



The Practice of Law in International NGOs

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Mission of Pro Bono Partnership of Atlanta:

To provide free legal assistance to community-based nonprofits that serve low-income or disadvantaged individuals. We match eligible organizations with volunteer lawyers from the leading corporations and law firms in Atlanta who can assist nonprofits with their business law matters.

Pro Bono Partnership of Atlanta Eligibility & Other Information

- In order to be a client of Pro Bono Partnership of Atlanta, an organization must:
 - ✓ Be a 501(c)(3) nonprofit organization.
 - ✓ Be located in or serve the greater Atlanta area.
 - ✓ Serve low-income or disadvantaged individuals.
 - ✓ Be unable to afford legal services.
- *Visit us on the web at www.pbpatl.org*
- Host free monthly webinars on legal topics for nonprofits
 - ✓ To view upcoming webinars or workshops, visit the [Workshops Page](#) on our website

What is CARE – An Introduction

- 501(c)(3) with approximately \$600 million in expenses in 70 countries
- Multi-disciplinary work that focuses on the empowerment of women and girls
- A international confederation of eleven “members”
- Donors: governments, multilateral institutions, foundations, corporations and individuals
- Strong advocacy footprint
- In-house Legal Department of four lawyers

Applying US Law in the Local Context

- US legal concepts often need to be applied in locations outside the US
- Lack of awareness of role of a US law and role of US lawyer
- Resistance to United States law and the need to apply it
- Local lawyer engagement

US Foreign Policy in Practice

- Antiterrorism requirements
 - ✓ USA Patriot Act, Executive Order 13224 and related laws
 - ✓ Donor variances
 - ✓ Governmental variances
- US Sanctions Programs
 - ✓ Office of Foreign Assets Control (OFAC) of US Treasury Department
 - Sudan, West Bank/Gaza, Burma (Myanmar), Cuba, etc.
- Export Controls

Human Resources Challenges

- International and local staff
- Application of local labor laws
- Governing law
- Safety and security
 - ✓ How these issues interact with anti-terrorism laws

Registrations to Operate

- Vary widely by country
- Heavy bureaucracy
- Taxation and reciprocity concerns, and other “privileges”
- Changing nature of the international development - less hospitable for INGOs

Corruption

- Corruption is common in many places where charitable organizations work
- Non-profit world especially vulnerable
- Ethical/cultural understandings vary, but fundamental principles are universal
- Foreign Corrupt Practices Act (and other countries' laws)
 - ✓ translating these legal requirement to local context

Working with Local NGOs

- Trends and “good” development require increased use of local “partners”
 - ✓ Little regulation of local charities
 - ✓ Capacity building required in many places
 - ✓ Engagement of villages or “community based organizations”
 - ✓ Due diligence necessary
 - ✓ Contract management/monitoring important

Donor Requirements

- No two donors are alike
- A traditional CARE office has potentially dozens of different “large” donors
- Some donors pay “overhead”, others don’t
- Compliance and capacity building challenges

Maintaining Relevancy of the Legal Advisor

- Charities are mission driven – can make priorities difficult to determine
- In-house vs. outside counsel
- Advice needs to be particularly practical
- Advice needs to be consistent with the level of risk
- Geographic and communications challenges

Social Enterprise

- New trend: corporate interest in development work – recognition that there are business interests in the developing world
- Addressing poverty takes more than just philanthropy – this concept extends beyond development work; e.g., environmental issues
- Key factors
 - ✓ Due diligence
 - ✓ Determining appropriate legal structure – the 501(c)3
 - ✓ Business terms/business plans

Microfinance

- Effective and increasingly popular
- Savings vs. loans
- Generally requires separate entity and board structure
- Local regulations may apply



For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

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