# D2 | PRIVATE PHILANTHROPIC FOUNDATIONS: WHAT DO THEY MEAN FOR GLOBAL HEALTH?

Over the last two decades, the philanthropic sector has grown in terms of the number of foundations, the size of their annual giving and the scope of their activities. While detailed information about their total annual spending on international development (including health) is not available, estimates range from US\$ 7 billion to more than US\$ 10 billion per year. Spending is concentrated in certain selected areas, especially the health sector (Edwards, 2011; Martens and Seitz, 2015).<sup>1</sup>

Today, there are more than 200,000 foundations in the world. Over 86,000 foundations are registered in the USA; another estimated 85,000 foundations are based in Western Europe and 35,000 in Eastern Europe (Foundation Center, 2014). The philanthropic sector is also growing in the Global South, with, for example, approximately 10,000 foundations in Mexico, nearly 2,000 in China and at least 1,000 in Brazil, largely due to the rapidly increasing number of wealthy individuals in countries in the Global South (UNDP, 2012). Philanthropies located in the South are largely engaged in supporting activities at the national level.

The number of foundations and the amount of philanthropic spending will, in all probability, increase in the coming years. As a consequence of the global campaign 'The Giving Pledge' (2017), initiated by Bill Gates and Warren Buffett in 2010, more than 158 billionaires have committed to spend large parts of their wealth to philanthropic purposes, among them Michael Bloomberg, Mark Zuckerberg and Saudi Arabia's Prince Alwaleed Bin Talal Bin Abdulaziz Alsaud. A large part of this is likely to flow as development assistance for health, though the precise route of spending is left to individual donors.

By far the largest foundation is the Bill & Melinda Gates Foundation (Gates Foundation or BMGF), established in the year 2000 by Microsoft co-founder Bill Gates, with an endowment of US\$ 39.9 billion (augmented in 2006 by a US\$ 30.7 billion pledge of company stocks from Bill Gates' billionaire friend of long standing, Warren Buffet) and an annual grant-making of US\$ 4.2 billion as at December 2015, of which an estimated US\$ 2.9 billion was allocated for health (Bill and Melinda Gates Foundation, n.d. b; Dieleman et al., 2016; USA Today, 2006). The Gates Foundation provides more aid to global health than any country donor and is the fifth largest donor to agriculture in developing countries. In 2013, only 11 countries spent more on aid than the Gates Foundation, making it the world's 12th largest donor (Curtis, 2016).

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Image D2.1 Bill & Melinda Gates Foundation Visitor Center in Seattle, Washington, USA (By Jacklee - Own work; License: CC BY-SA 4.0, https://commons.wikimedia.org/w/index.php?curid=42308013)

#### An alternative notion of welfare

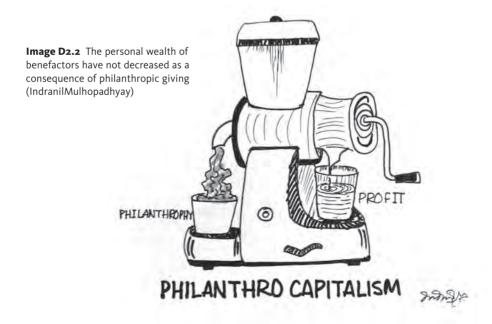
In recent years, civil society organizations, scientists and the media have focused attention on the growing influence of philanthropic foundations in global development and the risks and side-effects of this trend.<sup>2</sup> Critics have argued that philanthropy is aimed at preserving rather than redistributing wealth and a way for elites to pursue and legitimate their actions (McGoey, 2015).

In Global Health Watch 3 we had unpacked the term 'philanthrocapitalism' as 'harnessing the power of the market to achieve social outcomes', to denote the operations of private foundations (People's Health Movement, Medact and TWN, 2011). It is important to underline that the philanthrocapitalist model is proposed as an alternative to the notion that public goods such as health are most efficiently provided by the state and funded through public money, that is money generated through taxation measures. It is an alternate notion of welfare embedded within the structures of capitalism. This is not a recent notion, though the rapid ascent of private foundations and the power that mega foundations such as the Gates Foundation wield is more recent. Over a century back, US steel tycoon Andrew Carnegie, often identified as the richest man ever, suggested that: "[Philanthropy would enable the] problem of rich and poor to be solved. The laws of accumulation will be left free, the laws of distribution free. Individualism will continue, but the millionaire will be but a trustee of the poor, entrusted for a season with a great part of the increased wealth of the community, but administering it for the community far better than it could or would have done for itself". (McGoey, 2016)

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Carnegie essentially argued that laws (including laws regarding labour rights and taxation) should not hinder the ability of a few individuals to accumulate huge sums of money. Such individuals, whom he called 'trustees of the poor' (and not governments) were best placed to attend to the needs of the poor. In 'The Gospel of Wealth' (1889) he argued that the wealthy could undermine social protest by donating to worthy causes and rejected demands to raise wages and living standards because that would cut into profits. Instead of giving money to governments, Carnegie advised the rich to establish charitable foundations so they could shape society (Rosenthal, 2015).

Modern day philanthropic foundations such as the Gates Foundation work on the very principles that Carnegie enunciated. Well-endowed foundations exist because they receive endowments from super profits accumulated by a variety of means. One of them is by not paying taxes commensurate with profits earned. Bill Gates, for example, made all his money as the founder of Microsoft (and he continues till date on its board and is the company's largest individual shareholder). A 2012 US Senate report calculated that Microsoft was able to shift offshore nearly US\$ 21 billion (in a three-year period), or almost half of its US retail sales net revenue, saving up to US\$ 4.5 billion in taxes on goods sold in the USA. The US\$ 4.5 billion in taxes lost to the US Treasury each year is greater than the Gates Foundation's annual global spending. Important to note is the fact that contrary to the widely held belief that Bill Gates is donating all his money to charity, his personal wealth has actually risen from US\$ 56 billion in 2011 to US\$ 78.9 billion in 2015 - an increase of US\$ 23 billion in four years, roughly the same amount of money that the BMGF has disbursed since its inception (Curtis, 2016, p. 8).



Further, with the setting up of the Gates Foundation, more taxes are foregone by the state, as in the USA (also in several other countries) philanthropic foundations are exempt from paying most taxes, and contributions to philanthropies benefit from tax deductions. Up to a third or more, depending on the tax rate, of the endowment monies of private philanthropies are thus subsidized by public money (Birn, 2014). It would thus not be incorrect to conclude that foundations, such as Gates Foundation, channelize public money to support their 'philanthropic' activities. Logically the public in such a situation should be party to decisions regarding how this money is spent. In practice, however, in the case of the Gates Foundation, important grant-making decisions are the purview of three people (the trustees of the foundation): Bill Gates himself, his wife Melinda Gates and his friend Warren Buffet! To this august list one can add Bill Gates' father, William H Gates, who is the co-chair of the BMGF (Bill & Melinda Gates Foundation, n.d. a).

#### Risks and side-effects

Several criticisms of the model of philanthropy promoted by the Gates Foundation have been articulated. A major concern is that such a model exacerbates growing inequality rather than mitigate it, by depriving treasuries of tax revenues that could be spent on redistributive welfare policies. A related concern is that philanthropy is used to thwart demands for higher taxation, protecting and expanding assets rather than redistributing wealth. It has been noted that philanthropy often opens up markets for US- or Europe-based multinationals that partner with organizations such as the Gates Foundation in order to reach new consumers (McGoey, 2016). The Gates Foundation's lack of accountability and real-time transparency (over what are, after all, taxpayer-subsidized dollars) as well as the fact that it encourages the partnership model over the public good model are other points of criticism (Birn, 2014, pp.10, 17). The fact that it both invests in and champions corporate actors that have had a detrimental impact on health outcomes has also been criticized. This concern parallels an underlying criticism of the Gates Foundation, which is that its main funding source, revenues accrued from Microsoft, was amassed through labour practices and monopolistic intellectual property strategies that are contrary to its stated health aims (People's Health Movement, Medact and TWN, 2011).

However, despite this, a rosy picture of philanthropic engagement is still predominant and possible risks and side-effects are still ignored by most governments, the media and many civil society organizations.

With the adoption of the United Nations' (UN) 2030 Agenda and its Sustainable Development Goals (SDGs), governments have attributed an ever more prominent role to partnerships with corporations, philanthropic foundations and international organizations in order to achieve the new goals and to close the identified funding gap (UN, 2015). Thus, for example, SDG 17.16 seeks to: "Enhance the global partnership for sustainable development, comple-

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mented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries." SDG 17.17 strives to: "Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships."

Facing stagnating public spending for global development purposes, politicians are putting their hopes in philanthropy. In the Addis Ababa Action Agenda of July 2015, governments declared: "We welcome the rapid growth of philanthropic giving and the significant financial and non-financial contribution philanthropists have made towards achieving our common goals. We recognize philanthropic donors' flexibility and capacity for innovation and taking risks, and their ability to leverage additional funds through multi-stakeholder partnerships. We encourage others to join those who already contribute". (UN General Assembly 2015, para. 42)

It is Important to note that at the 2015 Financing for Development Conference in Addis Ababa, many developing countries called for targeting illicit financial flows and ensuring efficient and fair taxation of transnational corporations (TNCs) and domestic elites, which would have enabled far more public spending on development, but large donor countries blocked any formal mechanisms (Birn, Pillay and Holtz, 2017, p. 557).

The trend of partnering with corporations and philanthropic foundations is based on the assumption that the UN and its member states would not be able to solve today's global problems alone. Partnerships with the private sector are seen as pragmatic, solution-oriented, flexible, efficient and unbureaucratic - attributes that the proponents of partnerships allege are lacking in intergovernmental projects and processes.

However, as we have argued earlier, there is a "direct correlation between increased wealth accumulation, regressive tax measures, and funding towards philanthropic activities. Philanthropy may be growing, but only in the context of rampant inequality" (Hinnovic.org, 2013).

Beyond the more fundamental problems with regard to the rise of philanthropic foundations, which are related to ineffective or misdirected economic and fiscal policy and the attempt to deflect criticism away from the growing and rampant inequity engendered by capitalism, there are several areas of concern that are related to their functioning and activities. The concerns cannot be generalized as foundations differ in type, purpose, the way they are funded, their thematic focus and geographic scope, and their priorities, approaches and political orientation. However, there are main points of criticism that can be summarized under the following five headings:

1. Applying a business model to the measurement of results One prominent feature of many private foundations is their practice of applying business

and often market-based approaches to development. This includes a strong emphasis on results and impact that donors want to see. While this approach is beneficial to donors as they are able to report these to their boards, it obligates grantees to demonstrate donor-defined results, privileging

# Box D2.1: How BMGF 'manages' public opinion

The BMGF runs an aggressive self-promotion campaign (Birn, 2014). The public doesn't see much coverage of the media's collaboration with the Gates Foundation; yet it is substantial and influential (Paulson, 2013) The foundation has spent more than one billion dollars on what it calls 'advocacy and policy' – essentially an attempt to influence decision-makers and sway public opinion. The foundation has provided direct funding for global health and development coverage to British newspaper *The Guardian*, Spain's El País, the African Media Initiative, and in the USA to the Public Broadcasting Service, National Public Radio, and other broadcasting outlets, and through the Kaiser Family Foundation, which runs a leading global health portal that has been accused of soft-pedaling its postings on the Gates Foundation.

The foundation has invested millions in training programs for journalists. Gates-backed think tanks turn out media fact sheets and newspaper opinion pieces. Magazines and scientific journals get BMGF money to publish research and article (Doughton and Helm, 2011). All of this coverage directly or indirectly generates positive publicity for the BMGF's approach to global health and development (Birn, 2014). The foundation's grants to media raise obvious conflict-of-interest questions. Critics fear foundation funding of media will muffle debate on the foundation's approaches that are controversial, such as its embrace of genetically modified crops and emphasis on technological fixes for health problems. This is evident in the fact that few of the news organizations that get Gates money have produced any critical coverage of foundation programmes (Doughton and Helm, 2011).

Personal relationships also play a part. Bill and Melinda Gates deal directly with the leading scientific, business and political elites, establishing important ties, and often privileged access. In November 2014, for instance, when Bill Gates visited Berlin to campaign for the GAVI Alliance, he met the German Chancellor Angela Merkel, various ministers and parliamentarians, in an effort to prepare for the January 2015 Berlin meeting to replenish the GAVI Alliance resources. At this event, the German Chancellor announced a massive increase in Germany's contribution to the Alliance and pledged EUR 600 million for GAVI over the period 2016–2020.

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interventions that produce short-term and narrow gains at the expense of investing in initiatives where benefits may be visible only in the longer term. Consequently, foundations tend to neglect investments in areas where impact becomes evident only over time.

Given the power that foundations with deep pockets wield, augmented by active political lobbying (see Box D2.1), public resources tend to be shifted to quick-win approaches, such as developing vaccines or disseminating insecticidetreated bed nets, while structural and political obstacles to development (for example, weak public health systems) remain neglected.

Grant-making on the basis of cost-benefit analyses and social return on investment analyses risks not supporting those in real need, but rather those who are able to deliver apparently successful and cheap interventions. Foundations following merely business logic, have been criticized for 'managing' the poor rather than empowering them (People's Health Movement, Medact and Global Equity Gauge Alliance, 2008, p. 245).

2. Reliance on technical solutions The Gates Foundation actively promotes the notion that better technologies can offer lasting solutions to combat diseases and global hunger (Bill & Melinda Gates Foundation, 2010). Through its strategic mix of grant-making, funding of specific research and scientific publications, personal networking and advocacy, it has successfully positioned itself in the centre of an epistemic community that is promoting marketbased techno-fix solutions to the complex global problems of hunger and malnutrition. Such an approach veers away from addressing important and fundamental underlying structural impediments, most notably the trade and financial agreements that restrict their support to local agricultural firms and smallholder farmers (Martens and Seitz, 2015, p. 58).

Similarly, in the health sector, a major emphasis of the Gates Foundation has been on promotion of vaccines. In May 2011, in his address to the World Health Assembly Bill Gates said: "As we think about how to deploy our resources most effectively, one intervention stands out: vaccines. Today, I would like to talk about how you can provide the leadership to make this the Decade of Vaccines" (Bill and Melinda Gates Foundation, 2011). Gates argued that "Vaccines are an extremely elegant technology. They are inexpensive, they are easy to deliver, and they are proven to protect children from disease. At Microsoft, we dreamed about technologies that were so powerful and yet so simple." Clearly the Gates Foundation applies the same logic to global health policy as it did to building a computer empire. Yet a public health evaluation of the emphasis on technological fixes, especially on vaccines, would show that such an approach ignores a range of issues, such as the necessity to build functional health systems and the need to attend to a range of social determinants. Thus, for example, in many situations a vaccine against rotavirus to prevent diarrhoea may appear 'elegant' but cannot replace required action



Image D2.3 WHO Director General Chan and Bill Gates lead discussion on polio at WHA (By United States Mission Geneva - Flickr; License: CC BY 2.0, https://commons.wikimedia.org/w/index.php?curid=15328920)

on the fundamental causes of diarrhoea – sanitation, safe drinking water and better nutrition.

3. Influence on policymaking and agenda-setting In 2013, in an op-ed in The New York Times, Peter Buffet, Warren Buffet's son, commented on his experience of working in the charity sector: "Because of who my father is, I've been able to occupy some seats I never expected to sit in. Inside any important philanthropy meeting, you witness heads of state meeting with investment managers and corporate leaders. All are searching for answers with their right hand to problems that others in the room have created with their left" (Curtis, 2016).

Philanthropic foundations have enormous influence on political decision-making and agenda setting. This is most obvious in the case of the Gates Foundation and its role in global health policy, especially given the sheer size of its grant-making (Birn, 2014, p. 9). Though its practice of providing matching funds and active advocacy, it influences priority setting in the World Health Organization (WHO) and promotes an emphasis on vertical, diseases-specific programmes.

Between 2014 and 2017, the Gates Foundation has granted more than US\$ I billion to the WHO (2016b). The BMGF is the second largest funder of the WHO for the biennium 2016–2017, after the USA (WHO, n.d.). Most of the Gates Foundation's grants to the WHO have been dedicated to polio eradication, global policy and advocacy, and maternal, newborn and child health. (See Chapter DI for a discussion on the influence of the Gates Foundation on the WHO.)

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In addition, the Gates Foundation contributes to global public private partnerships that sit outside the UN framework, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) and the vaccine and immunization alliance GAVI. The Gates Foundation sits on the boards of both GAVI and the GFATM (it is one of only four permanent members on GAVI's board along with the WHO, UNICEF and the World Bank). With an allocation of more than US\$ 478 million in 2015, the GFATM has become the largest funder of UNDP (2016). GAVI contributed US\$ 179.67 million to the WHO in the biennium 2014-2015 (WHO, 2016b). The GFATM and GAVI have also given significant contributions to the United Nations Children's Fund (UNICEF).

The Gates Foundation's increased influence on the priorities and operations of the WHO have increased in a situation where Northern countries led by the USA have imposed a 'zero-growth doctrine' on mandated assessed contributions by countries. (See Chapter D1 for a discussion on the WHO's funding crisis.)

4. Fostering privatization, fragmentation and weakening of global governance The Gates Foundation makes the involvement of the private sector and the support of public-private partnerships a prerequisite for their cooperation with individual governments, for example, the German government (Martens and Seitz, 2017). BMGF funded projects often lead intentionally or de facto to privatization of basic services in the health and education sectors. This is the case not only in countries of the global South but also in the USA. The Gates Foundation has been a major funder in the campaign to promote 'Charter' schools, that is, schools that are taxpayer-funded but privately run and exempt from many of the regulations governing public schools. Charter school proponents raised US\$ 3.9 million after 2004 for a campaign on the issue in Washington state, and most of it came from three 'philanthropists' who donated about US\$ I million each: Bill Gates, who had recently made education reform the main focus of his domestic philanthropy; Walmart heir John T. Walton and Donald Fisher (Barkan, 2016). The International Finance Corporation (IFC) - the World Bank's arm that promotes private sector development - is a major recipient of BMGF funds. It has awarded 11 grants to the IFC worth over US\$ 40 million (Curtis 2016, p. 36).

Philanthropic foundations, particularly the Gates Foundation, the Rockefeller Foundation and the UN Foundation are not only major funders but also the driving forces behind global multi-stakeholder partnerships (partnerships that involve countries sharing decision-making powers with private enterprises and private foundations). Many of these partnerships, like the Children's Vaccine Initiative, GFATM, GAVI, and Scaling up Nutrition (SUN), have been initiated by these foundations. The Gates Foundation has also been active in silencing critiques of such partnerships. A Gates-funded evaluation

report of the Scaling Up Nutrition multi-stakeholder initiative portrayed those who raised conflict-of-interest concerns as harbouring "phobias" and "hostile feelings" towards industry, which could "potentially sabotage the prospects of multi-stakeholder efforts to scale up nutrition" (Birn & Richter, forthcoming).

The mushrooming of global partnerships and vertical funds, particularly in the health sector, has led to isolated and often poorly coordinated solutions. These initiatives have not only contributed to the institutional weakening of the UN and its specialized agencies such as the WHO, but have also undermined the implementation of integrated development strategies at the national level. Supporters of see the variety of global initiatives as a strength and as a possibility to maintain political flexibility and mobilize a broad range of different actors. However, this in fact results either in duplication and thematic overlap or in high transaction and coordination costs at international and national levels.

As the private sector and private foundations acquire almost as much power (through partnerships) as sovereign nation states, they erode and dilute the political and legal position hitherto legitimately occupied by public bodies. Multi-stakeholder partnerships implicitly devalue the role of governments, parliaments and intergovernmental decision-making bodies, and overvalue the political status of private actors, including transnational corporations, philanthropic foundations, and sometimes even wealthy individuals like Bill Gates and Ted Turner.



**Image D2.4** The UN Building in Geneva. Philanthropic foundations are replacing UN institutions in global governance (People's Health Movement)

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5. Lack of transparency and accountability mechanisms While foundations like the Gates Foundation and the Rockefeller Foundation have significant influence on development policies, they are not accountable to the 'beneficiaries' of their activities, be it governments, international organizations or local communities. Generally, they are only accountable to their own boards or trustees. This can be a quite limited number of people, as in the case of BMGF, where three family members and Warren Buffett act as trustees and co-chairs.

# Lack of political will to limit influence of philanthropic foundations

Governments are realizing the risks related to the growing influence of corporate philanthropy only gradually. In the Addis Ababa Action Agenda they stated: "We call for increased transparency and accountability in philanthropy. We encourage philanthropic donors to give due consideration to local circumstances and align with national policies and priorities" (UN General Assembly 2015, para. 42).

This call reflects their concerns about the lack of transparency and accountability and the often uncoordinated and unaligned project activities of philanthropic donors. Though, it should be noted, the call also 'encourages' philanthropies to continue donating.

Following the pressure of civil society organizations, international organizations and a few individual governments have initiated discussions on the risks of engagement with private actors and possible safeguards. In May 2016, the WHO adopted its Framework of Engagement with Non-State Actors (FENSA), including a specific section on the engagement with philanthropic foundations (WHO, 2016a). In summer 2016, the German Ministry for Economic Cooperation and Development began to develop a strategy for engagement with philanthropists and private foundations.

However, the political will to effectively limit the influence of corporate philanthropy is still lacking. FENSA has several deficiencies, including as regards its basic design and its approach to the prevention of conflict of interests. It thus remains far from being an effective fence against private sector influence (Seitz, 2016). Critics of FENSA argue that the framework has been crafted to accommodate private foundations and for-profit entities in WHO's decision-making processes rather than to effectively manage conflict of interest issues when WHO engages with for-profit non-state actors. Instead of being a step towards member countries reclaiming leadership over decision-making in the WHO, FENSA could well become the instrument for legitimizing the interference of private entities in the governance of the WHO. It is thus not surprising that the International Federation of Pharmaceutical Manufacturers and Associations welcomed the framework as giving "an equitable voice to a vibrant community of public and private organizations whose shared goal is to make this world healthier" (Buse and Hawkes, 2016).

The frailties embedded in FENSA were in evidence in January 2017, when the WHO's executive board granted official relation status to the Gates Foundation amidst serious concerns related to conflict of interests in financing and staffing of the foundation. Civil society organizations protested against the decision as the Gates Foundation invests its endowment in polluting and unhealthy food and beverage industries and in corporations that benefit from its support of particular global health and agriculture initiatives.<sup>3</sup> Although the Gates Foundation sold many of its pharmaceutical holdings in 2009 (Hodgson, 2009), its financial interest in Big Pharma, as well as in food and beverage companies remain, particularly through its Berkshire Hathaway holdings.

# Need for clear rules and criteria for cooperation with private foundations

Rules, standards and red lines for cooperation with private foundations are mostly lacking at national and international levels. They are urgently needed. Existing principles and rules can be used as a starting point, such as the principles of the Paris Declaration on aid effectiveness and the Accra Agenda for action (2005/2008) and the revised guidelines on a principle-based approach to the cooperation between the United Nations and the business sector (UN Secretary-General, 2015).

The required rules should define the normative base for the interaction between the government or the international organization and philanthropic foundations; they should spell out the different types of cooperation; and they should include minimum requirements for the cooperation, conflict of interest policies, provisions for due diligence assessments, and rules for transparency, accountability, independent evaluation, monitoring and review.

The development of such rules would be a prerequisite for any cooperation between international organizations or individual governments and philanthropic foundations. But this does not mean automatically, that international organizations and governments should actively pursue such cooperation. There are a number of questions to be answered first: Does any such cooperation absorb scarce public resources for development? Can these public resources be used in other projects in a more sustainable and effective way? Does the cooperation contribute to strengthening civil society organizations and take into account sufficiently the interests of civil society and affected communities? Does the cooperation foster the development of democratic public structures and institutions, for example, in the education and health sectors, or does it rather undermine the provision of public goods? Does it support multilateral organizations such as the WHO in fulfilling their mandate or does it instead weaken them by establishing parallel structures?

As long as these questions cannot be clearly answered with a 'yes', international organizations, individual governments and also civil society organizations should reconsider their cooperation with philanthropic foundations. In April 1938, President Franklin Roosevelt warned the US Congress: "The liberty of

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a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in its essence, is fascism" (Monbiot, 2017). Given the power and influence of private foundations, it is a warning that resonates today regarding real concerns about the chokehold of private interests and influence on public affairs.

#### **Notes**

The OECD estimates philanthropic giving for development purposes of US\$ 6.5 billion per year on average, according to a survey covering more than 70 private philanthropic foundations (OECD, 2017).

See, for example, Baby Milk Action (n.d.). See the open letter to the executive board of the World Health Organization regarding 'Conflict of interest safeguards far too weak to protect WHO from influence of regulated industries (the case of the Bill and Melinda Gates Foundation)' (Centre for Health, Science and Law 2017).

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