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## **Guidelines on Cooperation between the United Nations and the Business Sector**

(Issued on 20 November, 2009)

### **I: BACKGROUND**

1. The Business Sector<sup>1</sup> has played an active role in the work of the United Nations since its inception in 1945 and a number of organizations of the UN system have a successful history of co-operating with the Business Sector. Recent political and economic changes have fostered and intensified the search for collaborative arrangements. There is a recognition that many of the world's most pressing problems are too complex for any one sector to face alone. Notably, over the past ten years the Business Sector and other stakeholders have increasingly become active partners in helping the UN in achieving its goals, as a complement to Government action.

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 the Business Sector, including the business community in particular<sup>2</sup>. Various General Assembly resolutions have recognized the importance of working in partnership with the Business Sector and civil society in order to achieve UN goals.<sup>3</sup>

3. The relationship with the Business Sector has become more important as the role of business in generating employment and wealth through trade, investment and finance for development has increasingly been recognized. UN Member States also stress the importance of private investment in development. The Business Sector can bring key resources to the fore – knowledge, expertise, access and reach – that are often critical to advance UN goals. A robust Business Sector that delivers economic growth and wealth creation is essential for the achievement of the Millennium Development Goals.

4. Much of the work of the United Nations is relevant to the Business Sector: promoting peace and security, providing norms and standards in such diverse areas as trade laws, shipping, aviation, telecommunication, postal services and statistics; 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.

5. Strategic engagement with the Business Sector and other stakeholders is proving to be an effective method for advancing United Nations goals. Collaboration has evolved based on an understanding that although the UN's goals are quite distinct from those of the

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<sup>1</sup> The Business Sector is defined in paragraph 7 below.

<sup>2</sup> As UN Secretary-General Ban Ki-moon has stated “The United Nations and business need each other. We need your innovation, your initiative, your technological prowess. But business also needs the United Nations. In a very real sense, the work of the United Nations can be viewed as seeking to create the ideal enabling environment within which business can thrive.”

<sup>3</sup> See GA resolutions A/RES/56/76; A/RES/58/129; A/RES/60/215 and A/RES/62/211.

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Business Sector, there are overlapping objectives including building markets, combating corruption, safeguarding the environment, increasing food security, and ensuring social inclusion.

## **II. PURPOSE AND SCOPE**

6. The purpose of these guidelines is to facilitate the formulation and implementation of partnerships between the United Nations and the Business Sector in a manner that ensures the integrity and independence of the UN. Partnership may be defined as a voluntary and collaborative agreement or arrangement between one or more parts of the United Nations system and the Business Sector, in which all participants agree to work together to achieve a common purpose or undertake a specific task and to share risks, responsibilities, resources, and benefits. Nothing in such a partnership shall be deemed to establish either party as the agent of the other party or create a 'legal' partnership or joint venture between the parties. Neither party has power to bind the other party or to contract in the name of the other party or create a liability against the other in any manner whatsoever.

7. These guidelines define the Business Sector as:

- a) For-profit, and commercial enterprises or businesses;
- b) Business associations and coalitions (cross-industry, multi-issue groups; cross-industry, issue-specific initiatives; industry-focused initiative); including but not limited to corporate philanthropic foundations.

8. Although these Guidelines apply only to the UN Secretariat and separately administered organs, Funds and Programmes of the United Nations (hereinafter referred to as the “UN entities”), they are intended to serve as a common framework for all organizations of the UN system as a basis for their collaborative efforts with the Business Sector. All are encouraged to adopt the Guidelines in accordance with necessary internal processes. Further, UN organizations are encouraged to develop more specific guidelines in accordance with their particular mandates and activities.

## **III. CHOOSING A PARTNER**

9. The United Nations Global Compact<sup>4</sup> provides an overall value framework for co-operation with the Business Sector. The principles of the Global Compact (see Annex 1) on human rights, labour, the environment and anti-corruption are based on intergovernmental agreements and are specifically relevant for business. UN entities should use them as a point of reference when developing their own guidelines, including guidelines for choosing a Business Sector partner.

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<sup>4</sup> See [www.unglobalcompact.org](http://www.unglobalcompact.org)

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- a) The UN seeks to engage in mutually beneficial collaborative relationships and partnerships with the Business Sector.
  - b) In considering such collaborations and partnerships, the UN will seek to engage with Business Sector entities that:
    - i) demonstrate responsible citizenship by supporting the core values of the UN and its causes as reflected in the Charter and other relevant conventions and treaties;
    - ii) demonstrate a commitment to meeting or exceeding the principles of the UN Global Compact by translating them into operational corporate practice within their sphere of influence including and not limited to policies, codes of conduct, management, monitoring and reporting systems.
  - c) The UN will not engage with Business Sector entities that are complicit in human rights abuses, tolerate forced or compulsory labour or the use of child labour<sup>5</sup>, are involved in the sale or manufacture of anti-personnel landmines or cluster bombs, or that otherwise do not meet relevant obligations or responsibilities required by the United Nations.
  - d) The UN will not engage with Business Sector entities violating sanctions established by the UN Security Council.
  - e) The UN should not partner with Business Sector entities that systematically fail to demonstrate commitment to meeting the principles of the UN Global Compact. However, the UN may consider collaboration specifically intended to address this failure of commitment.
10. UN entities may establish additional eligibility and exclusionary criteria for screening companies appropriate to their specific mission and advocacy role.
11. Partner selection will be subject to due diligence processes established by the UN entity considering the partnership. UN entities are encouraged to consult with each other as part of the due diligence process. UN entities reserve the right to choose their partners on a case by case basis and to undertake research in support of such decisions.

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<sup>5</sup> See ILO Convention No. 138: Minimum Age Convention and ILO Convention No. 182: Convention Concerning The Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

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## IV. GENERAL PRINCIPLES

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

a) Advance UN goals: The objective needs to be articulated clearly and must advance UN goals as laid out in the Charter. Chapter 1 of the UN Charter outlines key UN goals such as: maintaining international peace and security as well as solving international problems of an economic, social, cultural or humanitarian character, and promoting and encouraging respect for human rights and fundamental freedoms for all.

b) Shared values and principles: The United Nations is interested in working with Business Sector entities that share its values, including internationally-recognized principles concerning human rights, labour, the environment and anti-corruption as reflected in the United Nations Global Compact<sup>6</sup>.

c) Clear delineation of responsibilities and roles: When, in accordance with the United Nations financial regulations and rules, a partnership arrangement with the Business Sector will have financial implications for the UN, such arrangement should be implemented only pursuant to a formal written agreement between the private entity and the UN, in accordance with the applicable UN regulations and rules, delineating the respective responsibilities and roles of each party. The arrangement must be based on a clear understanding of respective roles and expectations, with accountability and a clear division of responsibilities and, as mutually agreed, shared risks and responsibilities, resources and benefits. This understanding will be set out in a partnership agreement along with defined timelines and measurable outputs.

d) Maintain integrity and independence: Arrangements should not diminish the UN's integrity, independence and impartiality.

e) No unfair advantage: Every member of the Business Sector community should have the opportunity to propose cooperative arrangements, within the parameters of these Guidelines. The UN can collaborate with the Business Sector for the purposes of development and provision of goods and services that explicitly support and accelerate achievement of UN goals. However, cooperation should not provide exclusivity in its collaboration or imply endorsement or preference of a particular Business Sector entity or its products or services.

f) Transparency: Cooperation with the Business Sector must be transparent. Information on the nature and scope of major cooperative arrangements should be available within the concerned UN entity and to the public at large. Concerned UN entities should make relevant information available on their respective websites and post relevant information on the UN/Business website [www.business.un.org](http://www.business.un.org).

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<sup>6</sup> [www.unglobalcompact.org](http://www.unglobalcompact.org)

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## **V. USE OF THE UN NAME AND EMBLEM AND THE NAMES AND LOGOS OF UN FUNDS AND PROGRAMMES**

13. Pursuant to General Assembly resolution 92 (I) of 7 December 1946, the use of the United Nations name, including its acronym, and emblem (the "UN Name and Emblem") is limited to official purposes. The UN has consistently interpreted this resolution to apply also to the use of the name and emblem of UN entities whose names include the "United Nations" or its acronym. The UN Name and Emblem are also protected by the Paris Convention for the Protection of Industrial Property, revised in Stockholm in 1967.

14. Recognizing the UN's evolving relationship with the Business Sector, the following sets out general principles for the use of the UN Name and Emblem, and of the names and logos of other UN entities ("Name and Emblem") by the Business Sector in the context of a partnership.<sup>7</sup>

a) Pursuant to General Assembly resolution 92(I), it has been a long-standing policy of the Secretary-General not to authorize the use of the UN Emblem by the Business Sector entity in an unmodified form, or to use the UN Emblem in a modified form, e.g. by placing the words "United Nations" or "UN" set above the emblem and the words "We Believe" or "Our Hope for Mankind" set below the emblem. However, an appropriate written communication could be provided to the Business Sector entity, acknowledging or recognizing its contribution to or collaboration with the United Nations.

b) Subject to the foregoing provisions in this paragraph 14 and the appropriate terms and conditions, a Business Sector entity may, on a case by case basis be exceptionally authorized to use the Name and Emblem on a non-exclusive basis.<sup>8</sup>

c) 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.

d) The use of the Name and Emblem by a Business Sector entity may exceptionally be authorized, even if it involves the making of profit, so long as the principal purpose of such use is to show support for the purposes and activities of the UN entity concerned, including the raising of funds for the UN entity concerned, and the generation of profit by the Business Sector entity is only incidental.<sup>9</sup>

e) The use of the Name and Emblem may be authorized for the following purposes:

(i) To support the purposes, policies and activities of the UN entity concerned;

(ii) To assist in the raising of funds for the UN entity;

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<sup>7</sup> The guiding principles address primarily the use of the Name and Emblem by Business Sector entities, although similar principles would be generally applicable to non-Governmental organizations.

<sup>8</sup> The principle of non-exclusive use refers to the activities of a Business Sector entity on its own behalf, and not in situations in which a Business Sector entity is engaged by the UN to act on the UN's behalf, e.g., the UN Gift Shop.

<sup>9</sup> A "commercial use" of the Name and Emblem should be distinguished from "use by a commercial entity". The former term implies use in connection with or for furtherance of a profit-making enterprise. The latter term would allow the use of the Name and Emblem by a Business Sector entity even involving the making of some profit, as long as the principal purpose of such use is to show support for the purposes and activities of the UN entity concerned, including the raising of funds for the UN entity, and the generation of profit by the commercial entity is only incidental.

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(iii) To assist in the raising of funds for entities that are not part of the UN entity, but which are established to achieve the purposes and policies of the UN entity.<sup>10</sup>

f) When authorized, the use of the Name and/or Emblem shall be in accordance with the written specifications provided by the UN entity concerned.

g) With appropriate written approval, and subject to appropriate conditions on the time, manner and scope of such use, the use of a special UN emblem may be exclusively authorized to a limited number of Business Sector entities in connection with the promotion of a special event or initiative, including fund-raising for such event or initiative.<sup>11</sup>

15. Currently, OLA grants authorization for the use of the UN Name and Emblem. With respect to the logos of certain UN entities that are distinct and separate from the UN Emblem, authorization should be sought directly from those UN entities for the use of their distinct logos.

## **VI. MODALITIES**

16. Formal partnerships agreements, which have financial implications for the UN, shall be subject to approval by the Controller or the relevant financial official of the separately administered organs and programmes of the United Nations concerned. The relevant operational office or department must ensure compliance with the requirements set forth in UN financial regulations and rules, or comparable rules in the financial regulations and rules of separately administered organs and programmes of the UN. Modalities for entering into partnerships with the Business Sector which are distinct from procurement activities require flexibility in order to reflect the particular purposes and objectives of the partnerships. In their participation in partnership arrangements, UN entities will apply their respective regulations, rules and procedures including, where applicable, those relating to staff conduct and financial regulations and rules.

17. From an institutional perspective, there are a number of partnership modalities:

a) Direct contribution by the Business Sector partner: The modality for direct contribution for specific purposes would be made under a trust fund or special account agreement with the partner subject to applicable Financial Regulations and Rules.

b) Indirect contribution by the Business Sector partner through the establishment of a charitable organization or foundation: Under this modality, a relationship agreement would be established between the UN and the charitable organization or foundation.

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<sup>10</sup> For example, these entities include the United Nations Associations, National Committees for UNICEF, for UNDP, and the national committees for other UN Funds and Programmes.

<sup>11</sup> The special emblem refers to emblems developed for special events, e.g., the 60<sup>th</sup> Anniversary of the United Nations, and does not refer to the UN Emblem modified by placing the words “United Nations” on the top and “We support” or “We believe” on the bottom, the use of which is generally reserved for NGOs. The term “exclusively” is intended to include more than one business entity. It should be recognized, however, that there may be situations in which only one Business Sector entity may, in fact, be authorized to use a special emblem, for example, when only one Business Sector entity expresses an interest in using the special emblem in relation to some initiative, or because the substantive UN entity wishes to limit authorization to only a few or, possibly, one Business Sector entity in a pilot programme.

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c) **Partnership in technical assistance projects:** This modality would involve either two direct bilateral agreements with the Business Sector partner and with the government of the country in which the assistance would be carried out, or a tripartite agreement among the business partner, the UN and the Government.

d) **Partnership projects:** This modality would involve other partnership arrangements requiring an agreement between the UN and the Business Sector.

The relevant operational office or department must take into consideration all the aspects and implications involved in the selection of any of the relevant modalities set forth in paragraphs 17(a) through 17(d) above, and full compliance with the requirements and criteria in the applicable UN regulations and rules or comparable regulations and rules of separately administered organs and programmes of the UN.

18. From an operational standpoint, there are three broad categories of partnerships among others:<sup>12</sup>

a) **Core business operations and value chains:** This category involves mobilizing the innovative technologies, processes, financing mechanisms, products, services and skills of the Business Sector to create wealth and employment and develop and deliver affordable goods and services. The UN and a Business Sector partner may jointly support the development of integrated value chains in market sectors that offer the prospects of sustainable growth and transition to better remunerated forms of employment. Another type may include collaboration that aims to increase access to important goods and services that contribute to reducing poverty (i.e. ‘bottom of the pyramid’ investment opportunities).

b) **Social investments and philanthropy:** This category involves different types of resource-mobilization support and utilizes a range of resources from the Business Sector including cash as well as core competencies. This may include financial support as well as pro-bono goods and services, corporate volunteers as well technical expertise and support.

c) **Advocacy and policy dialogue:** This modality relates to initiatives that promote and advance a specific cause in support of the UN goals or promoting multistakeholder dialogue on issues related to the purposes and activities of the UN. These partnerships may include promoting a concept of corporate responsibility; working with companies to bring about change in their internal business practices to align with UN goals; and developing norms or guidelines to engage stakeholders in support of UN goals.

## VII. INSTITUTIONAL CAPACITIES

19. UN entities that engage the Business Sector as partners in their work should allocate adequate resources and develop the policy frameworks and institutional capacities needed for engagement in a mutually beneficial way.

a) **Building institutional competencies:** UN entities will nominate a network of focal points within their respective entities that will act as liaisons between their entities and existing and potential Business Sector partners and will be responsible for developing mutually beneficial partnerships with the Business Sector community in line with regulations, rules, and administrative issuances applicable

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<sup>12</sup> For additional examples of partnership categories, please see the biennial Secretary-General’s Report to the General Assembly under the item “Towards Global Partnerships” as well as the UN/Business website ([www.business.un.org](http://www.business.un.org)).

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to the UN entities. The network of focal points will also promote transparency, learning and knowledge exchanges within the UN system, in an effort to contribute to a better understanding of the role and objectives of business and to ascertain whether they are compatible with the goals of the UN.

b) Information sharing platforms: To promote learning and knowledge exchange, the UN, in cooperation with the Business Sector, maintain several internal and external information sharing platforms including the Annual UN System Business Sector Focal Points Meeting, the UN/Business website, newsletters, events, meetings and others.

20. The Annual UN System Business Sector Focal Points Meeting is the platform for building institutional competencies and information exchange with a view to further enhancing the UN's capacity to advance collaboration with the Business Sector.

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## **VIII. FUTURE REVIEWS**

21. To remain valid, these guidelines should be critically reviewed and regularly updated taking into account recommendations coming from the UN System Business Sector Focal Point Meetings.



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## **Annex I**

### **The Global Compact's Ten Principles**

The Global Compact asks companies to embrace, support and enact a set of core values within their sphere of influence in the areas of human rights, labour standards, the environment and anti-corruption.

#### **Human Rights**

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

#### **Labour Standards**

Principle 3: Businesses 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: Businesses 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.

#### **Anti-Corruption**

Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

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