CID membership.
- ii. Composition of the Board shall aim for gender equality, where no gender represents an overwhelming majority.
- iii. At all times a clear majority of the total Board shall be elected from Full members of CID. Employees or governance of CID member organisations may be on the CID Board, as well as ex-staff or ex-governance of CID member organisations (who are currently on the board and have ended their position with their organisation within the past 12 months, subject to section 8.7).

8.3. No CID member organisation may have more than one elected staff or governance member as a Board member.

8.4. The Executive Director shall act as Contact Officer and as Secretary to CID and to the Board, but may not vote.

- 8.5. The officers of CID shall be the Chair, Deputy Chair, Treasurer and Executive Director; officers are required to be above 18 years of age and not disqualified from the position under the Incorporated Societies Act.
- 8.6. Early termination of a board member's term occurs:
- i. If a Board member resigns during their elected term;
 - ii. If a Board member is absent for more than three consecutive meetings, without prior consent of the Board;
 - iii. If the Board member breaches their duties to CID or acts in a way inconsistent with the charitable purposes of CID;
 - iv. In these cases, the Board shall determine if an election is necessary, and if so, will call for nominations and conduct a postal or email ballot amongst CID members.
- 8.7. If an elected Board member ceases employment or a governance role with any CID member during their term, the CID Board has the sole discretion to consider whether they continue until the next AGM, noting issues such as continuity and skill set.
- 8.8. Board members should disclose any actual or perceived conflicting financial interest in a matter being considered or affecting CID, as soon as practicable. After disclosure, the Board member may not vote in any decision on that matter. The disclosure will be noted in the minutes, and a register shall be kept and updated annually.
- 8.9. The Board may co-opt individuals to serve on Standing Committees.
- 8.10. Standing Committees are responsible to the Board and may be required to report to the Annual General Meeting or any other general meeting of members.

9. POWERS AND FUNCTIONS OF THE BOARD

The Board shall exercise all the powers as delegated by the members in a general meeting, apart from those that are reserved by the Constitution to the members in a general meeting. The Board must meet at least four times in each Financial Year.

- 9.1. The Board shall:
- i. Develop the strategic plan for approval at an Annual General Meeting of members;
 - ii. Monitor the work and responsibility of the Executive Director in carrying out the strategic plan;

- iii. Recruit and appoint the Executive Director, who, under the direction of the Board, shall be responsible for the day-to-day management of CID and implementation of the Strategic Plan;
 - iv. Approve the annual budget and grant applications to Government or other funding sources;
 - v. Monitor regularly the financial affairs of CID and ensure that the annual audited accounts are available within six months of the end of the financial year for inclusion with the Annual Report to the AGM. The financial year shall be concurrent with the financial year of the Government;
 - vi. Ensure the objectives of CID and the Code of Conduct are adhered to by all Full members, in conjunction with the Code of Conduct Committee;
 - vii. Oversee relationships with relevant government agencies with respect to the CID Code of Conduct;
 - viii. Decide all matters arising in relation to the administration of CID not specifically delegated to Standing Committees or the Executive Director; and
 - ix. Set the date for the Annual General Meeting.
- 9.2. Quorums for Board meetings shall be above 50% of its members, in person or via appropriate video conferencing software.
- 9.3. The members of the Board in carrying out their duties shall act at all times in good faith and in what the officer believes to be the best interest of CID.
- 9.4. CID shall indemnify or arrange insurance for an Officer, Board member, member of the Code of Conduct Committee or an employee of CID, for liability or costs incurred by them in the proper performance of the functions and duties - except as shall result from their own respective wilful default or criminal act or omission.

PART 3 - MEMBERSHIP

The Executive Director shall keep a register of members (including the type of membership, date of joining, and the members registered details).

10. CLASSES OF MEMBERSHIP

There shall be four classes of membership; Full, Affiliate, Individual and Honorary Life Membership.

- 10.1. **Full membership** is for organisations that are incorporated societies, charitable trusts or not-for-profit companies with charitable status, that have been in existence for at least three years. They must be working in one or more of the following areas: international development, humanitarian programmes, international development education and/or advocacy on international development issues. These activities must be in accordance with the values as expressed in the CID Code of Conduct. All existing Full members must remain compliant with the Code of Conduct, and new Full members must become Code signatories within two years of joining CID.
- 10.2. **Affiliate membership** is for any organisation or institution that is deemed by the Board to be ineligible for Full membership since it does not meet all of the above criteria. The organisation's activities must be consistent with and supportive of the principles (Schedule 1) and objectives of CID.
- i. Affiliate members may attend CID general meetings, and have speaking rights, but have no voting rights.
 - ii. Affiliate members are not eligible for election to the Board, but may be co-opted to the Board, or invited to participate in Committees.
 - iii. Affiliate members are eligible to receive information sent to members.
- 10.3. If a New Zealand based organisation has branches within New Zealand, then only the national body, which should have a national governance structure, is eligible for CID membership. Branch members may participate in CID activities through their affiliation to the national body.
- 10.4. **Individual Membership;** individuals and independent consultants that agree with and support the objectives of CID, may be accepted as individual members. The individual or consultant must act in a way that is consistent with and supportive of the principles (Schedule 1) and objectives of CID.
- i. Individual members may attend CID general meetings and have speaking rights, but have no voting rights.
 - ii. Individual members are not eligible for election, but may be co-opted to the Board, or invited to participate in Committees.
 - iii. Individual members are eligible to receive information sent to members.
- 10.5. An individual person may be nominated for **Honorary Life Membership** of CID. Such nominations, made in writing by two CID members to the Board, must be approved by the Board and are awarded at the next Annual General Meeting following the nomination. Honorary Life Members have full speaking and participation rights at CID meetings, but are not entitled to vote at CID meetings or to stand for election to the Board on the basis of honorary membership.

11. MEMBERSHIP PROCESS

11.1. The process for granting Individual membership of CID is:

- i. 2.1.1 The individual submits a completed application form and a brief written account of their activities and interests in international development.
- ii. 2.1.2 The CID Secretariat considers the application, applies an appropriate level of due diligence (in respect to 1.4 above), and then forwards a recommendation to the board, or declines membership, or requests further information.
- iii. 2.1.3 The membership application must be approved by a clear majority of the Board.

11.2. The process for granting Full or Affiliate membership of CID is:

- i. The organisation submits a completed application form, along with its constitution, or equivalent founding document, its most recent annual report, audited financial statements, and a brief written account of their activities if these are not detailed in the annual report.
- ii. CID members are advised at least four weeks before the next Board meeting of the details of the Full member application, and application information will be provided on request. CID members are invited to provide any written comments to the CID Executive Director at least 24 hours before the Board meeting that considers the application.
- iii. The Board considers the application, and any comments from members, and then grants or declines membership, or requests further information.
- iv. The membership application must be approved by a clear majority of the Board.

11.3. The Board shall report on the status of membership through the annual report.

11.4. Members are required to pay an annual membership fee as set by the Board.

11.5. A new Full member must become a signatory to the CID Code of Conduct within two years of being granted Full membership unless, under exceptional circumstances, an extension is granted by the Code of Conduct Committee.

11.6. If the members registered details or contact details change, they must notify an Officer of CID.

11.7. A member may at any time make a written request to the Board for information held by CID. Subject to the law; contractual obligations, the books, records, register of members, and other documents of CID will be provided, or refused specifying reasons for the refusal, within four weeks.

12. TERMINATION OF MEMBERSHIP

12.1. Membership shall be terminated:

- i. Following written notification from the Board of the acceptance of their resignation.
- ii. By failure to pay membership fees, within nine months of the first notification of renewal, or by the end of the financial year, whichever comes first.
- iii. By a serious breach of the objectives or principles of CID, or by conducting themselves in a way which is or is likely to be detrimental to the interests of CID, as determined by a clear majority vote of the Board.
- iv. By a serious breach of the CID Code of Conduct as determined through the Code complaints procedures on the recommendation of the Code of Conduct Committee.

12.2. In cases of an alleged serious breach of the Code of Conduct, the following complaints procedures based on provisions of natural justice and good practice will be observed:

- i. All complainants will follow the Code complaints procedures that are publicly available and set out on the CID website for lodging a complaint.
- ii. CID will action the complaint as per the provisions for handling Code complaints.
- iii. A final decision to terminate membership will be taken by the Board on the recommendation of the Code of Conduct Committee.

12.3. Organisations and individuals who cease to be a member will not receive a refund of fees, but may subsequently re-apply for membership following the process for granting membership, as detailed in this Constitution.

13. MEETINGS OF MEMBERS

13.1. An Annual General Meeting (AGM) of members shall be held to receive the reports of the Board and Executive Director, receive the report of the Code of Conduct Committee, receive a summary of the nature and extent of any disclosures of conflicts of interest recorded during the year, approve the annual audited accounts, review or approve the strategic plan and consider any other business as CID shall from time to time determine. Minutes must be kept of all AGMs.

13.2. Notices of motion and relevant documentation for agenda items, including call for nominations for the Board (when relevant), reports, policy papers, and accounts, shall have been distributed to members at least 28 days beforehand.

- 13.3. A Special General Meeting of members may be called through written notification to the Chair of the Board by one third of the member organisations or by a majority of members of the Board.
- 13.4. Notice for a general meeting shall be at least four weeks, and they must be held at least once every 15 months.
- 13.5. Quorums for all the above general meetings shall be 25% of member organisations that are eligible to vote, are financial members at the time of the meeting, and are represented by personal representative or pre-arranged proxy.
- 13.6. Each member who is entitled to vote at an AGM is entitled to appoint another member or the Chair as proxy, by notice given to the Executive Director as soon as possible before commencement, and notification must have the signature of the member and the designated proxy.
- 13.7. Except where stated in this Constitution, decisions at general meetings of members shall be by consensus or, if by vote, by simple majority of eligible members present (including those voting at any general meeting by pre-arranged proxy) in person or via appropriate video conferencing software. Any member may call for a vote.
- 13.8. Each eligible member shall have one vote when a vote is taken.

14. PROCEDURES FOR DISPUTES AND GRIEVANCES

- 14.1. In the situation of complaints or concerns about a Full member's conduct or behaviour, the Code Committee monitors adherence to the Code and investigates such complaints, which may be brought by any member of the public.
- 14.2. In the situation of complaints or concerns about any other member's conduct or behaviour as measured against the principles of CID, the Board may decide to investigate such complaints and has the option to terminate membership by a clear majority vote.
- 14.3. In the situation of complaints by or grievances of members against other members, the Board, staff, or against CID itself, minor grievances shall be resolved through informal mediation by the Executive Director or with the Board.
- 14.4. If the matter is not resolved or the matter is serious:
 - i. The grievance shall be lodged with an officer of CID.
 - ii. An investigation and hearing of the grievance will be held by the Board, if needed to ensure an adequate hearing, or if it is otherwise desirable.

- iii. The Board may refer the grievance - or if the grievance involves the Board, then it shall be referred - to an impartial external person, or to formal mediation or arbitration, for investigation and a binding decision.

PART 4 - ADMINISTRATION AND FINANCIAL MANAGEMENT

15. FINANCIAL MANAGEMENT

- 15.1. Any funds must be used to further the purpose or objectives of CID, as the Board decides, or as the members decide by a resolution passed at a meeting.
- 15.2. Representatives of CID may only act to advance its charitable purposes. Any income, benefit, or advantage must be used to advance the charitable purposes of CID.
- 15.3. No member of CID, or anyone associated with a member, is allowed to take part in, or influence any decision made by CID in respect of payments to, or on behalf of, the member or associated person of any income, benefit, or advantage.
- 15.4. Any payments made by CID to a member of CID, or person associated with a member, must be for goods or services that advance the charitable purpose or for legitimate reimbursement, and must be reasonable and relative to payments that would be made between unrelated parties.
- 15.5. CID may employ people to further the purpose or objectives of CID, exercise any power a trustee might exercise, invest in any investment that a trustee might invest in, as well as borrow money and provide security for that, if authorised by Majority vote at a General Meeting.

16. CHANGES TO THE CONSTITUTION

- 16.1. Changes must be circulated to all member organisations at least six weeks before the relevant general meeting.
- 16.2. The number of votes required to approve such change shall be two thirds of the members present at the general meeting (in-person or virtually) that are eligible and financial members at the time of the meeting (including those voting by pre-arranged proxy).
- 16.3. No amendment or addition to the existing rules, or adoption of new rules shall be approved which would affect the charitable status of CID.

17. COMMON SEAL

The Common Seal of CID, and its uses, shall be the responsibility of the Board. Any two of the Officers may sign in accordance with Board decision.

18. DISSOLUTION

- 18.1. Any decision to dissolve CID must be taken by a general meeting of Members, agreed to by a clear majority of members present, and in a manner consistent with the Incorporated Societies Act.
- 18.2. Upon agreement to such dissolution of CID, being a charitable organisation in Aotearoa New Zealand, and after payment of all expenses and liabilities, the relevant assets and funds shall be disbursed subject to the requirements of the Government, and in consultation with donors of all earmarked funds held. Remaining assets and funds held may be disbursed to other charitable organisations within Aotearoa New Zealand, with similar purposes, or to the work of member agencies having exclusively charitable purposes, as a majority of members at a general meeting of CID members may determine.

PART 5 - COMMITTEES

19. CID HUMANITARIAN NETWORK

- 19.1. The CID Humanitarian Network is a Standing Committee of the Council for International Development.
- 19.2. The Humanitarian Network aims to provide member Aotearoa New Zealand NGOs, and observers, with a forum for co-operation and shared learning for best practice in international humanitarian assistance, as well as present a collective civil society voice on humanitarian issues.
- 19.3. Membership of CID does not mean automatic membership of the Humanitarian Network.
- 19.4. Humanitarian Network members must be Full members of CID and specifically comply with obligations under Section B.5 Emergency Management.
- 19.5. Humanitarian Network membership will also be open to Affiliate members and non-CID organisations, with the status of observers or guests, as detailed in the Humanitarian Network terms of reference.
- 19.6. The positions of Humanitarian Network Chair and Deputy Chair will be elected according to procedures established by the Humanitarian Network, and confirmed by the CID Board.
- 19.7. The term of the Chair and Deputy Chair shall be for a period of two years and either office-holder may be re-elected for one further consecutive term before their organisation must stand down from that position for at least two years.
- 19.8. The Humanitarian Network Chair will attend the section of meetings of the CID Board that pertain to the Humanitarian Network, when possible, if not an elected member of the Board.

- 19.9. The Chair of the Board shall not be the Chair of Humanitarian Network concurrently.
- 19.10. Humanitarian Network members will pay an annual membership fee in addition to the CID membership fee, if applicable.
- 19.11. The Executive Director of CID will arrange for the servicing of Humanitarian Network.

20. CODE OF CONDUCT COMMITTEE

- 20.1. The Code of Conduct Committee (CCC) is a Standing Committee of the Council for International Development.
- 20.2. The aims of the CCC are to maintain the integrity of the Code of Conduct and its supporting processes, to provide assurance to CID members and their partners that the Code of Conduct is being implemented effectively and equitably, to consider matters of Code compliance, and to ensure that complaints in relation to the Code of Conduct are examined promptly and fairly.
- 20.3. The CCC shall comprise an Independent Chair, and four member representatives.
- 20.4. Member representatives will be nominated and seconded by Full CID members and elected by the CID membership. CCC Members will represent the membership at large, not their nominating organisations.
- 20.5. Persons eligible for election as member representatives are current staff or board members, or current board members who are ex-staff or ex-board members who have ended their position with their organisation within the past 12 months.
- 20.6. Sitting member representatives who leave the member organisation during their Code of Conduct Committee term, may complete their term with the approval of the CID Board.
- 20.7. The position of Independent Chair will be confirmed by the Board upon recommendation by the CID Executive Director.
- 20.8. The Independent Chair term is for two-years, and may be reappointed for one further term of two-years. The terms for the member representatives will be for two years and they may be re-elected for one further two-year term. Ex-staff or ex-board members can only serve a single two-year term.
- 20.9. The Deputy Chair will be elected from amongst the member representatives according to procedures established by the CCC.

20.10. The Independent Chair of the CCC will attend the section of meetings of the CID Board that pertain to the Code of Conduct whenever possible, if not an elected member of the Board.

20.11. The Chair of the CID Board shall not be the Independent Chair of CCC concurrently.

20.12. The Executive Director of CID will arrange for the servicing of the CCC.

PART 6 - DEFINITIONS

In this Constitution, unless the context otherwise requires:

Act means the Incorporated Societies Act 1908, and any subsequent amendments.

Affiliate member means a member of CID who is unable to fulfil the criteria of Full membership under section 10.1. Previously known as Associate members.

Annual General Meeting means an annual meeting of members convened pursuant to section 13.

Board Member means a person elected or co-opted to serve on the Board of CID.

CID Secretariat means any person employed by CID under an employment agreement.

Committee or Standing Committee means a committee established under this Constitution to further the objectives of CID.

Contact Officer / Executive Director means the staff member who has been appointed by the Board as the main contact person for the Registrar, to be responsible for the day-to-day management of CID, and to implement the Strategic Plan.

Co-opt means an individual that is asked by the Board to become a Board member, rather than being elected by the membership; usually because of a particular skill set they have that is needed in the Board.

Development means international, global or overseas development, development assistance, aid, and Humanitarian aid, and includes social justice and poverty alleviation.

Financial interest means the person:

- (a) may derive a financial benefit from the matter;
- (b) is the parent, child, or spouse of a person who may derive a financial benefit from the matter; or
- (c) may have a financial interest in a person to whom the matter relates;
- (d) is a partner, director, officer, Board member, or trustee of a person who may have a financial interest to whom the matter relates.

A person does not have financial interest in a matter:

- (e) merely because they receive an indemnity, insurance cover, remuneration or other benefit authorised by the Act; or
- (f) if their interest is the same or substantially the same as a benefit or interest of all or most other members of CID due to their membership; or
- (g) if their interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence them in carrying out their responsibilities under the Act or this Constitution;

Financial member means a member that is up to date in paying their membership fees.

Financial Year means the NZ tax or financial year from 1 April to 31 March.

Matter means the performance of activities or the exercise of its powers; or an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by CID.

Member means both Full, Affiliate, and Individual members classified under section 10, unless specifically stated otherwise.

Observer or guest means a non-member of a committee or Board whose rights are restricted to observing; they can attend meetings if invited by the Board or Chair, but they cannot vote or otherwise officially take part in decision making.

Officer means the Chair, Deputy Chair, or Treasurer of the Board, or the Executive Director.

Proxy means a person who is given the power or authority to do something (such as to vote) for a member which has the entitlement.

Registrar means the Registrar of Incorporated Societies, as defined by the Act.

Resolution means a resolution of the membership passed as a special resolution in accordance with the Act.

SCHEDULE 1 - CID PRINCIPLES

Members while varying in size, and differing in their work, recognise the following principles:

1. The principles of Te Tiriti o Waitangi The Treaty of Waitangi, are fundamental to Aotearoa New Zealand's approach to international development.
2. To respect and promote human rights, social justice and equality for all people.

3. A commitment to manage and respond to issues of safeguarding, and to protect all people (whether in New Zealand or overseas) as far as is reasonably practicable, against exploitation, abuse and harassment.
4. To embody gender equality and disability inclusion.
5. To respect local people's empowerment, democratic ownership, and meaningful participation in any international development cooperation and humanitarian aid initiatives.
6. To promote and practice environmental sustainability for present and future generations.
7. To practice transparency, accountability, and integrity in any international development cooperation and humanitarian aid initiatives, as well as encourage due diligence with any partner organisations.
8. To pursue equitable partnerships with other international actors, as appropriate.
9. To create and share knowledge and mutual learning with development actors, as appropriate.
10. To ensure that any promotional, educational, and fundraising programmes are consistent with the above principles and values.
11. A commitment to applicable legal requirements and to understanding, where applicable, relevant international frameworks and standards pertaining to international development cooperation and humanitarian aid.