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**REPORT BY THE DIRECTOR-GENERAL ON THE PROGRESS MADE
IN THE PREPARATION OF 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**

SUMMARY

In application of 159 EX/Decision 7.3, the Director-General informs the Executive Board of activities undertaken by the Secretariat, of the results achieved, as well as of conclusions and proposed activities with respect to the formulation of guidelines for the Organization's partnerships and for the use of UNESCO's name and/or emblem by partners.

Decision proposed: paragraph 13.

Background and purpose

1. In document 159 EX/30 entitled *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*, and the related 159 EX/Decision 7.3, the Executive Board invited the Director-General to closely cooperate with National Commissions and consult with the United Nations system on these matters. In application of this decision, the Secretariat has undertaken a number of activities aiming at collecting basic elements for the further development of the Organization's policy for partnerships. Furthermore, the United Nations Millennium Declaration of September 2000 has given another and significant dimension to the development of partnerships between organizations of the United Nations system and non-State actors. During the last few years, a new landscape of multi-sector partnerships has evolved which involves actors from all sectors of society in the pursuit of the United Nations Millennium Development Goals. This development also influences the reform process of UNESCO and has been reflected in the Organization's current Medium-Term Strategy (31 C/4) and the Programme and Budget (31 C/5). The purpose of the present document is to inform the Executive Board of relevant developments and their results, as well as of the next steps in finalizing relevant guidelines.

Principal relevant actions

Surveys

2. Two surveys were carried out on: (i) UNESCO's private sector relations (including specific questions concerning the use of UNESCO's name and logo), from May 2001 to January 2002; and (ii) UNESCO's sponsorship, from March 2002 to June 2002. Each of these surveys was forwarded to more than 250 entities, including services from UNESCO Headquarters, field offices and all National Commissions for UNESCO. Reports on the outcomes of the surveys were sent to all National Commissions and Permanent Delegations. Another survey was carried out within the United Nations system concerning the different organizations' "current practices guiding [their] partnership policy, including regulation of the use of [their] name and emblem".

Regular consultations

3. Relevant consultations, in particular with regard to private sector partnerships, were intensified within Headquarters, and equally with field offices and National Commissions. All these entities were invited, within the context of the surveys, to nominate focal points for new partnerships and to take part in relevant informal working groups. Permanent liaison and consultation mechanisms are now well established at the operational level, including those within the network of private sector experts of the United Nations system, steered by the United Nations Fund for International Partnerships and the United Nations Global Compact Office.

Outreach

4. Outreach activities allow the Secretariat to better determine the expectations from various stakeholders in terms of a partnership policy of the Organization. The multi-stakeholder round table organized on the occasion of the 31st session of the General Conference, as well as regular contacts with various international institutions specialized in private sector partnerships with non-commercial institutions (including the World Business Council for Sustainable Development (WBCSD), the International Chamber of Commerce (ICC), Rotary International and the Lions Club) contributed to a better identification of the rationale underlying multi-sector partnerships. Regular relations were established with NGOs focusing on multi-stakeholder partnerships, such as Congé solidaire, the Cercle Ethique des Affaires, the Association Internationale Partenariats Entreprises-

ONGs and others. Attention was also given to the establishment of links with international associations of business students such as the International Association of Students in Economics and Management (AIESEC), and the European Confederation of Junior Enterprises (JADE), which expressed an interest in links with the United Nations system and in bringing a youth perspective to the business community. Another priority concerned the identification of potential partnerships with associations of retired business executives, such as the Entente des générations pour l'emploi et l'entreprise which is part of the Confederation of European Senior Expert Services (CESES). Finally, the Secretariat has mobilized support from one international law firm, which suggested – on a pro-bono basis – elements for legal and strategic aspects of UNESCO's partnership policy. UNESCO has also engaged in manifold consultations with private sector entities to explore and determine the potential and scope for concrete partnerships (e.g. Hachette Distribution Services, IBM, Hewlett Packard, L'Oréal, Daimler Chrysler, Felissimo).

Results

5. The initial consultations and the collection of basic information required to develop the Organization's institutional framework for partnerships, and notably for the use of the Organization's name and logo by partners, can now be considered completed. These data include: (i) a summary of UNESCO's existing relevant Rules and Regulations (Annex of document 159 EX/30); (ii) an inventory of cases related to the use or "abuse" of UNESCO's name and logo; (iii) an inventory of the policies and regulations of other United Nations organizations concerning partnerships; (iv) an inventory of proposals for strengthening UNESCO's partnership policy; (v) an inventory of proposals for improving the protection of UNESCO's name and logo (all the aforementioned inventories include contributions to the surveys); (vi) a central data base on UNESCO's past, present and envisaged relations with the private sector which documents the Organization's varied practices in partnerships; (vii) a preliminary analysis, based on a legal opinion, of UNESCO's copyright situation; and (viii) first elements of an effective system for the Organization's graphic identity ("branding") developed in the framework of the Organization's Communication Strategy.¹

Main conclusions with regard to future guidelines for the selection of partners and their use of UNESCO's name and/or emblem

Partnership guidelines

6. The "Guidelines: Cooperation between the United Nations and the Business Community" initially issued by the Secretary-General of the United Nations on 17 July 2000 (hereinafter referred to as "the United Nations Guidelines") are proposed to "serve as a framework for the other Organizations of the United Nations system".² They encourage "United Nations organizations [...] to develop more specific guidelines in accordance with their particular mandates and activities".³ Accordingly, a number of specific guidelines for cooperation with the business community have already been adopted by different programmes and institutions of the United Nations system.

7. These guidelines are based on certain common principles which will also be relevant in the formulation of future UNESCO partnership guidelines:

- (a) Rationale: non-State actors "play an important role in the pursuit of United Nations goals"; "drawing on the expertise and capacities of the business community is

¹ See document 161 EX/43, in particular paragraphs 41-43.

² See the United Nations Guidelines in Annex I.

³ Paragraphs 8 and 9 of the United Nations Guidelines. See also paragraphs 13 and 19.

increasingly necessary to achieve these goals”.⁴ For UNESCO, document 31 C/4 (paragraph 37) states that “Cooperation, alliances and partnerships with the private sector at various levels are becoming increasingly important not only for the United Nations and its funds and programmes, but equally so for UNESCO. Opportunities for such collaboration will be actively pursued during the period of the Medium-Term Strategy, bearing in mind the need for partners to observe ethical business practices and to provide appropriate substantive and financial contributions”.

- (b) Flexibility: guidelines need to be adapted to the specific political and socio-economic environment of each organization. Moreover, they will evolve over time.⁵
- (c) Two main target groups: the entities of an organization which are concerned with partnerships and the potential partners. The style and structure of any UNESCO guidelines must therefore be clear and user-friendly for all target groups. Applicable internal rules will need to be adapted accordingly.
- (d) Dual purpose: firstly, guidelines are to facilitate the initiation, formulation, implementation and evaluation of partnerships; secondly, they ought to communicate the specific rationale and overall framework underlying an organization’s partnerships. For UNESCO, partnership guidelines may thus facilitate the positioning of the Organization with respect to other intergovernmental organizations within and outside the United Nations system, and vis-à-vis potential partners.

8. UNESCO’s own guidelines for partnerships are bound to reflect the Organization’s unique ethical and intellectual mandate, and take into account its past partnership arrangements and existing networks. The guidelines must also reflect recent trends and experiences with multi-sector partnerships by other organizations. These may include, for example: (i) the emergence of new, “mixed” types of partners, such as the *fourth sector* or *for-benefit* organizations that aim at combining the concepts of private interest and public benefit; (ii) the increasing commitment of transnational private sector corporations to social responsibility and to active involvement in international development, especially in the context of the United Nations Global Compact; (iii) the development of increasingly sophisticated ethical and social criteria applied by international NGOs to the evaluation of commercial bodies and activities; as well as (iv) the increasing importance of multi-sector partnerships for development, drawing on the specific competences and expertise from all sectors of society.

9. These specificities and trends will be duly reflected in UNESCO’s future partnership guidelines. At this point, several elements of future guidelines can already be pinpointed:

- (a) United Nations context: reference will need to be made to relevant norms, principles and partnership initiatives existing in the United Nations system.
- (b) Objective and target groups: a holistic vision of partnerships will be fostered involving the Secretariat, National Commissions for UNESCO and potential partners; the guidelines will be directed to all types of new partners (with specific references to those traditional partners which are affiliated with UNESCO through resolutions of the General Conference). All partners and their respective contributions will henceforth be

⁴ Paragraph 5 of the United Nations Guidelines.

⁵ Paragraph 20 of the United Nations Guidelines states: “Cooperation with the business community is influenced by changes in the political and economic environment. To remain valid these guidelines should be critically reviewed and regularly updated in due course”.

captured and outlined in a context map, which by decision of the General Conference and the Executive Board shall become an integral part of all C/4 and C/5 documents.

- (c) Scope of partnerships: the designation of a partner shall not only entail financial contributions to UNESCO, but also intellectual contributions and contributions in kind to a specific programme or activity.
- (d) Methodology: the guidelines will distinguish between both the different modalities of partnerships (such as funds-in-trust arrangements, pro-bono technical assistance, partnerships, projects carried out under the overall responsibility of partners, etc.) and the different legal identities of partners (such as for-profit companies, foundations, NGOs, etc.).
- (e) Ethical criteria and professional principles: partners' adherence to the United Nations Charter and the Global Compact, as well as to UNESCO's Constitution, are a prerequisite for partnerships; guidelines will include a reference to UNESCO's strategic objectives and other relevant policy and programming features.
- (f) Selection of partners: the guidelines will include specific criteria for potential partners from the private sector, such as their commitment to social responsibility and international development, especially in the context of relevant initiatives and practices of the United Nations system and their adoption of strategies and practices aimed at fostering social responsibility and practices.
- (g) Relevance of activities: guidelines will require demonstrable links with UNESCO's medium-term strategy and programme and budget, especially as regards support for UNESCO's strategic objectives, its cross-cutting themes and the priorities in the programme and budget.
- (h) Involvement of UNESCO's field offices and other decentralized networks: the guidelines will include specific provisions for the decentralization of partnership arrangements; in particular, they will highlight the important role of National Commissions for UNESCO and field offices in establishing partnerships at national and also regional levels.
- (i) Institutional capacities: a description of specific capacities required for successful implementation of partnerships (such as administrative capacity, focal points, working groups, internet sites and portals, training, etc.) and their funding will also be addressed in the guidelines.⁶

Rules concerning the use of UNESCO's name and emblem⁷

10. The responses to the survey on UNESCO's sponsorship, as well as recent developments with respect to guidelines of the United Nations system confirm that a twofold approach should be adopted for relevant regulations. On the one hand, rules and relevant resolutions and decisions of governing bodies concerning the authorization of partners to use original emblems and complete

⁶ Chapter VII of the United Nations Guidelines concerns "Institutional Capacities". Point 19 states that "United Nations organizations should further develop the policy frameworks and institutional capacities needed to manage successfully [cooperative arrangements with the business community]".

⁷ See Annex II for relevant excerpts of document 159 EX/30. Document 159 EX/30, as well as the English and French versions of a compilation of relevant existing rules and procedures, will be made available at the 165th session of the Executive Board for easy reference.

names of the different organizations, remain restrictive. On the other hand, modified emblems and names are being developed for which less restrictive rules are applying. For example, in the framework of UNESCO's Communication Strategy,⁸ variations of the temple emblem can be developed for specific uses, including programmes, decentralized entities and partnerships. Resolutions and decisions of UNESCO's governing bodies, as well as relevant internal regulations, provide for such an approach but must be clarified. The following elements will require particular emphasis when future guidelines are formulated:

- (a) Activities which are carried out under the overall responsibility of partners (such as publications brought out by external bodies, UNESCO's sponsorship of external events, as well as promotional, fund-raising or partner mobilization operations delegated to outside bodies or individuals) require additional, verifiable criteria for the selection of partners and the evaluation of relevant activities.
- (b) The authorization given to a partner to use UNESCO's name and/or emblem is restricted to the context of a specific activity. This authorization remains the prerogative of UNESCO's governing bodies, however a certain amount of authority has been delegated to the Director-General.
- (c) The use of UNESCO's name and temple emblem should be granted to institutes and centres under UNESCO's auspices.
- (d) National Commissions for UNESCO play a key role in monitoring the use of UNESCO's name and/or emblem in Member States. The approval of the concerned National Commission remains a prerequisite for authorizing a partner to use UNESCO's name and/or emblem.
- (e) National Commissions cannot authorize partners to use UNESCO's emblem without the approval of the Director-General. However, a National Commission may authorize partners to use its own, distinct name and/or emblem for national activities.
- (f) The use of UNESCO's name and/or logo can be authorized for recurrent events. However, such an authorization must be renewed for each occurrence of such events.
- (g) The authorization of a partner to use UNESCO's name and/or emblem (or a modified name and/or emblem) must be based on a written standard agreement setting out the terms of this use.
- (h) All concerned entities will be requested to formally register and to regularly report on partners' requests to use UNESCO's name and/or logo, on relevant authorizations, and on refusals or withdrawals of such authorizations.

Forthcoming activities for finalizing guidelines

11. For the finalization of partnership guidelines, including relevant rules and regulations for the use of UNESCO's name and logo by partners, the Director-General foresees the following process:

- (a) preparation of draft partnership guidelines with the involvement of all sectors and relevant central services;

⁸ See document 161 EX/43, in particular paragraphs 41-43.

- (b) submission of draft partnership guidelines to various stakeholders and partners of the Organization for comments (National Commissions and Permanent Delegations, NGOs, academia, private sector companies and professionals, charitable foundations, specialized intermediary institutions, etc.);⁹
- (c) definition of a possible range of “modified” names and emblems to be used by partners;
- (d) development of standard agreements, including conditions of use of UNESCO’s name and/or emblem by partners in the context of events, publications and other activities sponsored by UNESCO;
- (e) assessment of the scope of the Organization’s partnership possibilities and related aspects of funding, provision of expertise, goods, services and outreach support;
- (f) finalization of guidelines on new partnerships, including user-friendly instructions for the use of UNESCO’s name and emblem;
- (g) development of a New Partnerships Resource Kit designed as a hands-on tool for the establishment of partnerships by the Secretariat and National Commissions for UNESCO; this kit will include references to publications, focal points within the United Nations system and UNESCO, potential partners and intermediaries, model partnership projects and partnership proposals, research institutions, specialized NGOs, etc.;
- (h) preparation of specific publications and materials (including policy statements, brochures, websites, etc.) on UNESCO’s partnerships for use by potential partners;
- (i) revision of relevant internal rules and regulations;
- (j) preparation and implementation of specific training modules on new partnerships for the Secretariat and National Commissions;
- (k) establishment of other institutional mechanisms and capacities for partnerships, as appropriate (e.g. portals, advisory groups, etc.).

12. Member States shall be invited to support actively all of the above activities. Their contributions will be particularly important for:

- (a) strengthening the partnership capacities of National Commissions;
- (b) enhancing national legislation related to the protection of names and emblems of intergovernmental organizations which could apply to UNESCO;
- (c) enforcing rules and regulations in instances of the unauthorized use of UNESCO’s name and/or emblem at national level.

Proposed Decision

13. After having examined this document, the Executive Board may wish to adopt a decision along the following lines:

⁹ The United Nations Guidelines were finalized in consultation with some 40 transnational companies.

The Executive Board,

1. Having examined document 165 EX/37,
2. Recalling 159 EX/Decision 7.3,
3. Takes note with approval of the various activities undertaken by the Director-General with a view to developing elements for Partnership Guidelines of the Organization, including regulations for the use of UNESCO's name and/or emblem by partners;
4. Invites the Director-General to take into account the comments concerning future Partnership Guidelines made by it at its 165th session and to proceed with the formulation of such guidelines, including relevant regulations for the use of UNESCO's name and/or emblem by partners, as outlined in paragraph 12 of document 165 EX/37.

ANNEX I

GUIDELINES FOR COOPERATION BETWEEN THE UNITED NATIONS AND THE BUSINESS COMMUNITY*

I. Background

1. The business community has played an active role in the United Nations since its inception in 1945. A number of United Nations entities have a successful history of cooperating with business. Recent political and economic changes have fostered and intensified the search for collaborative arrangements.
2. The efforts of the Secretary-General to renew and reform the United Nations provide the overall rationale for closer cooperation and partnership between the United Nations and non-state actors, including the business community.^a A broad policy framework for cooperation with the business community has been established, including through joint statements.^b
3. The relationship with the business community has become more important as the role of business in generating employment and wealth through trade, investment and finance has grown and as United Nations Member States have increasingly stressed the importance of private investment in development.
4. The business community is increasingly appreciative of the role of the United Nations: promoting peace and security, providing norms and standards in such diverse areas as trade laws, shipping, aviation, telecommunications, postal services and statistics; and addressing issues of vulnerability, poverty, environmental degradation and social conflict. All of this is seen as helping provide a stable and favourable framework for business and development.

II. Purpose and rationale

5. Efforts to work with the business community must be seen in the proper institutional context. The United Nations is a global institution accountable to its Member States. Non-state actors play an important role in the pursuit of United Nations goals. Drawing on the expertise and capacities of the business community is increasingly necessary to achieve those goals.
6. The purpose of these guidelines is to facilitate the formulation and implementation of cooperation between the United Nations and the business community in a manner that ensures the integrity and independence of the Organization.
7. These guidelines define “business” as for-profit enterprises.
8. These guidelines are intended to serve as a common framework for all entities of the United Nations Secretariat.^c It may also serve as a framework for other bodies of the United Nations system.
9. United Nations entities are encouraged to develop more specific guidelines in accordance with their particular mandates and activities.
10. Cooperation with business can take many forms, such as advocacy, fund-raising, policy dialogue, humanitarian assistance and development cooperation. Guidelines for cooperation are

* As provided in Annex III to document A/56/323 of the fifty-sixth session of the General Assembly of the United Nations Organization.

particularly relevant in cases where new forms of partnership are being pursued that do not directly involve active government participation.

11. Cooperation is often situation-specific and must be considered on a case-by-case basis. It is essential that each United Nations entity develop in-house capacity and clear lines of responsibility to devise, implement and evaluate cooperative arrangements with business.

III. Choosing a partner

12. The Global Compact, launched by the Secretary-General in 1999,^d provides an overall value framework for cooperation with the business community. The principles of the compact (see appendix I) are based on intergovernmental agreements and at the same time are relevant for business. United Nations entities should use them as a point of reference when choosing a business partner:

- (a) Business partners should demonstrate responsible citizenship by supporting United Nations causes and core values as reflected in the Charter and other relevant conventions and treaties;
- (b) Within their sphere of influence, private enterprises should have demonstrated a commitment to meeting or exceeding the principles of the Compact by translating them into operational corporate practice;
- (c) Business entities that are complicit in human rights abuses, tolerate forced or compulsory labour or the use of child labour,^e are involved in the sale or manufacture of anti-personnel mines or their components or otherwise do not meet relevant obligations or responsibilities stipulated by the United Nations are not eligible for partnership.

13. United Nations entities are encouraged to develop additional criteria appropriate to their specific mission and advocacy role.

IV. General principles

14. Irrespective of the situation-specific nature of cooperative arrangements, such arrangements should be guided by the following general principles:

- (a) *Advancement of United Nations goals.* The objective needs to be articulated clearly and must advance United Nations goals as set forth in the Charter;
- (b) *Clear delineation of responsibilities and roles.* The arrangement must be based on a clear understanding of respective roles and expectations, with accountability and a clear division of responsibilities;
- (c) *Maintenance of integrity and independence.* Arrangements should not diminish the United Nations integrity, independence and impartiality;
- (d) *No unfair advantage.* Every member of the business community should have the opportunity to propose cooperative arrangements, within the parameters of these guidelines. Cooperation should not imply endorsement or preference of a particular business entity or its products or services;
- (e) *Transparency.* Cooperation with the business community sector must be transparent. Information on the nature and scope of cooperative arrangements should be available

within the Organization and to the public at large. United Nations entities should post relevant information on the United Nations Business web site at <http://www.un.org/partners/business>.

V. Use of the United Nations name and emblem

15. Pursuant to General Assembly resolution 92 (I) of 7 December 1946, the use of the United Nations name and emblem is limited to official purposes. The Organization has consistently interpreted the resolution to apply also to the use of the name and emblem of the United Nations funds and programmes whose names include the words “United Nations” or its acronym (see appendix II for examples).

16. Recognizing the evolving new relationships with the business community, the following are general principles on the use of the name and emblem of the United Nations and its funds and programmes (“name and emblem”) by the business community in the context of partnerships with the private sector:

- (a) In principle, and subject to the appropriate terms and conditions, a business entity may be authorized to use the name and emblem on a non-exclusive basis;
- (b) The use of the name and emblem must be expressly approved in advance in writing and upon such terms and conditions as may be specified;
- (c) The use of the name and emblem by a business entity may be authorized, even if it involves the making of profit, as long as the principal purpose of such use is to show support for the purposes and activities of the United Nations, including the raising of funds for the Organization, and the generation of profit by the business entity is only incidental;
- (d) The use of the name and emblem may be authorized for the following purposes:
 - (i) To support the purposes, policies and activities of the Organization;
 - (ii) To assist in the raising of funds for the Organization;
 - (iii) To assist in the raising of funds for entities that are not part of the Organization, but are established to achieve the purposes and policies of the Organization;^f
- (e) When authorized, the use of the name and/or emblem shall be in accordance with the written specifications provided by the United Nations entity concerned;
- (f) With appropriate written approval and subject to appropriate conditions on the time, manner and scope of such use, the use of a modified United Nations emblem may be exclusively authorized to a limited number of business entities in connection with the promotion of a special event or initiative, including fund-raising for such an event or initiative.^g

17. Currently, the Office of Legal Affairs grants authorization for the use of the name and emblem of the United Nations.

VI. Modalities

18. Modalities for entering into partnerships with the business community, which are distinct from procurement activities, require flexibility in order to reflect the particular purposes and objectives of the partnerships:

- (a) *Direct contribution by the business partner.* The modality for direct contribution for specific purposes would be established under a trust fund or special account agreement with the partner. The agreement would be subject to the applicable financial regulations and rules, that is, the purposes of the contribution would have to be consistent with the policies, aims and activities of the United Nations and, generally, the contribution would not entail any financial liabilities to the United Nations;
- (b) *Indirect contribution by the business partner through the establishment of a charitable organization or foundation.* Under this modality, a relationship agreement would be established between the United Nations and the charitable organization or foundation, laying out the terms of the relationship, including the issues related to the use of the name and emblem, liability, settlement of disputes and the privileges and immunities of the United Nations;^h
- (c) *Partnership in technical assistance projects.* This modality would involve either two direct bilateral agreements with the business partner and with the Government of the country in which the assistance would be provided, or a tripartite agreement among the business partner, the United Nations and the Government;
- (d) *Partnership in promoting the purposes and activities of the United Nations.* This modality, whereby the business partner would provide a forum to disseminate information about the United Nations, would involve direct agreements with the business partner, setting out the terms and conditions of the arrangement, including the United Nations control of the information to be disseminated, the issues related to the use of the name and emblem, liability, settlement of disputes and the privileges and immunities of the United Nations;
- (e) *Partnership in cooperative projects.* This modality, whereby the United Nations and a business partner would jointly develop a product or service, consistent with and in furtherance of the aims, policies and activities of the United Nations, would involve agreements with the business partner, setting out the terms and conditions of the arrangement, including the contributions each party could make to the development of the product service, the use of the name and emblem, liability, settlement of disputes and the privileges and immunities of the United Nations.

VII. Institutional capacities

19. Cooperative arrangements with the business community have often evolved on an ad hoc basis. United Nations entities should develop further the policy frameworks and institutional capacities needed to manage such arrangements successfully:

- (a) *Building institutional competencies.* United Nations entities that engage business in their work should develop the necessary competencies to assess and guide the relationship properly. Within each entity, a focal point should be nominated to ensure transparency, learning and a better understanding of the role and objectives of business and to ascertain whether they are compatible with the goals of the United Nations;

- (b) *Responsibilities of focal points.* Focal points will be responsible for developing guidance on contacts with the business community based on rules, regulations and administrative issuances of the United Nations to ensure transparency in the establishment and maintenance of contacts with the business community. The focal points should post relevant information on the United Nations/Business web site <http://www.un.org/partners/business>.
- (c) *Exchange of experience.* Focal points should exchange learning experiences on a regular basis and aim at building shared data banks and problem-solving methodologies and guides.

VIII. Future reviews

20. Cooperation with the business community is influenced by changes in the political and economic environment. To remain valid, these guidelines should be critically reviewed at regular intervals and updated in due course.

Notes

- ^a See Action 17 of the report of the Secretary-General, “Renewing the United Nations: A Programme for Reform” (A/51/950).
- ^b Joint statements between the Secretary-General and business representatives of the International Chamber of Commerce as well as major speeches by the Secretary-General and heads of United Nations organizations are posted on the United Nations Business web site: <http://www.un.org/partners/business>.
- ^c United Nations Secretariat and United Nations funds and programmes, including the United Nations Children’s Fund, the United Nations Population Fund, the United Nations Development Programme, the United Nations Environment Programme and the United Nations Conference on Trade and Development, and the regional commissions.
- ^d See <http://www.unglobalcompact.org>.
- ^e As defined by the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ^f For example, those entities include United Nations associations, national committees for the United Nations Children’s Fund and for the United Nations Development Programme.
- ^g For example, the fiftieth anniversary of the United Nations or the International Year of Older Persons.
- ^h The relationship agreement between the United Nations and the United Nations Foundation, Inc., of 12 June 1998 consists of the following provisions: “Purpose” (art. I); “Trust fund” (art. II); “Identification of projects and activities to be funded” (art. III); “Contributions by the Foundation” (art. IV); “Monitoring and implementation: reporting requirements” (art. V); “Fund-raising” (art. VI); “Use of name and official emblem of the United Nations” (art. VII); “Status of parties” (art. VIII); “Review of arrangements” (art. IX); “Resolution of disputes” (art. X); “Privileges and immunities” (art. XI); “Terms of agreement” (art. XII); and “Notices” (art. XIII).

Appendix I

The nine principles of the Global Compact

At the World Economic Forum in Davos, Switzerland, on 31 January 1999, the Secretary-General challenged world business leaders to embrace and enact a set of universal principles within their sphere of influence in the areas of human rights, labour standards and the environment:

Human rights

Principle 1. Business should support and respect the protection of internationally proclaimed human rights.

Principle 2. Business should make sure not to be complicit in human rights abuses.

Labour standards

Principle 3. Business should uphold the freedom of association and the effective recognition of the right to collective bargaining;

Principle 4. the elimination of all forms of forced and compulsory labour;

Principle 5. the effective abolition of child labour; and

Principle 6. the elimination of discrimination in respect of employment and occupation.

Environment

Principle 7. Business should support a precautionary approach to environmental challenges;

Principle 8. undertake initiatives to promote greater environmental responsibility; and

Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Appendix II

Explanatory background note on the use of the United Nations name and emblem

Use of the United Nations name and emblem (sect. V)

1. The general principles set forth in section V of the draft guidelines on cooperation between the United Nations and the business community are based upon the submissions made to the Working Group on Partnerships with the Private Sector by the Office of Legal Affairs and other United Nations offices, including the separate funds and programmes represented in the Working Group, and the discussions in the Working Group on the issue. As indicated in the Legal Counsel's memorandum of 4 December 1997 to the Secretary-General with an accompanying note to the file, the starting point for the policy and practice of the Organization on the use of the United Nations name and emblem is General Assembly resolution 92 (I) of 7 December 1946. While the practice of the Organization over the years is the major focus, particular attention has also been paid to recent policy and practice in the area and the interests and concerns expressed by the offices participating in the Working Group.

2. The following should be noted with respect to the guiding principles set forth in section V:

- (a) The guiding principles address only the use of the name and emblem by business entities. Their use by non-governmental organizations and private not-for-profit entities is, therefore, not addressed, although it would appear that similar principles would be applicable to such organizations and entities;
- (b) With respect to the general principle set forth in paragraph 16 (a) of the guidelines, it should be noted that it has been a long-standing policy of the Secretary-General not to authorize the use of the United Nations emblem by non-United Nations entities in an unmodified form. Moreover, as far as is known, no business entities have ever been authorized to use the United Nations emblem with the words "United Nations" or "UN" set above the emblem and the words "We Believe" or "Our Hope for Mankind" set below the emblem;
- (c) At present, the Office of Legal Affairs grants authorization of the use of the name and emblem of the United Nations. The issue as to which office or department will be vested with the authority to grant the use of the name and emblem in the future will be reviewed in due course;
- (d) The principle of non-exclusive use refers to the activities of a business entity on its own behalf and not in situations in which the entity is engaged by the Organization to act on its behalf, for example, a United Nations Gift Shop contract (see the general principle in para. 16 (a)). Moreover, the principle of non-exclusive use would not prevent an office from authorizing only one entity the use of the emblem in all cases, for example, if there was only one company that requested such authorization or in connection with a pilot programme;
- (e) "Commercial use" of the name and emblem should be distinguished from "use by a commercial entity" (see the general principle in para. 16 (c)). The former implies use in connection with or for furtherance of a profit-making enterprise. The latter would allow the use of the name and emblem by a commercial entity even involving the making of some profit, as long as the principal purpose of such use was to show support for the

purposes and activities of the United Nations, including the raising of funds for the Organization, and the generation of profit by the commercial entity was only incidental;

- (f) The modified United Nations emblem in the general principle set forth in paragraph 16 (f) refers to emblems developed for special events and does not refer to the United Nations emblem modified by placing the words “United Nations” on the top and “We support” or “We believe” on the bottom, which is generally reserved for non-governmental organizations.
- (g) As it is drafted, the word “exclusively” used in the general principle set forth in paragraph 16 (f) is intended to include more than one business entity. In the case of the fiftieth anniversary of the United Nations, for example, several (but a limited number of) business entities were authorized to use the “UN 50th” emblem in connection with fund-raising for the fiftieth anniversary. It should be recognized, however, that there may be situations in which only one business entity may, in fact, be authorized to use a modified United Nations emblem, for example, when only one business entity expresses an interest in using the emblem in relation to some initiative or because the United Nations substantive office wishes to limit authorization to only a few or possibly one business entity in a pilot programme.

Modalities (sect. VI)

3. The modality described in paragraph 18 (b) of section VI of the guidelines would appear to be the preferred method in Member States, including the United States of America, whereby donors do not enjoy tax deduction in respect of their direct contributions to the United Nations.

4. An example of that modality is the relationship agreement between the United Nations and the United Nations Foundation, Inc., of 12 June 1998. That agreement contains the following provisions: “Purpose” (art. I); “Trust fund” (art. II); “Identification of projects and activities to be funded” (art. III); “Contributions by the Foundation” (art. IV); “Monitoring and implementation: reporting requirements” (art. V); “Fund-raising” (art. VI); “Use of name and official emblem of the United Nations” (art. VII); “Status of parties” (art. VIII); “Review of arrangements” (art. IX); “Resolution of disputes” (art. X); “Privileges and immunities” (art. XI); “Terms of agreement” (art. XII); and “Notices” (art. XIII).

5. Other examples of the modality are the United Nations Foundation, Inc., through which Ted Turner made his contribution; the Netaid Foundation UK Ltd., through which Cisco Systems made its contribution to UNDP; the Foundation for the United Nations fiftieth anniversary through which, *inter alia*, Goldstar (South Korea) and Swatch (Switzerland) channelled their contributions to the United Nations.

6. An example of the modality described in paragraph 18 (c) of the guidelines is the build-operate-transfer (BOT) project, whereby the private sector provides funds and experts for the project, the United Nations serves as a matchmaker between the Government and the business partner and facilitates project implementation and the Government provides necessary assistance and is the ultimate beneficiary of the project.

7. An example of the modality described in paragraph 18 (d) is the agreement between the United Nations and Walt Disney Worldco of 6 August 1999 concerning the United Nations participation in the Walt Disney World Millennium Celebration. That agreement consists of the following provisions: “Term of the agreement” (art. 1); “Display of CD-ROMs (the UN CD)” (art. 2); “UN’s participation” (art. 3); “UN input/costs” (art. 4); “Operation of the attraction”

(art. 5); “Officials not to benefit” (art. 6); “Training of staff” (art. 7); “International communicators” (art. 8); “Insurance and liabilities to third parties” (art. 9); “Copyright, patents and other proprietary rights” (art. 10); “Use of name, emblem or official seal of the United Nations” (art. 11); “Use of names or emblems of Worldco” (art. 12); “Admission to the resort” (art. 13); “Settlement of disputes” (art. 14); “Privileges and immunities” (art. 15); “Notice” (art. 16); “Authority to modify” (art. 17); “United Nations merchandise” (art. 18) and “Miscellaneous” (art. 19, including a provision on “Indemnification” (art. 9, para. 6).

8. An example of the modality described in paragraph (e) is the United Nations Standard Product and Services Code, a universal classification system for goods and services, which was developed jointly by the United Nations Development Programme/Inter-Agency Procurement Services Office and Dun and Bradstreet for the Netaid project, which is designed to bring together the power of the Internet, the global reach of television and radio and the energy and impact of world-renowned artists in the fight against world poverty, established by the United Nations Development Programme, Cisco Systems, Netaid Inc., the Netaid Foundation UK Ltd. and Netaid UK Ltd.

ANNEX II

EXCERPTS OF RELEVANT PARTS OF DOCUMENT 159 EX/30

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.

OVERVIEW OF REGULATORY FRAMEWORK GOVERNING UNESCO PARTNERSHIPS

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		(5) 149 EX/Dec. 7.5 of 1996 (6) 156 EX/Dec. 9.4 of 1999	
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			
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			