

Hundred and fifty-ninth Session

159 EX/30
PARIS, 6 April 2000
Original: French

Item 7.3 of the provisional agenda

**GUIDELINES FOR SELECTING PARTNERS IN THE MEMBER STATES,
INCLUDING THE RULES AND REGULATIONS GOVERNING THE USE
OF UNESCO'S NAME AND EMBLEM BY THESE PARTNERS:
PROPOSALS BY THE DIRECTOR-GENERAL**

SUMMARY

Pursuant to 156 EX/Decision 9.4 and 28 C/Resolution 13.5, the Director-General submits to the Executive Board his proposals concerning guidelines for selecting partners in the Member States, including rules and regulations governing the use of UNESCO's name and emblem by these partners.

Decision required: paragraph 26.

I. INTRODUCTION

1. Since its inception UNESCO has associated many partners with its work. Relations with these partners are governed in the first place by Articles VII, X and XI of the Constitution. These relations concern governments, the National Commissions, the United Nations, other intergovernmental organizations and non-governmental international organizations. Moreover, the “Director-General may accept voluntary contributions, gifts, bequests and subventions directly from governments, public and private institutions, associations and private persons” (Article IX). The present document deals exclusively with the question of partnerships in the Member States; it therefore examines relations with all such partners excepting intergovernmental organizations, for which prior consultation with the Executive Board is systematically carried out in accordance with Article XI of the Constitution.

2. The establishment of partnerships is an important feature of UNESCO’s Medium-Term Strategy 1996-2001 (28 C/4). In recent years this strategic potential has been reflected in the growing number of contacts established by UNESCO with a variety of partners at the national and international level. In response to this development, the UNESCO governing bodies have spelled out the arrangements for the implementation of these highly varied partnerships in directives concerning NGOs, foundations and similar institutions, and private extrabudgetary funding sources. These directives have been supplemented by provisions concerning the role of Member States and the use of UNESCO’s name, emblem or patronage.

3. Paragraph 5 of 156 EX/Decision 9.4, which refers to 28 C/Resolution 13.5, and the experience gained by various Secretariat units involved in the establishment of partnerships, highlights the need to revert to a stricter application of the rules and regulations in force, in consultation with the governing bodies, the Member States and their National Commissions, as appropriate. Furthermore, the concerns expressed by the Organization’s governing bodies and an analysis of the regulatory system suggest that it would be premature at the present stage to propose additional guidelines. It would, however, be desirable to clarify UNESCO’s partnership policy, which has to combine the strategic importance of mobilizing a large number of partners with the protection of UNESCO’s legitimate interests and values. Hence the purpose of the present document, which is based on a preliminary study of the relevant rules and regulations, is to initiate a process aimed at a stricter application of the existing regulations and the adaptation of UNESCO’s partnership policy to current trends.

II. OUTLINE OF THE CURRENT RULES AND REGULATIONS CONCERNING UNESCO PARTNERSHIPS

4. The table in the Annex provides an overview of the rules and regulations relating to the Organization’s partnerships, which are outlined below. The numbers (1) to (18) in the text refer to the most important resolutions and decisions applicable to partnerships, presented in the table.

II.1 Selection of partners

II.1.1 Partnerships governed by specific directives

A. Non-governmental organizations

5. The essential elements of the *Directives concerning UNESCO's relations with non-governmental organizations* approved by the General Conference in 1995 (1) can be summarized as follows:

- The partnership is based on (i) the representativeness of the NGO (headquarters, membership, structures and places where activities are carried out); (ii) its dynamism and vitality; active involvement of members from the grass roots up; (iii) the actual nature of the cooperation maintained with UNESCO (activities, projects, etc.), whether regular or occasional, and so on.
- Formal relations are established for a limited period (six years), renewable in the light of the nature and quality of the cooperation that has actually taken place.
- In addition to formal relations, a new type of operational relations - more flexible and dynamic - was introduced to correspond more closely to the needs for cooperation with NGOs at all levels.

The Directives were supplemented in 1996 by a decision of the Executive Board relating to the financial and material arrangements for cooperation with non-governmental organizations (2).

B. Foundations and similar institutions

6. Foundations and similar institutions are also non-governmental, are non-profit making and are distinguished by having independent financial means. They are also entitled to establish official relations with UNESCO, in accordance with the Directives concerning UNESCO's relations with foundations and similar institutions (3). They have to meet criteria having to do mainly with the conformity of their goals with those of the Organization and the conduct of their activities at a level and in a spirit that are as international as possible. At present, there are only 22 organizations in this particular category of relations. A sexennial evaluation, which was launched in 1998 and over a year later had evaluated only half of them, revealed that only a few actually met the criteria of the 1991 Directives and that very few were in a position to contribute to the financing of UNESCO's activities. As early as 1998, the Executive Board decided to transfer some of these foundations under the 1995 Directives concerning UNESCO's relations with NGOs (4).

C. Private extrabudgetary funding sources

7. To ensure that this new kind of partnership develops in the interests of the Organization and its Member States, the *Directives concerning UNESCO's cooperation with private extrabudgetary funding sources and their right to use UNESCO's name, emblem or any other type of representation of the Organization's corporate entity* were adopted by the Executive Board in 1996 (5). They were supplemented by the *Guidelines for mobilizing private funds and criteria for selecting potential partners* adopted by the Executive Board in 1999 (6). These provisions deal exclusively with financial relations and establish ethical criteria and technical procedures specific to this type of partnership.

II.1.2. Partnerships not governed by specific directives

A. New partnerships

8. Under the 1995 Directives concerning NGOs it is possible, in certain cases, to broaden the scope of the conditions for admission to formal consultative relations to include networks and similar institutions of a non-governmental nature. On this basis, UNESCO may establish new partnerships, for example, with research institutes, and intellectual, university, academic or scholarly communities. When the NGOs were being classified, it emerged that some of the Organization's potential partners did not match the definitions of non-governmental organizations given in the new 1995 Directives nor those of governmental or intergovernmental bodies. This mostly concerned interparliamentary organizations, municipal councils, and associations of districts, towns and regions. The Executive Board therefore decided in 1997 to extend application of the Directives concerning UNESCO's relations with non-governmental organizations to cooperation relations with bodies of this type (7). This notion of new partnerships used by the Executive Board was also adopted by the General Conference. In 1995 the Conference decided that the provisions of the *Directives concerning UNESCO's relations with foundations and similar institutions* also applied "when establishing new partnerships with all bodies representing civil society as well as with all bodies representing the private sector" (8). Nonetheless, it should be noted that so far none of these partners has been pinpointed, apart from the examples given above.

B. Other partners not governed by specific directives

9. These are civil society and private sector bodies with which UNESCO has maintained partnerships for many years but which have not been covered by specific directives.

Other private sector partners

10. UNESCO's cooperation with the private sector ("world of business") has become far more intense and varied in recent years. In some respects it could therefore be regarded as a new form of partnership (cf. para. II.1.2.A). Nor is cooperation with the private sector limited to partnerships aimed at obtaining funds (cf. para. II.1.1.C) but for many years has also been concerned with the implementation of activities in all the Organization's fields of competence. For example, in its relations with publishers and audiovisual companies, the Secretariat must both scrutinize the intellectual content of projects and check that the contractor is reliable and financially sound.

UNESCO Clubs, Centres and Associations

11. In 1951, the General Conference recommended that "the National Commissions encourage the establishment of clubs of friends of UNESCO [...] and foster contacts, through the Secretariat, between these clubs in different countries". In 1954, the Member States were "invited [...] to encourage, under the auspices of their National Commissions, the establishment of Clubs of Friends of UNESCO which can publicize the work of UNESCO" (9). The UNESCO Clubs, Centres and Associations are non-governmental organizations, a civil society movement that shares UNESCO's ideals, strives to propagate them and takes part in the Organization's work by carrying out activities directly inspired by those of UNESCO. Now with over 5,000 UNESCO Clubs, Centres and Associations in more than 120 countries, all belonging to the World Federation (WFUCA), the Organization has an enormous international potential to raise the visibility of its actions and promote its values. At Yekaterinburg in July 1999, the Fifth World Congress of the World Federation of UNESCO

Clubs, Centres and Associations examined and approved the recommendations of the regional meetings and translated them into a “Declaration of Yekaterinburg” and a resolution tabled in 1999 at the General Conference of UNESCO (10). The Declaration and the resolution recognize the growing role played by the Clubs, Centres and Associations and invite the Director-General to strengthen the institutional links between this movement and the Organization. These texts also set out the general conditions and specific objectives that might complement and harmonize the identification criteria and operational methods of these bodies. While the relations with Clubs, Centres and Associations are not governed by specific directives, relations with WFUCA are governed by the 1995 Directives (formal associate relations).

II.2 Role of Member States and, in particular, the National Commissions for UNESCO in the selection of partners

12. Pursuant to Article VII of UNESCO’s Constitution, together with the Charter of National Commissions adopted by the General Conference in 1978 (11) and the resolutions of the General Conference (12), the National Commissions serve as the liaison body in each Member State for all matters concerning the Organization. Furthermore, in paragraph 196 of the Medium-Term Strategy for 1996-2001 (28 C/4), emphasis is laid on the importance of regular contacts being maintained between UNESCO’s Secretariat and the various national government authorities for strengthening partnerships. This role was spelled out by the General Conference in 1993 when it invited “the National Commissions to adapt their activities and programmes to the new role as UNESCO’s ‘most important partners’ [...] broadening their scope for linking UNESCO with its ‘national constituencies’, including the educational, scientific and cultural communities and non-governmental organizations, businesses, trade unions and the media [...]” (13). In 1995, it invited the Director-General to ensure that it was through cooperation with the National Commissions that new partnerships would be forged (14). In 1999 it recalled “the absolute need to consult the National Commissions concerned before concluding any contract with national partners” (15). The National Commissions should, therefore, be able to provide the Secretariat with information enabling it to determine whether or not a national body meets the requisite conditions for becoming a partner of UNESCO. The powers of appraisal of the National Commission for UNESCO concerned are fundamental for the Organization and are exercised during the prior consultations required by the texts in force. The information that it provides is duly taken into account when the Director-General decides whether or not it is expedient to establish or maintain a partnership.

13. The prior consultation of the relevant authorities of the Member State concerned is explicitly stipulated in the specific directives concerning both foundations and similar institutions (3) and private extrabudgetary funding sources (5, 6).

II.3 Use of the emblem, seal, name and patronage of UNESCO

14. In 1954 the General Conference approved the emblem and distinctive sign of the Organization and invited Member States “to take such legislative or other appropriate measures as are necessary to prevent the use, without authorization by the Director-General, and in particular for commercial purposes by means of trademarks or commercial labels, of the emblem, the official seal and the name of the Organization, and of abbreviations of that name through the use of its initial letters in Latin or other characters” (16). Pursuant to that resolution, the regulations for the use of the name, emblem and patronage of UNESCO have been set forth in several decisions by the Executive Board and repeated in the UNESCO

Manual (17). According to those decisions, the Director-General may grant UNESCO's patronage (i) to cinematographic films or other audiovisual productions; (ii) to congresses or other meetings of an educational, scientific or cultural nature or relating to the field of communication; (iii) to awards of an indeterminate duration relating to UNESCO's fields of competence. Under the relevant procedures, a favourable opinion by the competent authorities of the Member States, in particular the National Commissions, is necessary so as to avoid any possible misuse of UNESCO's name and emblem. For all partnerships, the use of UNESCO's emblem, name and patronage is subject to prior authorization by the Director-General and, in some cases, the prior approval of the Executive Board.

15. With regard to patronage by UNESCO and the use of its name, however, in May 1998 the Executive Board clarified the restrictions concerning the NGOs: the organizations that have formal relations with the Organization should not normally resort to sponsorship or the use of UNESCO's name, on account of the fact that such relations in themselves constitute support by the Organization. On the other hand, the non-governmental organizations having formal or operational relations may use logos devised by UNESCO for special events or particular activities, at their request with reasons given and in conformity with the established rules (18). The Directives regarding UNESCO's cooperation with private extrabudgetary funding sources stipulate that the decision whether or not to authorize the use of UNESCO's name or emblem will be taken by the Director-General, "subject to the reply given by the National Commission or the Permanent Delegation and to such conditions as he may deem necessary, in the interest of the Organization, to attach to the decision" (5).

16. Finally, it should be noted that some National Commissions for UNESCO which themselves make use of UNESCO's name and emblem grant their own patronage, in particular when an event is not sufficiently international in scope to justify the granting of patronage by the Organization.

III. PROPOSALS TO IMPROVE THE REGULATORY FRAMEWORK AND ITS EFFECTIVENESS

III.1 Harmonization of the regulatory framework

17. The present framework of directives, criteria and norms concerning the Organization's partnerships was developed in response to the importance that the governing bodies have attached to partnerships in general and to certain kinds of partners in particular. The relevant regulations were therefore devised empirically and not necessarily in accordance with any uniform methods. This process is primarily reflected in the actual classification of the Organization's partners. On the one hand, in the strategic objectives concerning partnerships (28 C/4), the potential partners of the Organization are mainly distinguished according to whether they are national or international ("partners in the Member States" v. "international partners"). On the other hand, the relevant resolutions and decisions divide up partnerships according to criteria based either on their legal status (NGOs, foundations and similar institutions) or on the function of the partner (private extrabudgetary funding sources).

18. In addition, there is an imbalance between the extremely specific, and even partly repetitive provisions governing some partnerships and, in the case of other partnerships, regulations that are too general, incomplete or even non-existent. Thus, the very specific and complex Directives concerning relations with foundations and similar institutions only actually cover 22 foundations, while no specific directive covers the Organization's many new partnerships. The extension of the directives specifically devised for "relations with

foundations and similar institutions” so as to apply to the establishment of “new partnerships with all bodies representing civil society as well as with all bodies representing the private sector” can only be a provisional measure since it fails to take account of the very varied nature of these new partnerships.

19. The lack of overall harmonization of the directives concerning the Organization’s partnerships is a considerable obstacle to the understanding of, and compliance with, the relevant regulations by all those establishing partnerships in UNESCO’s name. Such harmonization of the regulatory framework will not be achieved just by bringing out additional directives, but requires an examination of the relevant provisions as a whole. Consistent methods therefore need to be developed for the whole set of directives relating to the Organization’s partnerships.

III.2 Preparation of a general guide for partners

20. Those responsible for establishing partnerships for UNESCO are not supplied with any guide presenting the Organization’s general policy on partnerships to its partners. The need to devise such a guide also reflects the concerns expressed by the governing bodies and the Member States of UNESCO. Its objectives will be: (i) to enhance the existing and potential network of different partners of the Organization; (ii) to make available a general institutional introduction stating the objectives, prospects and conditions of partnership; and (iii) to establish the ethical framework of partnerships. These provisions will define the general policy line to be followed by all those establishing partnerships on behalf of UNESCO.

21. In view of the strategic implications of such a guide and UNESCO’s own ethical mission, the consultations and coordination that have been under way for a number of years, in particular with the other organizations of the United Nations system, will continue. In this connection, the Administrative Committee on Coordination (ACC), which brings together, under the chairmanship of the Secretary-General of the United Nations, the heads of all the organizations of the United Nations system, has adopted the position that consultation and exchanges of information on existing or currently developing practices with regard to partnerships are indispensable, but that each organization must establish specific procedures reflecting its own needs. In addition, the various organizations are exchanging information, in particular through website interlinking and by contributing to the United Nations site (www.un.org/partners). With a view to preparation of the guide, the Secretariat will pursue these consultations, while bearing in mind the distinctive nature of its unique network of National Commissions.

III.3 Identification of the appropriate means

22. The Member States and the Secretariat units concerned have noted that the provisions of the regulatory framework applicable to partnerships have not been properly respected. These failings relate mainly to: (i) the procedures governing the authorization to use UNESCO’s name and/or emblem, and (ii) cooperation with the competent authorities of the Member States and, in particular, with the National Commissions. Yet these two matters have already been dealt with in the regulations (see sections II.2 and II.3 above). If the existing rules and regulations governing partnerships are to be satisfactorily applied, all of the means needed to attain the Organization’s partnership objectives will have to be identified. These means depend not only on an effective regulatory framework but also on established priorities, a general ethical framework and the available structures, mechanisms and resources. A general analysis of these means and capacities is needed at all the levels concerned in order to clarify

the various functions and responsibilities relating to the Organization's partnerships. Such an analysis is a prerequisite for the optimal application of the existing system of regulations.

IV. PRIORITY MEASURES FOR STRENGTHENING UNESCO'S PARTNERSHIP POLICY

23. A methodological study of partnerships will make it possible to strengthen UNESCO's partnership policy. However, in order to cope with difficulties requiring immediate and urgent action to ensure the strict application of the relevant rules, the Secretariat has had to take immediate measures.

IV.1 Principal stages in the strengthening of UNESCO's partnership policy

24. The strengthening of UNESCO's partnership policy will consist of two principal stages:

A. Identification of national and international partnership priorities for UNESCO and its programmes by:

- identification of the advantages for UNESCO offered by potential partnerships, not only in terms of mobilizing resources but also in terms of enhancing its image;
- identification of the advantages for potential partners offered by UNESCO;
- formulation of a coherent partnership concept and a classification system.

B. Development of an appropriate framework for the implementation of partnerships by:

- preparation of a handbook for partners;
- identification of the relevant capacities for the evaluation, establishment, supervision, coordination and implementation of partnerships;
- improvement of the regulatory framework concerning all forms of partnerships and all types of current and potential partners;
- adaptation in the longer term of the relevant provisions of the UNESCO Manual.

In conclusion, it should be noted that the improvement of the regulatory framework is the logical last step in the process.

IV.2 Immediate measures

25. With regard to decisions concerning the granting or withdrawal of patronage and the question of the use of UNESCO's name and/or emblem, the Secretariat has already established a working group to prepare an explanatory leaflet setting out the conditions and arrangements for the application of the present regulations. The leaflet will shortly be distributed to all those concerned (Secretariat, National Commissions, other partners, etc.) and will be attached to the letter for the granting of patronage. It will define in detail the field of application of patronage and the ensuing rights and obligations of the beneficiaries. This work will amplify that of the working group established by the Director-General on visibility and the global communication strategy, which is also to look into forms of partnership in the specific field of communication and their impact. In this context, there will be a need for

consultations, notably with the governing bodies, the competent authorities of the Member States, the representatives of the partners concerned, and also within the United Nations system. It is planned to consult the National Commissions by means of a questionnaire in order to evaluate existing and potential partnerships in the Member States.

V. PROPOSED DECISION

26. After examining this document, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Having examined document 159 EX/30,
2. Recalling 122 EX/Decision 5.4.3 and 156 EX/Decision 9.4, and also 27 C/Resolution 13.12, 28 C/Resolution 13.5 and 30 C/Resolution 83,
3. Approves the measures taken by the Director-General and his proposals to develop a standard methodology applicable to all the directives concerning the Organization's partnerships;
4. Invites the Director-General to pursue, within the United Nations system, the consultation and coordination with regard to partnerships initiated by the Administrative Committee on Coordination (ACC);
5. Further invites the Director-General to ensure, in cooperation with the National Commissions, strict application of the existing rules and regulations established by the governing bodies concerning the selection of partners in the Member States, including regulation of the use of UNESCO's name and emblem;
6. Also invites the Director-General to submit to it proposals on the integrated regulatory framework for partnerships, including regulation of the use of the Organization's name and emblem.

ANNEX

OVERVIEW OF REGULATORY FRAMEWORK GOVERNING UNESCO PARTNERSHIPS

| Regulatory framework Partners | Selection of partners | | Role of the Member States and National Commissions | | Use of UNESCO's name, emblem and patronage | | |
|---|---|---|--|--|--|---|--|
| | Specific directives | Supplementary directives | Specific provisions | General provisions | Specific provisions | General provisions | |
| NGOs | (1) 28 C/Res. 13.42 of 1995 (2) 149 EX/Dec. 7.3 of 1996 and 154 EX/Dec. 7.3 of 1998 (4) 154 EX/Dec. 7.3 of 1998 | | (1) 28 C/Res. 13.42 of 1995 | (11) 20 C/Res. 7/42 of 1978 (12) 25 C/Res. 15.212 of 1989 and 26 C/Res. 13.2 of 1991 (13) 27 C/Res. 13.15 of 1993 (15) 30 C/Res. 83 of 1999 | (18) 154 EX/Dec. 7.3 of 1998 | (16) 8 C/Res. IV.1.8.2 of 1954 (17) 30 EX/Dec. 12.2 of 1952, 31 EX/Dec. 11.1 of 1952, 37 EX/Dec. 13.1 of 1954 and 122 EX/Dec. 5.4.3 of 1985 | |
| Foundations and similar institutions | (3) 26 C/Res. 13.23 of 1991, 28 C/Res. 13.5 of 1995 and 29 C/Res. 64 of 1997 | | (3) 26 C/Res. 13.23 of 1991, 28 C/Res. 13.5 of 1995 and 29 C/Res. 64 of 1997 | | | | |
| Private sources of extrabudgetary funding | (5) 149 EX/Dec. 7.5 of 1996 (6) 156 EX/Dec. 9.4 of 1999 | | (5) 149 EX/Dec. 7.5 of 1996 (6) 156 EX/Dec. 9.4 of 1999 | | | | (5) 149 EX/Dec. 7.5 of 1996 (6) 156 EX/Dec. 9.4 of 1999 |
| New partners - interparliamentary organizations - municipal councils - associations of districts, towns and regions - other (civil society, private sector) | | (7) 151 EX/Dec. 9.4 of 1997 (8) 28 C/Res. 13.5 of 1995 | (14) 28 C/Res. 13.5 of 1995 | | | | |
| Other partners - private sector - UNESCO Clubs, Centres and Associations | | | (9) 6 C/Res. 30.132 of 1951 and 8 C/Res. IV.1.5.15 of 1954 (10) 26 C/Res. 13.2 of 1991 and 30 C/Res. 60 of 1999 | | | | |