

**PARTNERSHIP BETWEEN THE UN SYSTEM AND  
THE PRIVATE SECTOR: A STUDY OF WORLD HEALTH  
ORGANIZATION AND UNITED NATIONS CHILDREN'S FUND**

*Dissertation submitted to Jawaharlal Nehru University in partial  
fulfilment of the requirements for  
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**MASTER OF PHILOSOPHY**

**JEETENDRA KUMAR**



**INTERNATIONAL ORGANIZATION DIVISION  
CENTRE FOR INTERNATIONAL POLITICS, ORGANIZATION AND  
DISARMAMENT  
SCHOOL OF INTERNATIONAL STUDIES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI-110067  
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Date: 30.07.2007

**DECLARATION**

I declare that the dissertation entitled “PARTNERSHIP BETWEEN THE UN SYSTEM AND THE PRIVATE SECTOR: A STUDY OF WORLD HEALTH ORGANIZATION AND UNITED NATIONS CHILDREN’S FUND”, submitted by me in partial fulfillment of the requirements for the award of the degree of Master of Philosophy of Jawaharlal Nehru University is my own work and has not been previously submitted for any other degree of this or any other university.

A handwritten signature in black ink, appearing to read 'Jeetendra Kumar', is written over a circular stamp.

**JEETENDRA KUMAR**

**CERTIFICATE**

We recommend that this dissertation be placed before the examiners for evaluation.

A handwritten signature in black ink, appearing to read 'Murthy', is written above the name.

**Prof. C.S.R. Murthy**  
**Chairperson, CIPOD/SIS**

A handwritten signature in black ink, appearing to read 'Yeshi Choedon', is written above the name.

**Dr. Yeshi Choedon**  
**Supervisor**

**Dedicated**  
**to**  
*My Bhaiya, who left for  
heavenly abode.*

## CONTENTS

	<b>Page</b>
<b>Acknowledgement</b>	<b>i</b>
<b>List of Abbreviations</b>	<b>ii-iii</b>
<i>Chapter 1</i>	
Introduction	1 - 21
<i>Chapter 2</i>	
Norms and Standards of Partnership	22- 39
<i>Chapter 3</i>	
WHO-Private Sector Partnership	40-59
<i>Chapter 4</i>	
UNICEF-Private Sector Partnership	60-75
<i>Chapter 5</i>	
Conclusion	76-83
References	84-89

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### **List of Abbreviations**

CSR	Corporate Social Responsibility
CTC	Centre on Transnational Corporations
DPKO	Department of peacekeeping operation
ECLA	Economic Commission for Latin America
ECOSOC	Economic and Social Council
FAO	Food and Agriculture Organisation
FDI	Foreign Direct Investment
GAVI	Global Alliance for Vaccines and Immunization
GMP	Good Manufacturing Practices
GNP	Gross National Product
HAI	Health Action International
IATA	International Air Transport Association
IBFAN	International Baby Food Action Network
ICAO	International Civil aviation Organization
ICC	International Chamber of Commerce
ICT	Information and Communication Technology
IFPM	International Federation of Pharmaceutical Manufacturers
ILO	International Labour Organization
INGOs	Inter-Governmental organizations
IOE	International Organization of Employers
IOE	International Organization of Employers
MDG	Millennium Development Goals
NGO	Non Governmental Organization
NIEO	New International Economic Order
OCHA	Office for the Co-ordination of Humanitarian Affairs
OCP	Onchocerciasis control programme
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OLA	Office of Legal Affairs
PSD	Private Sector Division
TDR	Training in Tropical Diseases
TNC	Trans National Corporation
OLA	office of Legal Affairs

UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCED	United Nations conference an Environment and Development
UNCTAD	United Nations Conference on Trade and Development
UNCTC	United Nations Commission on Transnational Corporation
UNDP	United Nations Development Programme
UNEP	United Nations Environment programme
UNESCO	United Nations Economic and Social Council
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIDO	United Nations Industrial Development Organisation
UNOPS	United Nations Office for Project Services
UNRWA	United Nations Relief and Works Agency
WBCSD	World Bank Council for Sustainable Development
WHA	World Health Assembly
WHO	World Health Organization
WSSD	World Summit on Sustainable Development

**Chapter 1**  
*Introduction*

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The world is engaged in the process of organising.....the course of development of an international organisation may determined less by consciously adopted plans of the government that participate in its decision or the office, who serve it than by cumulative influence of day-to-day pressure and case by case decision ( Claude,1964:3-7).

The changing dynamics of the international Order as well internal developments has not spared the United Nations. The realist version regarding it being state-centric in nature has come to be debated in the academician's discourses envisages the role of the other actors apart from that of the state. Having a peep into antecedents mark Nongovernmental organisations (NGOs) being an important participant in the United Nations system since 1945 making their survival and say in the intergovernmental meetings, presenting written statements, make speeches with around 3,000 having registration as well as their quantitative scramble at the United Nations and have consultative status tended to extend its tentacle in even policy making. Though the proliferating NGO are not only entity that has seen the other side of the state-centric confinement of the international organisation. The private sector especially corporations accounting nearly 64,000, major transnational corporations having 866,000 foreign affiliates operating throughout the world, having between 25 % and 33% of world output, 70 percent of international investment have emerged as a key player on the world's stage with overseas production by these firms exceeding considerably the level of world exports, controlling the location and distribution of economic and technological resources. It has emerged as a vital ingredient in the international order reflected only recent discussion, deliberation and in the discourse of reform in the United Nations. At the dawn of the twentieth century and the inception of twenty-first century casted by of globalisation, the private sector asserting its paramountcy, the UN under the stewardship of Secretary-General Kofi Annan at the world Economic Forum challenged the corporate to engage with UN. Another development was the Millennium Development Goals (MDGs) that specifies forging a global partnership with the private sector in reaping the benefit of the new technologies, especially information and communication technologies apart from it pharmaceutical companies' cooperation is envisaged in providing access to affordable essential drugs (UNDP2003a). The manifestation of partnership surfaced in the UN system as in July 2003 saw the formation of a high-level commission under the aegis of the United Nations development Programme (UNDP) on Private Sector and Development embarked yet another step for the Secretary-General, "...yet another

illustration of the rapidly growing partnership....in our work to reach the Millennium Development Goals”(UNDP 2003b). The reiteration of the utility of the Private sector partnership was propagated not only at different forums like the General Assembly, World Economic Forum and but also at the ground level too it got manifestation. In recent years, it has taken many forms from time-bound project partnership involving small number of actors to global initiative involving a multitude of actors. Explicitly, policy advocacy, operation delivery, peace building and several frameworks of partnership engages UN and Private Sector.

The partnership issue is in discourse inquisitively as private sector primarily constituted by the corporate sector, transnational corporations (TNCs), often visualised as prominent violator of the human rights in the world ensuing partnership with UN, presents astonishment and dilemma. Such nurtured partnership presents question of how unfettered private sector would seek to promote the UN goals. How it could be regulated under the aegis of the United Nations. Consequently, vitality of norms or standards set up by the United Nation. The analysis to whole issue would be possible by exploring the nity-gritty of the issue and not being critics or being pessimistic without stretched discourse. It would be fair to gauge the partnership and the actual working before arriving at any conclusion.

To begin with this chapter attempts to comprehend conceptual intricacies of the Private sector, civil society, NGOs and also partnership. Elaborating further would be peeping into the historical traces of the UN interaction with the Private Sector. As next section would look into the rationale of present partnership where ideological shift, leadership, financial crunch and other factors at UN plays a vital role necessitating Partnership and, It also highlights different forms of partnership that are prevalent .The last section provide views expressed by different sections regarding the on going partnership, it ends with theoretical approaches prevalent in the discourse to the entire issue of partnership.

## **A CONCEPTUAL FRAMEWORK**

With regard to coming up of a clear definition of “the private sector” has been a cumbersome task, though an overarching definitions comes from the glossary of the

Unites Nations that include firms, business federation, employer associations and industry lobby groups, commercial media organisation, philanthropic foundations stemming from industrial endowment could fit here but some of the academicians see it as part of the civil society. Though, some of the modern communication channels such as web log and alternative news service available through net have characteristics of civil society. Although the category includes small and medium-sized enterprises, some of these are supported by non-governmental Organisation or cooperatives may have characteristics closer to civil society.

The conceptualisation of the private has been the subject of no unanimity. Some definition confines to the profit-making commercial entities. In the World Bank's definition private sector include the business world only (Tesner, 2000:30). The Clear definition could not be even arrived by the Cardoso Panel report rather they invented the term constituencies to refer civil society, private sector and the state. Sandrine Tesner uses the private sector to refer to the privately held commercial organisation engrossed in the profit-making whether they belong to the manufacturing sector or service sector, though the issue of the corporate social responsibility or voluntary regulation is very much part of the cost-benefit analysis of the corporate sector.

After coming through different definitions of the private sector, it is also clarified that and civil society are kept at different plank from the private sector though some of the elements of civil society tends to overlap with the private sector like chambers of commerce. The civil society bears a broader meaning encompassing all Organisation and associations that exist outside the state and market i.e. government and business. It includes advocacy groups, association of professionals such as doctors, lawyers, and scientists, along with labour unions, chambers of commerce, religious groups, ethnic associations, cultural group, sporting associations, and political parties (Karns and Mingst 2004:25).

In my dissertation, the focus of my attention would include a broader view of the private sector that would include profit-making transnational corporations, foundations as well as and private philanthropic foundation of the corporate sector.

The notion of Partnership for development was defined as early as 1969 with the Pearson Commission On International Development that considered the nature of partnership between the donor as well as recipient countries entailing reciprocal rights as well as obligation of each other and establishment of the clear objective benefiting both “Partnership” as well as “sustainable development” emerged a buzzword in the world at large in 1990s. Due to widespread use of the word in the national and international political sphere, in corporate advertising and corporate reporting the epithet “partnership” is now omnipotent that it has become almost trite if not devoid of meaning( Zammit 2003:52 ).

In common parlance, with reference to UN/UN system partnership means agencies coming into relationship with any company, institution and people as beneficiary of technical assistance, project counterparts or sponsors. Sociologically, in development discourse, it has complex connotation that engages not only different actors and institutions together to pursue a common goal, but also mutual respect, transparency, balanced power relations and the equitable distribution of benefits, responsibilities and risks.(Utting 2000:11). According to the World Bank, a partnership is

“An agreement to work together, for common goals, with all parties committing resources (financial, technical or personnel) to agreed activities, with a clear division of responsibilities and distinct accountabilities for achieving these goals”.

The World Bank regard that partnerships are multi-stakeholder activities involving government and civil society actors, which is distinct in the case of profit-making corporations. Transparency i.e. providing equal access to information by all participants is key element of the partnership.

According to Jane Nelson and Simon Zadek (2000) partnership means:

“People and organisations from some combination of public, business, and civil constituencies who engage in voluntary, mutually beneficial, innovative relationships to address common social aims through combining their resources and competencies.”

This definition is a broader and overarching conceptualization but stresses the three fundamental aspects of successful partnerships i.e. their voluntary, non-coercive nature; the presence of mutual benefits; and the achievement of common goals. Mutuality of benefits and communality of goal are requirements of so-called “Win-Win situation” without which public private partnership is assumed to be of no avail. Sandrine Tesner (2000) defines a UN-business partnership as follows:

“A UN-business partnership is a mutually beneficial agreement between one or more UN bodies and one or more corporate partners to work toward common objectives based on the comparative advantage of each, with a clear understanding of respective responsibilities and the expectation of due credit for every contribution”.

But, one definition that taken up by the Secretary-General attach it as follows:

“Partnerships are commonly defined as voluntary and collaborative relationships between various parties, both State and non-State, in which all participants agree to work together to achieve a common purpose or undertake a specific task and to share risks, responsibilities, resources, competencies and benefits” (UNGA 2003).

Thus, a myriad views of the Partnership and various actor involved in partnership. My dissertation attempts to concentrate upon the partnership between the UN system and Private sector.

## **HISTORICAL ACCOUNT OF PARTNERSHIP**

The collaboration between the United Nations and the private sector is not new. A step back, during the interwar period (1919-1939) a view opines “governments were often less reliable than private charities”. The private foundations established to distribute the fortunes of successful industrialists played a vital role in sponsoring innovations in international cooperation through the League of Nations. According to one study by Carnegie on what the UN could learn from the League, it has been argued that the organization had become too dependent on a small group of philanthropists. The Rockefeller foundation, for example had covered nearly half the cost of the League health program and nearly 10% of the secretariat’s economic programmes. The Carnegie endowment, Twentieth century Fund, Edwin Gilwss World Peace Foundation also made significant contribution (Murphy 1994:103). International Labour Organisation (ILO) was the UN’s first private- public partnership with its tripartite structure its International Organization of Employers (IOE) has been structural part of

the since 1918, in which employers and trade unions could participate along with the government.

The United Nations, from very inception maintained relationship with business associations and coalitions. While UN being in its formative stage, it was in San Francisco conference 42 American organization in diverse areas viz. business, law, education and labour participated. (Tesner 2000:6). They played an active role in influencing the formulation of the UN Charter, especially with regards to Article 71, which talks about the consultative relationship between the Economic and Social Council (ECOSOC) and NGOs (Martens 2007:12).

Though the UN's Economic and Social Council (ECOSOC) was mandated to carry out and monitor UN's economic and social function, the UN charter mandated ECOSOC with functions of publishing reports and studies on economic and social issues, calling for conference on these matters, making recommendation to General Assembly in its mandated area. Under, Article 71 of UN charter, ECOSOC could make suitable arrangement for consultation with non-governmental organization but did not say anything about its interaction with private sector specifically (Tenser 2000: 10-11). But under the purview of this provision, International interest groups from the business sector have had formal participatory rights. The International Chamber of Commerce (ICC) received accreditation to the UN under Article 71 since its outset. Many business organizations had consultative status ranging from trade and industry associations such as the International Federation of Pharmaceutical Manufacturers Association (IFPM) and the International Organisation of Employers (IOE) followed this lane. However, individual companies had no formal participation opportunities in UN bodies until the year 2000. But, individual companies came into scene in early acting as UN sponsors. For instance multimillionaire John D. Rockefeller Jr's gift to the UN accounts that by end of the 1940s, he donated \$8.5 million to purchase a piece of land on the New York East River for the UN's headquarters. It is a fact that without his contribution, the present central geographical location that is acquired by headquarter could have been somewhere on the outskirts of the city (Martens 2007:12).

With the 1950s because of ideological rift within market economy and planned economy advocates, clearly reflected in the bipolar world became a hurdle for

the nearness of the UN and corporate sector (Therien and Pouliot 2006: 57). Along with it early 1950s was marked by the Korean war that diverted the attention of UN's economic and social tide to political one, also the UN has little to engage private sector as it was entrusted to the American designed Marshall plan (Tesner 2000:12).

During the decade of 1960s, a dramatic shift in the UN membership was marked with "institutionalized animosity" reflected in the North-South Confrontation (Therien and Pouliot 2006:57). Between 1945 and 1960, 16 new states and 17 states respectively brought a different dimension of debate on economic development asserting accentuating technical assistance, development policies for developing world through channel of UN specialized agencies (Tesner 2000:13). During this period, there was no direct participation of private enterprise in the UN Development policies, the creation of UNCTAD, being a vocal point for the developing countries ruled out such partnership.

The demand for New International Economic order in the 1970s asserted for the regulation of Transnational Corporations (TNCs) that resulted in the creation of centre on Transnational Corporation (CTC), entrusted with helping developing countries to build up their capacity to negotiate with the transnational corporations. Secondly, United Nations Commission on Transnational Corporation (UNCTC) was attributed to establish code of conduct for transnational corporation. These institutions came to critically monitor the Thus, an environment of confrontation continued between the United Nations and business(Therien and Pouliot 2006: 56).

Though, 1960s and 1970s saw dramatic shift in the UN membership that heralded a neo-Marxist analysis of the International economic system as well as emphasized redistribution. But failure of their policies only made them to return to liberalism. Also, UN policy toward TNCs changed as UN agencies like UNCTAD became facilitator to developing countries to Foreign Direct Investment (FDI)(Coleman 2003: 350).

An early attempt was made, in the UN's 1992 in Boutros – Boutros Ghali came up with *An Agenda for peace* that flagged a greater role for the private sector in the pursuit of human security objectives by acknowledging the link between security

and development issues, including the importance of economic growth as a basis for international stability .Since the end of the 1990s the representatives of the business world have been invited to attend and make inputs into global conferences such as the 1992 United nations conference an Environment and Development (UNCED), the 1995 World Summit on Social Development and the 2002 WSSD, that helped the UN agencies to engage with the private sector (Zammit 2003: 29). According to an argument though UN initiatives of forging partnership is not new but the recent development has been “a fundamental shift in the way that UN approaches the private sector and perhaps in the way that the private sector sees the United Nations” (Mezzalama and Ouedrago 1999: 4).

In the recent years, UN drew closer to business by number of forms these include setting operation public-private partnership as well as developing joint forms of diplomacy. For instance, Global Alliance for vaccines and Immunization (GAVI), a programme whose goal is to provide vaccines to the children of the poorest countries, has brought together the Bill and Melinda Gates Foundation, the Rock feller Foundation, the International Federation of pharmaceutical manufacturers and Associations, along with the WHO, the UN Children Fund (UNICEF), and the World Bank. Similarly, UNDP has launched partnership with a number of high-tech companies, the Global Digital opportunity initiative, aimed at initiating e-strategies in the third world countries (Therien and Pouliot 2006: 59). Thus it comes query that what are different forms of partnership that have emerged in the recent years.

## **FORMS OF UN-PRIVATE SECTOR PARTNERSHIPS**

The UN’s classifications of the partnerships that are found under the UN banner indicate heterogeneousness of the partnership in the UN. Moreover, it is clear that it would be difficult, if not irrelevant, to attempt to analyse some of these types of so-called partnerships:

### **Categories of partnerships under the UN banner**

- Public policy networks
- Voluntary standards initiatives on sustainable development
- Advocacy and fund-raising partnerships
- Partnerships to facilitate private investment



- Global knowledge and learning networks
- Operational delivery partnerships
- Country-level co-operation
- Building partnership capacity in developing countries
- Partnerships to address global health issues
- Partnerships to address global environmental issues

Jane Nelson (2002) has illustrated different levels of co-operation between UN and private sector; first, it includes contractual, commercial agreement between the United Nations system and the private sector for the provision of goods and services to meet the operating needs of the UN and its programmes delivery commitment. The average value of a typical UN contract is small i.e. US \$20,000 and no more than 2% of the total number of UN procurement orders. The World Food Programme (WFP), the United Nations Procurement Division, UNICEF and UNDP are the major procurement bodies in the UN. Many potential suppliers while interacting with the UN, lack not only access to relevant information but also skills and capacities for working with UN. Similarly, the private sector including small, medium and micro-enterprises and business association in developing and transition economies have been recipient of grants, loan and technical assistance, advisory services from UN bodies i.e. UNCTAD, UNIDO, UNDP, UNEP, WHO and the World Bank group, offer support to business for developing and transitional economies. Second, form of partnership is policy dialogue that includes formal and informal participation of the private sector in official intergovernmental deliberations and in Institutional governance. It involves a variant of measures ranging in scope and formality from full participation in multilateral governing body (For example is UNAIDS, the joint United Nations programmes on HIV/AIDS), to participation in commissions, committees taskforces, and working groups to informal consultative mechanisms and global policy networks. (Bull *etal* 2004: 482-83). To illustrate it, UNAIDS, whose programme co-ordinating Board, that serves as its governing body constituted by 22 governments from all regions elected by ECOSOC, the 7 UN co-sponsors of UNAIDS and NGOS, including association of people with HIV/AIDS. Also, with the United Nations conference on Environment and Development in 1992, increasing efforts have been made to include the inputs of the business sectors into these conferences. The ECOSOC High Level group of Advisors on Information and Communication Technology (ICT) has led to the creation of

UNICT Taskforce, including representatives from the private sector. Business Action for sustainable Development has been established by the International chamber of commerce (ICC) and the World Council for Sustainable Development (WBCSD) to serve as a co-operative platform for private sector input to the summit.

Third, area of partnership is project design and operational delivery. It involves joint programme, implementation, evolution, involving mobilization of financial, technical and managerial resources from partners for instance, Refugee Registration project, a partnership between United Nations High Commissioner for Refugees (UNHCR) and Microsoft and its corporate partners to improve information management in refugee crises; and an agreement between UNAIDS and coca-cola to channelise the company's in-kind assistance, its particular with regard to logistics and marketing to priority activities against AIDS in Africa (Bull *etal* 2004: 483). Operational delivery became vital with the evolution of peace building that creates a pulpit for the private actor to play a significant contribution. It has been argued that over the long term, only the private sector is capable of growing enterprises, opening investment opportunities and providing employment and enduring economic security. Apart from if, it can also be the catalyst for integration approaches by the UN. The scourage of intra-state war will not be contained unless the vicious circle of poverty, economic injury and political governance is broken (Gerson 2001: 102-103). The availability of expertise, unparalleled ability to create jobs and wealth, presence of managerial know-how, would give UN an additional benefit for the civil strife country whether it is Somalia, Rwanda, or elsewhere. But such partnership seems challenging as it is not easy to invest in troubled zone on large scale. The creation of new structure like A peace transition council would enable private sector to have sent at the table with representatives of UN and its various consultative bodies, the world Bank and NGOs community in formulation and implementation of a post-conflict strategy to accentuate the powers from conflict to peace. A relative instance of broking partnership can be cited that goes between OCHA (the Office for the Co-ordination of Humanitarian Affairs), on the UN behalf and Ericsson, with the aim of including other companies and partners overtime. The contribution of mobile communication equipment and the provision of Ericsson Response volunteers in the United Nations relief operation, especially UN disaster Assessment co-ordination Activities reflect operation delivery partnership.

Fourth, partnership area relates to philanthropic resource mobilization. This includes cooperative efforts between multilateral institutions and the private sector jointly to mobilize public and private capital for multilateral programmes and development in general. This category also includes raising and facilitating private investment indirectly. The investment deliverables 'initiative, which is a joint initiative by the international chamber of commerce and the United Nations Conference on Trade and Development (UNCTAD). Well known examples of philanthropic contribution include the donation by the Ted Turner Foundations \$750 million grant to the Global Alliance for vaccines and Immunization (GAVI). In past public private partnership often meant you give us your money and we'll spend it' today, partnership means truly working together sharing intellectual and financial resources and benefiting from each other's comparative advantage. (Dossal 2004: 1).

Fifth, advocacy partnership that envisages initiatives between multilateral institutions and private sector. The official purpose of these partnerships is to raise public awareness and support for the objectives and programmes of the multilateral institution in question. Net Aid is example of it. This website is on joint initiative by the United Nations Development programme and CISCO system. It was launched in 1959 with the ambitious objective of raising awareness of, and Funds for, the elimination of poverty (Bull, et al 2004: 483). The Advocacy partnership also include generating public awareness and support for UN values like partnership between UNAIDS and the media such as MTV to raise awareness of HIV/AIDS especially in youth population.

Sixth, form of cooperation pertains to research and learning. This form of partnership is reflected by the instance that ICAO (International Civil Aviation Organisation) has worked in partnership with International Air Transport Association (IATA) to produce manuals and technical materials widely used by the aviation industry. Another instance include the business partners for development program a global learning network consisting of some 120 companies, civil society organization, and government agencies convened by the World Bank in 1998 (Bull *etal* 2004: 483).

Although cooperation between the multilateral system and the private sector is not a new phenomena, but the qualitative and quantitative increase represents a significant change in the multilateral system. Though it is important to question what are rationale that impelled such partnership.

#### **UNDERLYING RATIONALE OF PARTNERSHIP**

Sandrine Tesner (2000) argues that with the end of the cold war, the globalisation of the economy, and the announced “end of history” were factors in the UN’s decision to renew its ties with the private sector. The cold era, especially 1960s saw UN membership filled by the developing countries asserting a neo-Marxist analysis of the international economic system and emphasized on redistribution in New International Economic order (NIEO) under the umbrella of the United Nations. But the failure of their policies made them to return to liberalism in 1980s. Substantiating this argument comes another view that ideological shift has taken place first outside and much later within the UN. Previously, the private sector viewed the UN as a hostile place, inspite of long-standing close cooperation with organizations such as the World Health organization (WHO), the Food and Agricultural organization of (FAO), and International Labour organization (ILO). The imbibing of neo Marxist ideas in UN bodies such as UNCTAD also kept a distance with the private sector (TRAC, 2000). The pursual of neo-liberalism in the UN gave way for the private sector to cast an important role. Privatization at the national level i.e. Changes in ownership of state enterprises, liberalization and deregulation and franchising or rolling back of social and economic activities of the state at the national level due has caused a process of privatization at the international level in the United Nations. While this process is not visualized in the entire UN system, and certainly not in the Security Council, General Assembly and the secretariat but observable in certain UN Forum. While “Ownership” of the UN, in the sense of formal membership and voting powers remains in the hands of government; private companies are increasingly influencing decisions and activities which are nominally the prerogatives of the government (Lee *et al* 1997: 339-41).

Another facet of ideological shift has been changing view of appropriate regulation of market actors in the international system. The UN has never much success with regard to creating international standards for transnational corporation operating beyond the jurisdiction of single states. For instances, the negotiation on a code of conduct for transnational corporations (TNCs), conducted under the auspices of UNCTAD since 1974, were dumped in 1992 without any agreement being reached. But, the Global Compact is understood as an attempt by the UN to fill the need for a global mechanism to set standards for corporate social responsibility (CSR) within the current ideological framework. Also argument forwarded is that the partnership undertake development-related task in countries of south (such as providing cheap medicines to save lives), also provide opportunities for corporate image enhancement, vehicle for market penetration by providing already powerful enterprises with preferential access to developing country market and other means of increasing competitive advantage and policy influence, for example through privileged access to developing country.

The permanent financial crisis of the UN system has been an important driving force for making the UN system seek new and creative solutions. Some argue that increased private sector participation in the multilateral system is a direct consequence of lack of sufficient funding from the member states. The challenges for the UN have been stemming with diminishing of material resources, and the diffusion of policy expertise amongst a growing non-state actors and the erosion of governmental legitimacy. Thus, at international place “crisis of multilateralism” began to set in during the 1970s and 1980s and a growing disillusionment on the part of third world state in terms of influence to be gained through their participation in International organization, also U.S. budgetary debt was not paid (Hocking and Kelly 2002: 206). Both the aid crisis and the UN financial crisis became particularly acute in the 1990s. Levels of OECD development assistance declined from \$61 billion to \$48 billion dollars between 1992 and 1997 or from 0.33 to 0.22 per cent of GNP, a fraction of the 0.7 per cent which the industrialized countries pledged in the 1960s. Also, the Official Development Assistance (ODA) gained new levels in 1990 affecting the United Nations Development programme strongly. The US government had run up arrears of \$1 billion in its payments to the UN. Restructuring and budget cuts became the order of the day and there was even talk in agencies such as UNIDO

(United Nations Industrial Development Organisation) and UNCTAD. The UNDP have recent years experienced serious budget cuts responded by UNDP creation in 1990 a division for the private sector development. In such a context, the private sector came to be seen as a potentially important source of alternative funding. UN agencies came under pressure to seek out private sources of funding (Utting 2000: 7).

The dramatic increase in the number and scale of peacekeeping operation in the early 1990s led to the involvement of private sector in UN reform. The Intra-state nature of conflict praising enhanced the UN Department of Peacekeeping Operation (DPKO) to enhanced procurement of goods and services through UN's procurement system. The relationship went beyond contractual procurement relationship as the peace keeping operations had peace building mission also to accomplish. Thus, the private came to contribute in a larger way. The private sector designed the communication system and procedure of situation centre, global multimedia facility (Tesner 2000: 28).

Taking account of the social development assistance in 1995, 85% was from the government, the rest was from private sources contribution. In case of UNICEF, non governmental contribution accounted for 21% of total receipt in 1995, primarily from its long standing greeting cards operation. The emergency relief program also receive substantial private contribution 24% of the total receipt in the case of United Nations High Commission for Refugees (UNHCR) 24% of United Nations Relief and Works Agency (UNRWA) in 1995. Though, it is to be noted that private fund is much responsive to disaster and emergencies but much less to long-terms social development programmes. Some author also cite that business sector work with UN has been to accomplish Millennium Development Goals (MDGs), the direct involvement for business is expected to change things for better (Zammit 2003: 45).

An important factor for understanding the initiative for engaging private sector is attributed to the leadership. Kofi Annan being at the helm of affairs brought an appreciation for the private sector that none of his predecessors had displayed. Being education in USA with an MBA degree has radical departure from traditional government and diplomatic background of every UN secretary-General before him. Kofi Anna soon sent the nod that his approach to problem solving would rest on

finding expertise where it lies and engaging the actors that are shaping today world. Corporation would be chief among them ( Tesner 2000: 32). His initiative for engaging the private sector has been reiterated at different platforms that apparently speak of the leadership of Kofi Annan. In his 1999 address to annual meeting of the world Economic Forum, UN Secretary-General Kofi Annan observed that:

“The United Nations once dealt only with governments. By now we know that peace and prosperity cannot be achieved without partnership involving government, international organizations, the business community, and civil society”. Later, in his speech to the Chamber of Commerce of the United States, the UN Secretary-General elaboratd:

Confrontation has taken a back seat to Co-operation. Polemics have given way to partnership.” Pointing to the “Soft instructure” of the global economy – values, stability and services – provided by the UN and its agencies,” all of which ensured the free flow f goods, services, finance and ideas”, the Secretary – General commented” it is no surprise that United Nations and the private sector are joining forces. The voice of business in now heard in UN policy debates corporations are also offering concrete support. (United Nations 1999).

In his project, he was Joined by other influential leaders of UN agencies such as Mark Malloch Brown, head of the UNDP and Gro Harlem Brundtland, former head of the WHO. In this leadership at intellectual level was provided by people such as John Ruggie, who from 1997 to 2001 was assistant Secretary-General and Chief adviser for strategic planning to Kofi Annan, and George Kell, who came to head the office of the Global compact.

Another factor that is being argued to be the rationale behind such partnership include globalization and its impact that is being manifested in diverse forms and further make globalization work for the poor. Policies promoting globalization through economic deregulation and liberalization have been widely adopted since the early 1980s as Neo-liberal economic orthodoxy gained ground across continents. Its advocates projected substantial benefits for developing countries as a result of the expected increase in international trade and capital flows. Though, in the wake of globalization, different discontents have come has come forth be it greater disparities between and within nations among its citizens especially its unskilled workers in terms of the economic opportunities, prosperity, access to health, education, new technologies, increased level of environmental degradation, threat to the integrity of

the sovereignty from the MNCs and international bodies. To tackle these vulnerabilities the partnership has been emphasised (20002). But rather than steady growth, development and convergence, many developing countries have experienced weak growth, widening income disparities, persistent poverty, growing debt and financial crises.

## **DIFFERENT PERSPECTIVES ON PARTNERSHIP**

There is a contrary view held by many sectors. Critics argue that privatization of multilateral system has been initiated with such partnership in the midst of financial crisis of the multilateral institutions. Such argument is forwarded by NGOS. They have argued that “the corporate influence at the UN is already too great, and the new partnership the UN are leading down a slippery slope, towards the partial privatization and commercialization of the UN system itself” to commercial trade, investment, and financial rules, and are aiding and abetting” the growing concentration of wealth and power in the hands of fundamental undemocratic global corporation with no accountability to government or people. (Utting 2000: 4). Developing countries have been also slow to support the Global compact initiatives and believes that the principles selected contain a northern bias. The concern has been expressed that TNCs behave as monopolies, demanded for foreign corporations to contribute to the tax base and share of technology by the developing countries.. In the General Assembly, in September 2000 Millennium Declaration, heads of state and government gave accent to the secretary-General’s idea that private sector, non-governmental organizations and civil society, in general, to contribute to the realization of organization’s goals and programmes.” In the wide-ranging General Assembly debate, the Group of 77 developing countries in particular exhibited a number of contentions that are reflected in the resolution (A/RES/55/215), which incites the UN system to continue to stick to a common approach to partnership which without imposing undue rigidity in partnership agreement, includes the following principles i.e common purpose, transparency, bestowing no unfair advantage on any partner of the United Nations, mutual benefits and mutual respect, accountability, respect for modalities of the United Nations, striving for balanced representation of relevant partners from developed and developing countries and countries with



economies in transition, and not compromising the independence and neutrality of the United Nations system in general and the agencies.

In particular, with regard to Global Compact widely identified as the vehicles and beneficiaries of globalization, have become the focus of much of the public's frustration and anger the big business is expected to welcome opportunities to associate with the UN where it could be seen to be "doing good,". In June 1997 a high level meeting Co-hosted by the executive director of the world Business council or Sustainable Development (WBCSD), established to represent the interests of TNCs at the 1992 UN Conference on Environment and Development in Rio, was held with the president of the UN General Assembly to "examine steps towards establishing terms of reference for business sector participation in the policy setting process of the UN and partnering the uses of UN development assistance Funds.

The view of the corporate sector as a mixed reaction at one hand being accused for being criticised for being exploitative but the reputation cost earned making inroads for creating investment ground in different countries provide happy feelings for corporate sector. Thus it says:

The free market will not on its own build a society free of hunger, ill health and insecurity. The other essential feature of building the framework for sustainable progress is building a sense of partnership within society which can both tackle these pressing social issues and bond people together in a common endeavour.

The International chambers of commerce (ICC) representative of thousand business and business associations from over 100 countries embarked upon a systematic dialogue with the United Nation with a vision to enhance its influence over the world body. The Geneva Business partnership was formed in September 1998 by the ICC with a view to facilitate discourse between 400 business leaders and the representatives of International organizations, including the ILO and the World Health organization (WHO), on "how t establish global rules for the ordered liberalism. It is said that ICC and the UN were cultivating a closer relationship for many months preceding Kofi Annan's public appeal in January 1999. with the coming up of the Global Compact, it was that both are mutually supportive, one would assisted in achieving goal of peace and development whereas others goal of wealth and prosperity creation would be also fulfilled.

The IOE has also expressed its aspiration to commit to the Global Compact stating that it would work with the Global Compact office and UN agencies directly involved in making the principles 'a reality on the ground'. But, in the Employers Guide to the compact the IOE regards compact as "inspirational" and the compact "plays a role in promoting the good practices that have been inspired by the nine principles. It was not established to provide a forum, welcomed the Global Compact and was reflective of the UN" Collaboration. With the private sector Global Compact dialogues and other compact meetings leave little room for doubt that business interest is high perhaps because they private companies with a potentially fruitful means of expressing Corporate Social Responsibility (CSR) in a manner that may private benefit at little cost. Proponents regard such partnership would enable multilateral institutions to pursue their tasks more efficiently in a world in which government of rich countries are not able or not willing to provide the resources necessary for eradicating poverty and misery from the poor countries. The partnership is usually justified in terms of resource mobilization, promotion of certain values and forms of governance. They provide a means of tapping the funds, technology, competencies, creativity and global reach of business community and employing these for development and ethical goals. They may also serve to raise the profile of human right, labour standards and environmental issues in a world which appears more concerned with market economies and corporate profitability than people centered development. Partnership may further mend the two disequilibrium of 20<sup>th</sup> century namely, the disconnectedness between the economic sphere and broad frameworks of shared values and practices as well as imbalance in International governance structure (Utting, 2000: 3)

From the UN perspective, it has been argued that UN's policy of rapprochement with the business community is motivated by an attempt to regain policy relevance in the context of global world. (Tesner, 2000: 150). With regard to the Global Compact, keenest support came from within the UN secretariat including Global Compact offices and UN agencies that are directly involved. Two prime arguments comes from this section firstly, the global compact would effectively contribute to sustainable development and to better distribution of global wealth. The compact is being seen as win-win solution to world poverty, also corporations have

become the hub for provider of technology and expertise and the private sector is being regarded as panacea for today's economic challenge.

Secondly, the compact has the advantage of being grounded is more inclusive and they more legitimate mechanism of governance. The consequent chapters would look into nitty-gritty of the different facets of partnership prevalent in World Health Organisation (WHO) as well as United Nations Emergency Fund (UNICEF) and its working, and mechanism and policy at place for the sustenance of the partnership.

## **THEORETICAL APPROACHES**

Theoretical basis for understanding the current private sector partnership in the multilateral institution could not seen through the prism of realism or neo-realism as their basis of understanding concerns only the states are sacrosanct and for them international organisation or any other entity is below it. The other approach could to understand the whole gamut from the prism of liberalism of as the focuss of the theory assert that state not being the only and primary actor in the international relations. One of the variant of this theory is interdependence that presents an alternative to the "ideal type" as alternative to the realist theory. In *Power and Interdependence* authoured by Robert O.Keohane and Joseph S.Nye such development of the partnership could be visualized. The three prime argument that is being envisaged include multiples channels connecting societies that include informal ties between government elites as well as formal foreign office arrangement; informal ties among nongovernmental elites and transnational organisation including multinational banks or corporation. These channels could be summarised as interstate that are the normal channels as proposed by the realists. Transgovernmental applies to when states do not act coherently and transnational refer where the state is not only actor. The partnership between the United Nations and private sector especially in terms of the public-private partnership could be seen as a part of the multiples channel connecting societies.

In the words of Sandrine Tesner, a form of UN-private partnership in the form of the Global Compact and embodiments of nine principles in UN activities, and UN partnership with the private sector has asserted as reinterpretation/rephrasing of

compromise between liberal and Keynesian policies enshrined in the UN charter. The liberal idea got challenged with the great depression and economic crisis and an urge was for the Keynesian idea reflected governmental intervention, if not provide full employment, price stability, and social safety nets during recession.

Reflecting Such development has been portrayed as “old” and new form of multilateralism with the former being state-centric inclined while later being the reshape the whole conceptualization of the multilateralism and furnish a new meaning reflective of the “bottom up” approach rather than “top down.” The traditional power relations are changing. They are part and parcel of what has been called complex multilateralism. In other words a system of governance which involves not only formal state-based institutions (national and multilateral) but also the private sector and civil society. It is opined that “since securing agreement of government officials is not enough to permit the smooth running of the....Institutions”( O’Brien *etal* 2000: 208) According to Nelson and Zadek, traditional power hierarchies are being replaced by a more complex, multi-relational balance of power, where citizens and companies are playing an active role in shaping socio-economic change and addressing problems that were previously the sole responsibility of government (Utting 2000: 4).

According to some of the writings the development like such has been conceptualised from the insight from constructivism and neo-Gramscianism. The constructivists posture advocated by Nicholas Onuf that if social agent are to act in a fruitful manner whether it is institutions in the multilateral institution or in the other social organisation, they must draw a practice-based rules of the particular game, including the experience of the antecedents, habits and more or less mechanical rule. The present reflection of the Global compact has been seen in such perspective being conditioned by the past experience. But the problem with such conceptualization is that most of the mainstream constructivists are state-centric, fails to theorise dialectics between ideas and material factors and does not address the dimensions of power in terms who gains and who loses from the norms and rules that have emerged.(Bull *etal* 2004: 490-98)

Another theory that is being employed to do away with the shortcomings of the constructivism is neo-Gramscian advocated by his disciple that regard hegemony is being maintained through civil society through which the hegemon creates consent for its moral, political and cultural values of the dominant group throughout the society. According to Gramscian analysis, dominant ideologies become sedimented to the extent that they take on the status of unquestioned 'common sense.' All this takes place because of the institution of the civil society. The insight drawn from it is that the Concepts such as public-private partnership and corporate social responsibility is being visualized and understood to be instrument for creating consensus to sustain hegemony. The UN-private sector partnership could be seen as transnational block, and multilateral institution being watched as embodying those principle and rules that facilitate hegemonic world order, they ideologically legitimizes the norms of the world order. Under, such development the elite from the developing world gets evaporated and counter hegemonic ideas gets disillusioned.

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This research would see the present development in the partnership taking into account the above theoretical approaches as well as perspectives.



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**Chapter 2**  
*Norms and Standards of  
Partnership*

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The laying down of norms or creating norms is one of the prime functions attributable to international organization. International Organisation, while performing diverse functions either as an instrument, forums or an actor, have made a significant contribution to the norm creation in the international political system.(Archer 1992: 163-165). It is not limited to the United Nations *per se* but the UN agencies or wide range of Intergovernmental organizations (INGOs) can also act as platform or forum to set up norm by using networks to advance norms in multifarious areas that include sustainable human development, human rights, and disarmament. For instance UNICEF in the 1980s<sup>1</sup> and later UNDP in 1990 with its annual *Human Development Report*, has reshaped the analytical framework and the discourse on development issues. UNICEF made its endeavour with respect to landmines, child soldiers, and other children's rights issues. The Office of the High Commissioner for Human Rights is primarily a norm entrepreneur, and it has exercised such leadership through its de facto advocacy coalition with like-minded states and NGOs for the creation of the International Criminal Court. In recent years Secretaries-General have been important advocates for a range of disarmament issues, including landmines removal and the Chemical Weapons Convention( Reinicke *etal* 2000 :85).

With reference to the corporations from time to time efforts have been taken up. To set norms, it would be appropriate to having a bird's eye-view of mechanism available with regards to regulating the corporations. At the International plank, at the present several initiative to regulate the transnational corporation is at place in diverse form of legally binding rules, code of conduct or voluntary guidelines. The UN High commissioner on human rights report has come up with different categorization that include:(South Centre 2006:4)

- International instruments: these include treaties and declaration affecting the course of the transnational corporation in regulating it. for instance: such as the International Labour Organization Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy and the OECD Guidelines for Multinational Enterprises.

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<sup>1</sup> Initiated along with WHO /Unicef the code of conduct for the Breast milk substitute at this particular time that prohibited discouragement for Breast Milk substitute and emphasis on mother's Breast milk.

- Nationally based standards: These efforts are at domestic level enshrined in constitution and taken up by the national legislation. for instance: United States Alien Tort Claims Act;
- Certification scheme: certain Organisation, groups or networks provide programmes regarding following certain principles such as the SA8000 certification scheme and the Kimberley Process Certification Scheme
- Voluntary initiative: reflected in form of codes of conduct, directives, policies, third-party and self-reporting initiatives established by individual companies, groups of companies, intergovernmental organizations or civil society groups and adopted by business on a voluntary basis. Such as United Nations Global Compact provides an example of a voluntary initiative taken up by the United Nations
- Mainstream Financial indices: There are certain criterion prevalent according to which the companies are assessed and that has reputation cost either benefiting or affecting the company based on such criterion among consumers like FTSE4Good Index and the Goldman Sachs Energy Environmental and Social Index;
- Tools, meetings and other initiative: The training manuals, management tools, pilot projects that are taken up to promote better respect for the human rights by the corporations.

Tracking the historical legacy, it was from the Declaration of Philadelphia in 1944 onwards, an international framework of labour standards with various convention of the ILO did develop called upon the member states to accomplish certain obligation for instance permit freedom of association and collective bargaining but did not directly address the behaviour of international business (Jenkins 2001: 1).

In the wake of cold war era, in midst of ideological rift between developed and developing countries with later consistently harping upon perusal of New



International Economic Order (NIEO). The draft code of United Nations commission on Transnational Corporations (UNCTC) and polemical elements of it under the Economic and social council (ECOSOC), being an attempt to regulate Transnational corporation (TNCs). Simultaneously attempts were prompted catering and ensuring, accentuating an endeavour in other agencies as well as organizations whether it was under the International Labour Organization (ILO) umbrella or WHO (World Health Organization) at advent of 1970s and early 1980s. But such regulation exhibited flexibility and slow down with thaw in the third world solidarity, stagnation of developing world economy and upsurge in neo-liberalism with enhancement of Foreign Direct Investment (FDI) during late 1980s and 1990s onward. With advent of globalization and its discontents or outfall penetrating the developing world in the form of vulnerabilities, along with the resistance by civil society and anti globalization movement sought to bring a volley of norms, standards, code of conduct, guidelines with regard to TNCs and while working/partnering with it.

This chapter deals with the UN and Transnational corporation relation in 1960s and 1970s when there was outcry for regulating the transnational corporations. It would follow era of globalization and initiative like Global Compact and guidelines on cooperation with business would be discussed with regard to partnership between UN and Private Sector. It would also look into the guidelines on interaction of UN agencies and fund with private sector entailing use of logo and emblem by private sector.

## **IN CONTEXT OF UNITED NATIONS**

With inception of the United Nations and its liaison with the private sector 1945, it was in early 1960s and early 1970s, that the decolonization process was at its zenith where the independence from the colonial yoke was knotted with economic independence. The developing countries call was for control over their own natural resources and things pertaining to the colonial setup, the debate regarding the operation of multinational corporation latter referred to be transnational corporation (TNCs) got the centre stage of discourse that ensued critical approach towards it, amidst of New International Economic order (NIEO). Illuminating the critical and analytical side of the multinational corporation. A. Le Roy Bennett argues that the growth of multinational corporations fetch ethical and philosophical barriers.

Democratic deficiency comes to focus or are eroded, when distribution of goods or by passing governmental policy gets under its arms potent of TNCs.

At this epoch, the UN has engrossed with the question of rapid growth and expanding influence of multinational corporations. The corporate responsibility discourse, regulation of TNCs and ascertaining of negotiations of a UN code of conduct for TNCs came under the political discourse of the United Nations. In the wake of decolonization, Group 77 comprised of the developing countries and China raised the issue of TNCs in the United Nations General Assembly (UNGA), having numerical strength and were concerned by the fact that they lacked full information regarding TNCs, their international mobility, size and resources and ability of TNCs to call upon the have nations for protection (Coleman2003:342 ). Also, after a prolonged period of Colonialism, there was fear that they might not become a neo-colonial state or suffered neo-colonialism. The third world community (and some developed countries) raised demand for enhancement of national and international control over TNCs. Thus, a series of perspective cropped up regarding TNCs, its activity and its impact on nation in terms of economic and social facets.

With such backgrounds and underlying developments, efforts at national level were also attempted along with International endeavors. Mostly in southern countries belonging to developing world, some 22 countries passed legislations controlling the activities of TNCs. Nationalisation of foreign capital reached its peak during this phase, the regional mechanism like Andean Community as part of Andean pact imposed control.

At International plane, the first proposal of international standard for corporate behaviour was forwarded by corporate itself called the international chamber of commerce Guidelines for international investment of 1972, especially as in the aftermath of the OPEC oil price crisis, southern government had become more assertive in international economic negotiations (Jenkins2001: 1).

In the United Nations, ECOSOC with resolutions 172 (LIII)1972, had urged the Secretary- General to adopt a Group of Eminent Persons to undertake a study of TNCs and to formulate conclusive report that might be used by government in making their sovereign decisions regarding relevant national policy and submit

recommendations for appropriate internationalisations (Coleman 2003: 341). In response to it, ECOSOC created a group of twenty eminent persons to study the role and impact of these corporate grants and to recommend steps on methods leading towards International accountability or regulation (Bennett 1994: 284).

The report of the Eminent Persons' group came up with following recommendations that include:

- Foreign Direct Investment (FDI) can not replace Official Development Assistance (ODA)
- Focused largely upon issue of state sovereignty.
- Equitable development.
- Emphasized the need of code containing a set of recommendations on TNCs.

The acceptance of report by ECOSOC led the creation of a permanent body called United Nations Commission on Transnational Corporation (UNCTC) answerable to ECOSOC, comprised of 48 members with clearly demarcated regional representation. Along with it the advocates of NIEO managed to establish a Centre on Transnational corporations as to control the behaviour of transnational corporations in their countries of operations.

First, the United Nations Commission on Transnational Corporation (UNCTC) sought to promote an understanding of nature and political, economic and social effects of transnational corporations in home and host countries and in international relations together with it strengthen the capacity building of government, primarily of those developing countries dealing with corporations. Its mandate to monitor the activities of TNCs and report on development in international investment activities, governing the activities of TNCs. It is important to note that since the report of Group of eminent person in 1974, a platform of code effort was initiated both inside and outside the United Nations system. The UNCTC started work leading to a draft regarding code of conduct for TNCs as well as began negotiations on a code of conduct, which would regulate the operations of TNCs. On December 15, 1974, the

General Assembly with vote took Resolution 3514(XXX) condemning the corrupt practices of TNCs.

Second, institution, called the centre on Transnational Corporation (CTC) was asked to review all relevant international codes and guidelines, the activities of regional grouping especially ECLA(Economic Commission for Latin America) and to establish a comprehensive information system as well as encourage government to persecute TNCs engaged in corrupt practices/activities.

Though, in midst of all these efforts, ideological difference was manifested in rift between the developing and communist member countries on the one hand and industrialized countries on the other within the commission on TNCs that had an impact on the voting pattern, culminated into inability to attain consensus on code of conduct. The north south conflict continued, the United States opined that the code should not be the basis of discriminating against nature of code where as the developing countries envisaged that code to be binding in nature, at the same time have legal sanctions behind it by home countries and host countries (Coleman 2003: 346). With these debates progressing, the centre on TNCs in the second half of 1970 saw little progress on an enactable code of conduct. The commission's second set of meeting at Lima between 1-12 March 1976, an inter-governmental working group was assigned the task of drafting the code, which was given the flexibility to consult representatives from business, labour, public, interest groups and academicians. Later at the fifth set of commission's meeting in 1979, there has some optimism that the formulation of code was very close. It had noted that in next three more working session, it would reach the final details of the code. But the apparent intertwining of code of conduct to the NIEO gave a further rationale for the Western resistance to punitive code (Coleman 2003: 346).In addition, the difference of the developed countries and developing countries de-accelerated the process of formulation of code.

By 1980s, the commission reported a half completed code, and had established the basis elements of a working definition of the New International economic order would be feasible with formulation of code of conduct. The 1980s saw a draft on code of conduct that asserted:

TNCs should respect national sovereignty, adhere to economic goal and development objectives of host countries; contribute to host countries economic development, and

establish mutually beneficial relations with them; negotiate contracts and agreements with governments in good faith; respect social and cultural objectives. Value and traditions of host countries; respect human rights and fundamental freedoms; not discriminate on the basis of race, colour, sex, religion, language, national and ethical origin or political or their opinion, provide equality of opportunity; oppose apartheid; not interfere in internal affairs of host countries or intergovernmental relations.

The code of conduct on TNCs under the umbrella of the United Nations commission on Transnational Corporation derailed the negotiation process that continue to be confrontation for more than twenty years. The developed versus developing countries divide resulted the voting and negotiations often being on no avail, lack of consensus apparently brought cease to any progress. According to one author, the declining interest in code may have resulted in part from the stagnation perceived in two of the largest and most visible efforts at code: the general code of conduct being negotiated by the UN commission on Transnational co-operations and the transfer of technology code considered within UNCTAD (Sikkink 1986: 816).

It was in the political economy literature of 1980s that it became unfashionable to speak about code of conduct for TNCs. The reasons attributed for such development shows that with 1980s there was thaw in the favour of NIEO aspirations as well as rift in the conceptualization of the third world coalition due to differentiated wealth and growth opportunities in developing countries (Coleman 2003: 350). This phase was also accentuated by significant shift approach towards TNCs, reflected in influence of neo-liberalism stressing market based policies and away from state intervention in both developed and developing countries, sectors closed to Foreign capital began to open up more in 1980s. It began with manufacturing and in late 1980s and further extended to public utilities, and natural resources. The accessibility to service sector was also opened for foreign capital to play a role, which remained aloof as well as intact. Instead of trying to regulate foreign direct investment (FDI), UN too reacted to policies towards TNG instead of becoming regulator of FDI, UN agencies like United Nations conference on Trade and Development emerged as facilitator to FDI for the developing countries.

The 1990s saw renewed interest in the corporate code, and therefore that came upon the environment and labour as being two chief component. This phase marked the high watermark for privatization and liberalization started shedding its fingerprints. Such

development also saw flexibility or new promotional measures to attract indirect investment.

The following table could give essence of FDI being invested in developing countries that saw an immense enhancement with 1990s:

**Table No. 1: Liberalization of Foreign Investment (1991-1990)**

	1991	1992	1993	1994	1995	1996	1997	1998
No. of countries changing investment regulation	25	93	57	49	64	65	76	60
No. of changes	82	79	102	110	112	114	151	145
More favourable to FDI	80	79	101	108	106	98	135	136
Less favourable to FDI	2	-		2	3	16	16	9

*Source: UNCTAD, 1999, table IV.1*

In contrast to the 1970s the attitude of southern government went around attracting rather than regulating TNC and foreign investment in 1980s. As part of the development, UNCTC was dissolved in 1995, its works were brought under the aegis of UNCTAD Division of Transnational Corporations and investment.

It is noted:

The mid-1990s are characterized by a general movement towards the liberalization and Facilitation of FDI. Today, inward FDI policy regime of quite different countries around the world are broadly liberal in character. They (government) are fine-tuning their policies to attract capital technology and skills and to facilitate access to markets with the help of FDI" (UNCTAD 1995:272).

The commission on TNCs continued to work on draft code of conduct on transnational corporations. The ECOSOC resolution 1993/43 was aimed to strengthen its role as the focal point within the UN system for comprehensive intergovernmental consideration issues related to TNCs. It has intergovernmental claims and counter

claims that became a stumbling block in the way of development of International code regarding transnational corporation regulation (Coleman 2003: 347 ).

But the efforts attempts to regulate the TNCs to focus on environment and labour standards, social issues emphasis as pertained to much larger debate regarding impact of globalization labor and environment ( Jenkins 2001: 6). The elaboration of debate under the United Nations platform understands the vitality as well as fatality of market driven globalization, but asserted need to devise norms of globalization that would be truly supportive of human development, shared values of global society that would be spearheaded by normative leadership of UN that would set “value agenda” for globalization. The private sector being a powerful actor, their involvement is promoting globally agreed standards was considered a challenging task for global governance, simultaneously the need to regulate the activities of transnational and multinational corporations has been stressed, the debate also came up with a view that developing countries should be helped to counter unfair practices by multinational companies by appropriate multilateral and national tools and channelise the activities of transnational corporations towards what is of mutual benefit .

The role of trade unions organizations, development and environmental NGOs contributed to have some sort of code of conduct for international business (Jenkins 2001: 6) In this context. It is stressed that the civil society pressure intensified and transparency issue has become more flagrant, the relationship between trade, social and environmental or human rights issues have become bone of contention between civil society and global firm also, with regard to business it is responsive and sensitive to its own threat as there is feeling that UN would play a larger role in setting norms, and standards that exposes not merely the functional value of direct interest to business, but also broader global social issues. There is increasing belief that greater respect for human rights by companies lead to greater sustainability in emerging markets and better business performance. For instance, observance of human rights aids business by protecting and maintaining their corporate reputation and creating a stable and peaceful society in which they can prosper and attract the best and brightest employees. Similarly, there is evidence that business that observes human rights and may even boycott products that are produced in violation of Human Rights standards. At the same time companies with social responsible behaviour has high intensity

among consumer to purchase its share. Thus, not risking its own reputation leads international code of conduct to be established (Weissbrodt & Kruger 2003: 902).

Another development that came forth was anti-globalization movement, along with Asian Financial Crisis of the late 1990s also brought the urge that global market must imbibe into itself shared values and laws to promote economic efficiency and have social legitimacy. Thus it was in late 1990s effort was reflected in Global Compact.

### **THE GLOBAL COMPACT**

Another initiative not primarily being a code of conduct rather a norm to imbibe universal shared values is argued to be used as important benchmark for selecting a business partner. The Global Compact (GC) was announced by UN secretary-General Kofi Annan:

not a regulatory instrument – it does not ‘police’, enforce or measure the behavior or actions of companies. Rather, the Global Compact relies on public accountability, transparency and the enlightened self-interest of companies, labour and civil society to initiate and share substantive action in pursuing the principles upon which the Global Compact is based.”(Global Compact )

The stewardship of the United Nations secretary-General Kofi Annan resulted in such initiative that challenged corporates to embed global market forces with universally shared societal values through Global compact initiative. According to Kofi Annan, the prime motive of the global compact is “to unite the power of markets with the authority of universal ideals.’ GC assumed to promote some kind of dialogue as promoted by the ILO by gathering around the same table “all relevant actors” in the area of development. One argument envisages that the GC is to globalise corporate responsibility and form a kind of social contract that would stipulate the term under which right to maximize profit would be exercised. John Ruggie argues that as markets are on global way so too must corporate social responsibility.

The GC presents an opportunity where appeal is at two levels. One asserts that backlash of globalization manifested in different forms has to be tackled with corporate sector abiding and enshrine and disseminate certain values. Whereas at the another level, the UN becomes a platform for market openness promoting and making inroads for the FDI especially in developing countries as the corporate being improving their images. The GC is constituted by ten principles that has been refined



from four international agreement that include – The universal Declaration of Human Rights, adopted by the UN in 1948, the Fundamental principles and Rights at work of International Labour organization (ILO), the Declaration an Environment and Development and the UN Convention against corporation.

The GC asks business voluntarily support and adopt nine core principles, which are divided into categories dealing with general human rights obligation, standards of labour and standards of environmental protection (Weissbrodt & Kruger 2003:903).

**Table No. 2: Ten Principles of global Compact**

<b>Human Rights</b>
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.
<b>Labour Standard</b>
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; andPrinciple 6: the elimination of discrimination in respect of employment and occupation.
<b>Environment</b>
Principle 7:Businesses should support a precautionary approach to environmental challenges; Principle 8:undertake initiatives to promote greater environmental responsibility; and Principle9:encourage the development and diffusion of environmentally friendly
<b>Anti corruption</b>
Principle10: Businesses should work against all forms of corruption, including extortion and bribery.

*Sources:*<http://www.unglobalcompact.org/AboutTheGC/index.html>

A key tool to facilitate the adoption, implementation and dissemination of that commitment is a website ([www.UN.org/partner/business/globalcomp.htm](http://www.UN.org/partner/business/globalcomp.htm))

constructed with the help of corporation, business association, the partner agencies and NGOs. The website show cases good corporate practices and eventually best practices, its features commentaries by NGOs (Kell and Ruggie1999: 104).

Besides, an effort attempted to embellish the human rights norms in form of labour rights, children's right, protecting environment and a resistance against the corruption .A general guidelines for cooperation between UN and business i.e.(for profit enterprises) has been issued by the Secretary-General asserting on 17<sup>th</sup> July 2000,that would provide an overarching benchmark for the regulation of the partnership between duo. Though each agencies has been mandated to issue their specific criterion according to its mandate and activities to select partner with the principles inclusive of the elements as given below:

- Objectives of the cooperation clearly set out and attempt to advance the goals and aspirations enshrined in the charter of the UN
- Clear responsibilities of each other as well as their expectation along with no erosion of the impartiality, independence of the UN
- No unfair favour would be adhered to any particular company, its product or services with reference to endorsement
- Transparency remain the key principle ensuring the intimidation of the UN as well as public well versed with cooperative arrangement through posting of the details on the UN/Business website.( UN 2000)

#### **IN CONTEXT OF UN AGENCIES**

Desirable companies for partnership with UN system must have leadership attitude in field with influence on pubic, government or specific market sectors, socially responsible and exhibit a history of philanthropy, community involvement and commitment to the development of their employers. Their management style must be open and transparent.

During the same period of 1980s when UNCTC code exhibited half-fulfilled mission. There were several other attempts to draft inter-governmental codes related to specific products. These included 1981 WHO/UNICEF International Code of

marketing of Breast milk substitute, the 1985 FAO Code of conduct on distribution and use of pesticides and 1988. Ethical criteria for medical drug promotion (Utting 2000:2).

In 1981, the United Nations Children's Fund (UNICEF) and the World Health Organization jointly instituted the International Code of Marketing of Breast-Milk Substitutes. The consumer pressure developed in the 1960s and 1970s in Europe concerning the aggressive promotion of infant formulas in developing countries and adverse impacts on breast-feeding and infant nutrition. The Code seeks to monitor the marketing of all partial or total breast-milk substitutes, infant formulas, bottles and teats. It aims to ensure that mothers are provided with independent and honest information concerning breastfeeding. Not only that the UNICEF/WHO code also takes care of advertising methods, labelling language and quality of merchandise. It has issued a ban on the issuing of free samples to mothers as well as gift promotions to health officials, although both strategies still appear to be adopted by some TNCs. (Abrahams 2004:18)

The WHO/UNICEF International code of Marketing Breast milk substitute is regarded as a success story<sup>2</sup>. The reasons attributed to it include firstly, the focus of the code of conduct was single-issue area confined largely to a single TNC. Second the speedy negotiation that took around ten months prevented process getting delayed as well as diverted because of extended lobbying that could have diluted the code's provisions (Coleman2003:349).

There are other dimensions of guidelines for choosing private partners/corporate partners by UN system. Most agencies like United Nations Development Program (UNDP), United Nations Conference on Trade and Development (UNCTAD). World Health Organization (WHO), United Nations International Children's Emergency Fund (UNICEF) besides directed by a general guidelines directing the Partnership between UN and Business sector have a specific

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<sup>2</sup> According to statistics of 2001, 55 countries had reportedly incorporated the Code or many of its provisions in the national legislation

guidelines specific to the agencies *per se*. Most of the agencies would not enter into partnership with tobacco companies and weapon manufactures. UNHCR though engages with profit making enterprises, but does not entertain companies deals with including (a) weapons sale or manufactures, including components (b) systematic or sustained forced labour or child labour. (c) Operation in countries subjected to UN sanction. It also does not choose companies whose public image is severely compromised by past activity in one of the above mentioned categories or in other area which may be deemed at any given time to reflect negativity on the agency. It also tend to segregate with the companies whose involvement is found in above mentioned component or any one of them or maligning the image of the agency at any juncture.

UNICEF and UNCTAD would exclude corporations that derive bulk of their profits from the production or sale of alcoholic beverages. WHO expects corporate to follow WHO public health policies. UNICEF will not associate with any corporations engaged in pornography. Some agencies cite corporation linked to gambling, illegal financial transactions and drug trafficking as unfavorable partners, the agencies include UNDP, UNCTAD, UNICEF.

In concern with UNDP, the resident representatives are assigned the work of evaluation and forging partnership, while making such assessment the not only the past record of the company becomes the sole criterion rather its current graph is measured thus in a way provide a room for the companies to promote corporate social responsibility even though its antecedents was not good. It bases partnership on ethical and normative behaviour, and the capacity of a corporate candidate to carry out its end of the bargain financially and technologically, credit reports are seen on practice of potential partners, a practice also followed by UNOPS as part of background to keep a check on companies, which comes for partnership. Extra caution has been asked to be taken with companies that produce, deal in or are affiliated with the tobacco and alcohol industries. Additionally, as per the Secretary-General's Guidelines, UNDP should not engage in partnership activities with

“[b]usiness entities that are complicit in human rights abuses, tolerate forced or compulsory labour or the use of child labour, are involved in the sale or manufacture of anti-personnel mines or their components, or that otherwise do not meet relevant obligations or responsibilities by the United Nations ...” (UN 2000)

UNICEF have avoided corporate behaviour like those threatening environment and practicing child labour. In the area of labour practices, poor gender policies as well as other forms discrimination i.e. racial, sexual, ethnic etc. are cited by some UN agencies as strong considerations against the selection of a corporate partner.

A number of UN bodies, including UNDP and UNICEF provide representatives with a checklist of items meant, to facilitate the selection of corporate partner. UNDP has its resident representatives to determine acceptability of a partner The UNICEF experience regarding guidelines reflect that UNICEF pays its attention to partner corporations that reflect commitment to UNICEF’s care values i.e. pursue its mandate to promote rights of children and women and to help their basic needs. There was private sector division with UNICEF that carry out screening process, in this work services of ethical research agencies are sought on contract. After feeling out various forms that answer question of concern to UNICEF, staff member submit request for alliance to the private sector division, which approves partnership proposal in agreement with UNICEF executive director. UNICEF does not enter into partnership with any manufacturers of breast milk substitutes. UNICEF considers breast milk substitute as contradictory to some of its policies. They surely do not endanger the lives of infant around the world and cannot be lumped together with land mines, tobacco and child labour. UNICEF have encouraged cautions and have exercised “due diligence” by screening companies and attaching “ethical strings” to supply contracts.(UNICEF2001<sup>a</sup>).The UNESCO(United Nations Economic And Social Council) present pre-requisite that states it will not consider proposals made by private entities involved in activities which do not comply with United Nations aims and principles, are involved in past convictions for unlawful activities or are involved in activities contrary to United Nations sanctions in force. (Mezzalama and Ouedraogo1999:14).

### **Use of Name and Emblem**

There is a general guideline regarding use of name and emblem of UN and its funds and programmes by business community in context of partnership with the private sector. It asserts for a clear terms and conditions, while authorising the use of name and emblem with non exclusive basis, and must be expressly approved in advance in writing according to terms and conditions specified. The authorisation also comes for the profit

making enterprises so long as purposes and activities of UN are promoted, including the raising of funds for the organizations and the generation of profit by business entity is only incidental.

With regard to UN emblem, name and its use by corporations has been brought through a General Assembly Resolutions 92(1) of December 7, 1974 provides recommendation that has to be availed by the government and for official purposes further its interpretation by the organisation has led to the use of emblem and symbol by the UN Funds and Programmes. The use is prevented without authorisation by the secretary General of the United Nations, and in particular for commercial purpose the use of it is debarred as being used as trade marks or commercial labels of the emblem, the official seal and the name of the United Nations, of that name through the use of initial letters. (UNICEF 2001<sup>a</sup>)

The UN office of legal affairs (OLA) has interpreted the resolution that the use of UN name and emblem as well as any abbreviation is reserved for official purpose of the organization; commercial use is prohibited 'commercial' as use in connection with or for furtherance of profit making enterprises.

Early in UN history, use of name was granted to non-profit entities as far as such use did not mean official connection with the United Nations. The United Nations Association and the Business Council for the United Nations were early beneficiary of this policy. In addition to it, non-profit organisation was allowed to use the UN logo in conjunction with their own name and activities. Their names and logos which include UN own, are displayed as stationary and promotion material, some of them served as raising fund by using UN name and logo. Thus, could be clearly seen that primarily used for governmental activities as envisaged in the resolution of 1974, there came several departures. In recent years, whenever the UN has dedicated a year to a special concern, a symbol incorporating some partners of the UN logo has been designed for advocacy, awareness, and fund raising purpose. Such logos were designed for the International year of the child in 1979, the International year of disabled persons in 1981, the international year of the family in 1994, the international year of older persons in 1959, and the UN's own anniversary in 1995. A secretariat was set, each international year, the secretariat could approve requests for the use of International year logo to commercial entities. Though, UN logo has been debarred from use with commercial activity, but the secretary General

himself granted use of the UN 50, logo to a few global sponsors for fund raising efforts aimed at supporting UN 50 educational and commercialization activities, thus use of UN 50 emblem was for non commercial purposes in exchange for large donation.

Thus, a practice has evolved towards an understanding of “commercial use” implying direct profit from the use of the UN logo by corporations or the sale by corporations of items bearing a UN logo (Tesner; 2000: 79-80 with regard to United Nations High Commission for Refugees (UNHCR) the partner companies are only authorized to use UNHCR’s visibility logo when stipulated in writing for a specific activity and only for the duration of the agreement. Any other use of the visibility logo, which are not part of formal agreement must be authorized by UNHCR in writing.(UNHCR 2007) Currently, OLA grants authorization for the use of the name and emblem of the United Nations.

#### **CONCLUSION:**

The attempt to regulate transnational cooperation began with a serious note in the 1970s with the developing countries making their presence felt in the world taking a skeptical view of the transnational corporations reflected in the establishment of the institutional mechanism in the form of UNCTC and Centre on TNCs endeavoured to regulate the transnational corporations. It followed an attempt to give shape to a code of conduct that failed to work in the scuffle between the developed and developing countries. Though, at the UN system level the WHO/UNICEF International code on marketing of Breast-milk substitute saw initial success though subject to critical scrutiny in time to follow. The advent of globalization and immense potentialities at the disposal of the Private sector saw the emergence of partnership between the UN/UN system and Private sector thus along with cropped challenge to sustain such partnership. Thus in 1999 an attempt was made to evolve guidelines to forge cooperation with the private sector that resulted in the Global Compact that was initiated to embed certain values by the transnational cooperation. Another development that is pertinent to recall is of the coming up of guidelines on cooperation with UN and Business that talks of profit motivated enterprises asserting the advocacy of UN values enshrined in charter, transparency of cooperative arrangement, vividly defined objectives of the partners. Though, this guidelines sought to be overarching principle to guidelines implying that each agencies to design its own guidelines to forge partnership. Today, in the wake burgeoning partnership the agencies too have notified its guidelines regarding interaction with the private sector. Whether it is

UNDP, UNICEF, UNHCR, FAO, UNESCO or WHO and many have jointly come to regulate the activities of the business or company for instance- WHO/UNICEF International Code of marketing of Breast milk substitute. The working of the above norms and standards or guidelines are subject to be questioned and analysed. In the subsequent chapter while doing the case study of WHO as well as UNICEF impact of the norms and standards in regulating the partnership would be analysed.



Chapter 3  
*WHO-Private Sector  
Partnership*

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The World Health Organisation since its establishment in 1948 aimed at providing attainment of the highest level of health standards to each and every individual, has maintained prolonged relations with the Private sector especially, pharmaceutical industry. In the health sector, WHO describes partnership as a means to “bring together a set of actors for the common goal of improving the health of populations based on mutually agreed roles and principles” (Kickbusch and Quick 1998:68-74). In the wake of the contested term of partnership the WHO uses the term ‘interaction’ instead of partnership.

The WHO maintains myriad of partnership with Various organisation and agencies, in particular the United Nations and intergovernmental agencies with consent of a formal agreement between them passed by the World Health Assembly with two-third majority(WHO1998:189-193).These interaction ranges from reciprocal representation in the meeting, joint special committee for special purposes and exchange of information and co-ordination of the statistical services. With respect to intergovernmental agencies it has close proximity with the UNICEF from its outset, worked together in the joint-project on data management and health mapping. Besides, it maintains collaboration with other agencies like ILO, UNESCO, and FAO. The NGOs are also increasingly clubbing with the WHO. The WHO Health Report 1998 accounts 188 NGOs working with WHO with categorisation falling into two categories: one having general interest and other having specific interest with the medicine and its research. Some of instances include, The International Association for Dental Research that contributed WHO in assessing future oral health research needs. The World Federation of Chiropractic has participated in the development of guidelines on the prevention and management of neuromusculo skeletal disorders in occupational health. ORBIS International<sup>3</sup>. WHO efforts to assess global trends in blindness and at the national level contributes to improving skills of ophthalmologists, nurses, biomedical technicians and health care worker (WHO1998: 190-197).

The partnership between WHO and Private Sector comes into scene with an expression of regulation in 1963, when the less developed countries, ensuring that

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<sup>3</sup> This NGO is engrossed in fight against blindness through education and practical training for ophthalmologists, nurses, biomedical technicians and health care workers.

imported medicines are of sufficient quality and cried for monitoring quality control of the medicines provided by the pharmaceutical companies, culmination was in WHO approval of guidelines for drug manufacturing quality control in 1970, covering issues such as labeling, self-inspection, and report of adverse reaction. The another major development that marked the early 1960s and 1970s was efforts made to come up with guidelines on the controversial issue of infant formula regulation in the wake of increased mortality rate among bottle-fed babies being victim of formula mixed with impure water or formula highly diluted to reduce the cost in the third world countries. The consumer pressure developed in Europe concerning this aggressive promotion of infant formulas in developing countries and adverse impacts on breastfeeding and infant nutrition. An effort led by Swiss-based NGO, Third World Action Group, and U.S.-based Infant Formula Action Coalition flagged a highly publicized boycott against one of the largest producer of infant formula, Nestle to change marketing practices (Karns & Mingst 2004:80-82). Thus, in 1981, the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), jointly instituted the International Code on Marketing of Breast-Milk Substitutes. The Code seeks to monitor the marketing of all partial or total breast-milk substitutes, infant formulas, bottles and teats. It seeks to ensure that mothers are provided with independent and honest information concerning breastfeeding. Not only that the UNICEF/WHO code also focused on advertising methods, labelling language and quality of merchandise. It has issued a ban on the issuing of free samples to mothers as well as gift promotions to health officials, although both strategies still appear to be adopted by some TNCs (Abrahams 2004:18).<sup>4</sup> In the wake of post-cold war era, it was in 1990s that saw an urge for developing consultative process for broadening the partnership where the Private sector was envisaged as unit in the Partnership. Buse and Walt assert that the public-Private Partnership started within the WHO in 1993 with mandate of the World Health Assembly that called for the encouragement to the partnership. With the non-governmental organizations and private sector in implementation of the national strategies for Health for All initiative (Buse and

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<sup>4</sup> The International Code of Marketing of Breast-milk Substitutes was adopted at the World Health Assembly (WHA) in 1981 by 118 votes in favour of it, one against (United States), with three absention. Since then a number of relevant WHA resolutions have been adopted updating and adding to the original Code. The Code and subsequent WHA Resolutions must be considered together.

Waxman 2001:748). In 1995 World Health report clearly accounts in its section on future partners.

This chapter would go into specific rationale that accentuated developing the WHO-Private sector partnership. Logically, is the question of how to maintain partnerships that Would be answered in the section of mechanisms in terms of institutional and policy guidelines that are hand in promotion, monitoring and sustaining such partnership. This would follow several forms partnership emergent in WHO with the Private sector in era of globalization. Lastly, a critical reflection on working of the partnership would be made.

### **RATIONALE BEHIND THE PARTNERSHIP**

Being specific, first factor that urged for WHO and Private sector partnership envisaged is crisis at the health concern specially in developing and less developed countries. Accounting the whole episode, there is fact available that pinpoints that health conditions in terms of average life expectancy has improved and child mortality rates except in parts of Africa due to huge toll taken by the proliferation of HIV/AIDS have raised high mortality rates. Despite this progress, the poor countries have failed to achieve a major breakthrough. To substantiate this fact is that more than 8% of children living in the developing countries still die before the age of five years largely from the preventable disease like respiratory infection, diarrhoea, measles and malnutrition. The scarcity of the safe drinking water and sanitation, inadequate reproductive health care, severe indoor pollution from the use of the traditional fuels, poor hygiene deteriorates the health condition. At the same plank, there is a sparkling figure that disease that affects the poor, the research dollars for it is insignificant. According to WHO, every year more than US \$56 billion is spent on health research and development by the public and private sector. Less than 10% of this is used for research into health problems affecting 90% of the world's population. Tackling such situation necessitates partnership to play a major role as neither market nor government would suffice the need. Thus, multi-stake holder partnership would cater to the needs, where private sector would play an invaluable role (Nelson, 2002:233-234).

Second, development that made ground for the burgeoning relations with the corporate sector was with 1980s the contribution to the regular budget of WHO received has show evidence of zero real growth with increasing number of challenges at international scenario. At this juncture of crisis, the WHO began search for the partnership in which the private sector proved to be an evitable actor. Substantiating the argument is that, as new health problems were pushed at international agenda by the increasing influence of NGOs. There was increasing gap between the rich and poor countries as well as traditional public health groups faced limited financial resources embedded with complex social and behavioral problems, rapid disease transmission across national boundaries and reduced state responsibilities. Concurrently, private motivated enterprises have come to recognize the importance of public health goals for their immediate and long-term objectives, and come to adopt corporate social responsibility and ensue partnership (Reich 2000:617).

Third, contributing element was the stewardship of Kofi Annan, former secretary-General of the UN, recognised for presenting a plethora of pulpit to challenge the private sector to come ahead and evolve partnership with the United Nations. The same feat is attributed to WHO's Director-General, Dr Gro Harlem that set off a trend towards the corporate interaction with the corporate sector. As Director-general of the WHO, she initiated reshaping the policies along the neo-liberal lines and modified form of Washington-consensus model with human face (Richter, 2004:76) It was at the world Health Assembly that she asserted the fact that commercial enterprises accentuate the development of technology and provision of the services. Highlighting the urgency of the private sector she urged:

In a world filled with complex health problems, WHO cannot solve them alone. Governments cannot solve them alone. Nongovernmental organizations, the private sector and Foundations cannot solve them alone. Only through new and innovative partnerships can we make a difference. And the evidence shows we are. Whether we like it or not, we are dependent on the partners (WHO 2002).

Also, the advent of the new millennium saw the adoption of the United Nations Millennium Declaration in September 2000, the Heads of State and Government resolved "to develop strong partnerships with the private sector and with civil society organizations in pursuit of development and poverty eradication." In the

health field, governments and international organizations strongly asserted the necessity of such interaction to improve health outcomes. This assertion was no new fact for the other international organization saying about economic and financial institution. There has emerged a trend in the international relations that is horizontal interactions rather than vertical interaction in recent years. The later has been represented by state-centric, hierarchical and bureaucratic type of the interaction on the other side former is represented in the in terms of the network society that enmeshes the private sector, state and other actors, the partnership is outfall of the such trend in the international relations.

In the wake of developing partnership with the private sector were the recommendations of the commission on Macroeconomics and Health, established by Dr.Gro Harlem Brundtland in January 2000 to assess the place of health in the global economic development under the chairmanship of the professor Jeffery Sach of the centre for International Development at Harvard University, the 18-member commission among its recommendations stressed health is background on whose pillars the issue of poverty reduction and economic development could be achieved. Putting an elaborate focus of the report that goes on to envisage for greater resources to be garnered for the low and middle income countries as well emphatically stated for the public-private partnership. As to the issue of the private sector, the pharmaceutical industry has been located as central actor that would collaborate with the member countries, donors and international organizations to alleviate the plight of the poor and down-trodden with the programmes of drug donation and price discounts. It refuted the fear arising out of the member countries regarding the private sector rather stressed a more flexible approach and even entail the application of the private sector in case of the decision-making of the board.

Although later leadership under Lee as Director-general of the WHO show the risk involved with the partnership involving the group with the vested interest to downsize the normative function of the WHO but a level of precaution could lead to a harmonious relation with the private sector.

Along with of increasingly health gaps between developed and developing countries, limited financial resources, leadership of then Director-General combined with Private Sector having global mobility, accessibility, expertise and resources,

embellished with huge potentiality resulted in partnership between WHO and Private Sector.

### **MECHANISMS AND POLICY GUIDELINES FOR PARTNERSHIP**

Buse and Waxman has described the two-fold approach followed by the WHO to interact with the private sector, first being the structural mechanism developed by the WHO to reach out to the private sector and second being the mechanisms available to tackle the challenges that emerges out of such partnership (Buse and Waxman 2001:749-750)

In connivance with an urge for the partnership with the private sector requisite is the facilitating mechanism to sustain the partnership got mirrored in the establishment of a distinct unit in 1999 called Private Partnership Unit in its (WHO) private sector division in its department of external relations and resources mobilisation.(UNGA 2001:36). That served as focal point for the collaboration of the WHO and the commercial sector.

The development that forwarded partnership strategy was the establishment of a working group on the private sector engagement with representatives from the pharmaceutical industries to share information and knowledge as well as to remove the obstacles in the way in the provision of drugs and accentuate public-private sector collaboration. Some of the eight' clusters' of technical programmes such as Communicable Disease Cluster and its Health Technology and Pharmaceuticals cluster at WHO headquarters having designated their own focal points for coordinating relationships with commercial entities, enhancing resource mobilization activities, and Seeking partnership opportunities. A gradual delegation of authority to the clusters is taking place, enabling them to work independently with the private sector in the context of an evolving framework of organizational rules ( Buse and Waxman, 2001:749).

The organisational and structural mechanism would solely would not suffice the partnership thus safeguards have been developed for the interaction with the commercial enterprises. The WHO current safeguard have been sub-divided under the following categories: (Richter 2004: 12)

- Guidelines on interaction with the commercial enterprises
- corporate assessment procedure

An initial version of the *WHO Guidelines on Interaction with Commercial Enterprises* aimed at staff members to interact with the commercial enterprises to reach a positive outcome for different purposes for instance, in cash contribution, contribution in kind, Product development, secondment of personnel, use of logo and symbols etc has been provided in the guidelines and each of the categories has been accompanied by a set of guidelines. For instance, in case of cash contribution, the companies having direct benefit in outcome are avoided , along with are other sets of guidelines and for each categories of interaction there exist guidelines. It was made available in 1999 for comment from the staff members and member states and some public interest NGOs (WHO 2000).

Another facet to ensure guidelines include, corporate assessment procedure, the *WHO Guidelines on Interaction with Commercial Enterprises* mentions prohibiting interaction or forge partnership with commercial enterprises or industry to whose historical account has been disturbing with the WHO, *Guidelines on Interaction with Commercial Enterprises to Achieve Health Outcomes 2000*, envisages step-by-step evaluation of commercial enterprises or including an assessment of the company and consultation with the Office of the Legal Council and tends to avoid relationship with companies like tobacco or arms industries The commercial enterprises working with WHO are expected to conform to WHO public health policies in the areas of food safety, chemical safety, ethical promotion of medicinal drug products, tobacco control and others. It also prohibit fund from the companies that has indirect in outcome.

The assessment of WHO's existing safeguards in 2001, Buse and Waxman expressed the opinion that WHO did not have the internal capacity nor expertise to screen companies "in a credible manner." WHO secretariat to screen the participating companies left aside the idea of UN mandated body rather it made a concerted effort along with United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the Office of the UN Secretary-General(UNOSG) and the



World Bank contracted the services of an ethical investment company, Calvert, to assist them. Calvert' social responsibility research unit establishes company profiles by screening information against a set of common criteria. That are from areas of human rights, environmental conduct, and labour rights etc. Calvert gives each company a rating based on these criteria. Calvert's information on the companies is considered confidential; its databank is accessible only to individuals in the five contracting agencies. WHO officials along with this information maintain its own detailed research on the specific circumstances of the proposed joint project and assesses whether the enterprise has any potential hidden agendas. WHO then takes a decision on whether or not to engage in a sponsorship relationship or other interaction with that company. It is here that ,WHO officials own skill remains significant . The private sectors with bad history in achieving the global health are kept outside the purview of the WHO interaction along with the commercial entities indulged in arms or tobacco industries ( Judith Richter 2004 :14-19).

Guidelines for doing business have been developed and other guidelines are also available on donation of pharmaceutical products and marketing certain products, ranging from food-stuff and breast milk substitute to chemicals and tobacco. With reference to partnership, WHO has established a working group with pharmaceutical industries representatives aimed at making access of drugs accessible through improves cooperation between public and private sector (Buse and Walt 2000a:555).With regard to the donation of the product, guidelines are available primarily to regulate in case of emergencies and sometimes long-term charitable gift from the private sector. The guidelines include following principles: (HAI 1999)

#### **Selection of drugs**

- All drug donations should be based on an expressed need and be relevant to the disease pattern in the recipient country. Drugs should not be sent without prior consent by the recipient.
- All donated drugs or their generic equivalents should be approved for use in the recipient country and appear on the national list of essential drugs , or, if a national list is not available, on the WHO Model List of Essential Drugs, unless specifically requested otherwise by the recipient.

- The presentation, strength and formulation of donated drugs should, as much as possible, be similar to those of drugs commonly used in the recipient country.
- . All donated d rugs should be obtained from a reliable source and comply with quality standards in both donor and recipient country. The WHO Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce should be used.
- No drugs should be donated that have been issued to patients and then returned to a pharmacy or elsewhere, or were given to health professionals as free samples.
- After arrival in t he recipient country all donated drugs should have a remaining shelf - life of at least one year. An exception may be made f or direct donations to specific health facilities, provided that: the responsible professional at the receiving end acknowledges that ( s)he is aware of the shelf-life; and that the quantity and remaining shelf - life allow for proper administration prior to expiration . In all cases it is import ant that the date of arrival and the expiry dates of the d rugs be communicated t o the recipient well in advance.

#### **Presentation, Packing and Labelling**

- All drugs should be labelled in a language that is easily understood by health professionals in the recipient country; the label on each individual container should at least contain the International Non-proprietary Name (INN) or generic name, batch number, dosage form, strength h , name of manufacturer, quantity in the container, storage conditions and expiry date.
- As much as possible, donated drugs should be presented in larger quantity units and hospital packs
- All drug donations should be packed in accordance with international shipping regulations , and be accompanied by a d et ailed packing list which specifies the contents of each numbered carton by INN, dosage form, quantity, batch number, expiry date, volume, weight and any special storage condition s. The weight per carton should not exceed 50 kilograms. Drugs should not be mixed with other supplies in the same carton.

### **Information and management**

- Recipients should be informed of all drug donations that are being considered, prepared or actually underway.
- In the recipient country the declared value of a drug donation should be based upon the wholesale price of its generic equivalent in the recipient country, or, if such information is not available, on the whole sale world-market price for its generic equivalent.
- . Costs of international and local transport , warehousing, port clearance and appropriate storage and handling should be paid by the donor agency, unless specifically agreed otherwise with the recipient in advance.

### **FORMS OF PARTNERSHIP**

The partnership of the WHO with the private sector is in tune with the Global Compact initiative to correct the violations of the core human values in the arena of the Human rights, Labour, environment as in the United Nations in the backlash of the globalization. The partnership that goes between duo ranges from engagement in different levels of dialogue, debate standard-setting, joint research, working with the employees of the company or seconded by the company to participate the decision-making of the board or rather in a more formal arrangement. In the garb of such partnership the UN agency, WHO piles up the resources and expertise at the one hand but at the another hand the private sector especially the commercial sector gets a prospect to elevate its corporate image, attract new investors and new market for itself.( Buse and Waxman, 2001:748-749).

The WHO and private sector partnership has manifested itself in several forms that include:

- Cash donation/contribution
- Secondement of the services
- Donation of specific medicines
- Vaccine and medicine development

**Cash donation/contribution**

With the financial crunch at the national level, the regular budget at the WHO continued to decline, and extra budgetary contribution including Private sector donation continue to increase. It can be illustrated from the following statistics.

**Table No. 3: Extra budgetary contributions per biennium and change in contributions from one biennium to another**

Total voluntary contribution	1998-2001 (US\$) 742,361,526	2000-2001(US\$) 1,221,728,350	Change (%) 65
Sources of extra budgetary contribution	1998-1999 (% of total EBF)	2000-2001 (% of total EBF)	Change from 98-99 to 00-01 in US\$(% of increase)
Member states	60	70	62
UN and International organisation	8	5	4
Foundations	17	14	37
Private Sector and NGOs	13	17	119
Local government and city Authorities	2	2	16

*Sources:* Deacon, Bob *etal* (2003): pg 46

This has resulted in coming up of donation profusely by the corporate sector as well as philanthropic-foundation to come up in this regard. It may be in terms of research as in the case of Global Polio eradication initiative lunched in 1988, with key partner being WHO, UNICEF, Rotary International and in recent years the United Nations Foundation, the Bill and Melinda Gates Foundation joined the effort. In this effort Rotary International had financial commitment around US \$500 million by 2005(UNGA:2001). Another major initiative that enabled provision of cheaper

HIV/AIDS medicine was profusely financial contribution of Bill and Melinda Gates Foundation in the their initiative called GAVI. Another initiative include the fund to fight AIDS, Tuberculosis and Malaria: This was initiated by the Secretary-General in 2001 to mobilize public-private funds and expertise to support national programmes to tackle HIV/AIDS, tuberculosis and malaria has attracted contribution from the private sector, governments and individual as well. The governance structure this particular initiative includes member from civil society and private sector.

### **Donation of specific medicines**

Drug donation is one of the feature that emerged to show the contested 'philanthropy' aspect of the Pharmaceutical Companies. It is also donated at times of emergency, disaster or any catastrophic event. Besides, there is bulk of purchase of medicines for public sector programme in less developed countries like female condoms or AIDS medication. There are several instances to substantiate it that is enlist in the subsequent discussion. In case of Onchocerciasis, leishmaniasis, leprosy and African trypanosomiasis the duo partnership played an immense role. Taking stock of the situation River blindness or onchocerciasis is the world's second-leading infectious cause leading to blindness with around 100 million people are at risk due to this disease mostly in African countries. In order to recover from this disease an initiative called Onchocerciasis control programme(OCP) was jointly sponsored by WHO,UNDP,FAO and the World Bank and supported by the financial contribution from a number of countries. OCP started as an exclusive vector control programme involving close collaboration with larvicide manufacturers including Abbott Laboratories,Sandoz and other pharmaceutical industries and helicopter companies such as Viking and Evergreen. Since 1987,aerial larviciding has been combined with ivermectin(Metizan)treatment donated by its manufacturer,Merck and co. free of charge for as long as needed by the initiative and in African countries.

Another initiative that included product donation was Lymphatic filariasis or elephantiasis being a tropical parasitic disease affecting nearly 120 million people,with nearly 1 billion at risk in over 80 countries. In 1997 WHO and its member states passed a World Health Assembly resolution calling for the global elimination of LF.To tackle this menace a Global Alliance to Eliminate Lymphatic Filarisis convened its first meeting in 2000,the WHO serves as the secretariat for this

public-private collaboration, it represents one of the Pharmaceutical companies, largest donation programme includes GlaxoSmithkline; Merck, and co. GlaxoSmithkline provides albendazole, an anti-parasitic free of charge and has committed for continued donation until LF is uprooted. The company expects to supply 5 billion treatments over next 15-20 years. Merck and co. provides ivermectin free of charge in countries of Africa.

**Table 4: Drug Donation Programme Under WHO-Private sector Partnership**

Drug company	Partner	Goal	Scope
Mectian donation programme	Merck and co.  World Bank WHO Task force on child Survival and Developmental Activities National Authorities and NGOs	To eliminate river blindness to everyone who needs it with Mectizan	<ul style="list-style-type: none"> <li>• Drug donated until no longer required</li> <li>• All 34 endemic countries at sometime free of cost.</li> <li>• Cumulative value of donation estimated at US \$200000 per year is spent on shipping plus and Mectizan expert committee and its secretariate</li> </ul>
Malarone Donation Programme	Glaxo Wellcome Task force on child Survival and Developmental Activities Medical Research Council, England Centre for Disease control, Atlanta WHO World Bank Wellcome Trust National Authorities	To help drug-resistant malaria in endemic countries where cost limits to access new drugs	<ul style="list-style-type: none"> <li>• Upto 1 million free doses of per year globally through a targeted donation programme</li> <li>• Pilot in Kenya and Uganda</li> </ul>
Albendazole Donation Programme	WHO/Division of control of tropical diseases SmithKline Beecham Global Programme to eliminate Filariasis National Authorities and NGOs	To accelerate an effort to eliminate lymphatic filariasis	<ul style="list-style-type: none"> <li>• Donation of Albendazole to government to government and other service provider until elephantiasis was eliminated.</li> <li>• The value of donation upto 6 billion doses</li> </ul>
Zithromax donation programme	Pfizer Conrad H Hilton Foundation Bill and Melinda Foundation Hellen Keller Foundation International Trachoma Initiative GET 2020(WHO Alliance for global Elimination of Trachoma by 2020) National Authorities and NGOs	Eliminate blinding trachoma at the global level	<ul style="list-style-type: none"> <li>• Donation by zithromax for two years with total value of \$60 billion</li> <li>• The priorities of WHO was targeted to countries including-Ghana, Mali, Morocco, the United Republic of Tanzania and Vietnam</li> </ul>

*Source: Bulletin of world Health Organisation, 2000, 78(5)*

### **Vaccine and medicine development**

WHO and Private sector engages into partnership in developing health related technology either by conducting research and development on their product or by licencing its intellectual property rights to such enterprises. WHO has sometimes played a catalytic role as in the Medicines for Malaria Venture and on other occasions joined with governments, international organizations and private sector or civil society partners, as in the Global Alliance for Vaccines and Immunization (GAVI), and the Global Tuberculosis Drug Facility.

Special programme on Training in Tropical Diseases (TDR) was started in 1975 response to deteriorating situation in the tropical regions of the world and to alleviate the plight effort was made to develop a cheap and efficient mechanism to prevent, diagnose, control and uproot the tropical disease along with this goal-orientation the other goal that was set was the capacity building of the countries. The initiative initially focused upon six groups of diseases that include: malaria, schistosomiasis, the trypanosomiasis (African trypanosomiasis and Chagas disease), leishmaniasis, the filariases (onchocerciasis and lymphatic filariasis), and leprosy. But, has recently included Dengue and Tuberculosis in the list of the diseases. The private sector role has been envisioned and implemented in TDR programme with nearly 20 industries being partnering with it. They have rendered the service by the making available scientists to the programme, rendering special service including reagent available to the program and Good Manufacturing Practices (GMP) available to the project as well as joint-project.

### **Reduction of the drug cost**

The partnership of such nature concentrates to provide medicines in the poorest countries where reduced prices could be easily affordable to the common people. An endeavour on the part of WHO to interact with the commercial enterprises has provided vital to procurement of medicines at affordable prices lower prices of antiretroviral and antifungal medicines for treating people with HIV/AIDS, together with ant malarial and anti tuberculous medicines, significant reductions in the price of human insulin. These reductions in the prices have been conceded by the concerned companies. As the high cost of the medicines reflect research cost, high profit rate and the patent that give producer a monopoly of pricing making it costlier. As part of

the reduction of the prices of medicines, quite diplomacy, mounting activist pressure and increasing competition from generics have forced pharmaceutical manufacturers to alter pricing strategies in poor countries and stop their efforts to thwart the sale of generics. The efforts have bore fruit and led to reduction of drug even cheaper than a dollar per day. The Global Alliance for Vaccines and Immunisation (GAVI) supported the effort to develop AIDS vaccines receiving funding from the Bill and Melinda Gates Children Vaccine Program, the Rockefeller Foundation and other in which WHO is an essential component. (Karns.& Mingst 2004:503-505)

### **Secondment of the services**

The private sector are called upon to provide expertise through secondment of the staff to WHO, though it is one of the most disputed and highly uncommon because of ethical and practical problem ( Mezzalama and Ouedraogo 1999 :8).The employee of the industry work either in their personal capacity or seconded from the private sector to multilateral organizations to participate in decision making bodies or more informal set up. Such as the secondments from Merck & Co. and the World Self Medication Industry to WHO's Tobacco Free Initiative has also been described as a partnership. These experts from the tobacco industry contribute to the scientific Advisory Committee on the regulation of tobacco products.

### **ACTUAL WORKING OF THE PARTNERSHIP**

There has emerged till date a mixed reaction of such partnership. Proponents of such partnerships argue that “only private sector firms can provide the research, technology and development capacity to address global health, environmental, and information challenges of the coming decade”(Tesner,2000:150). A number of governments and public interest groups, however, point out that such “partnerships are leading down a slippery slope toward the partial privatisation and commercialization of the UN System itself”(Bruno:2003:) and risk subordinating the mission and values of the United Nations to commercial trade, investment and finance rules.(South Centre:2003: 1).The duo partnership is subject of evaluation for the academicians and professionals from time to time.



With regard to the WHO partnering with the Private sector, the issue of concern has cropped up, illustrating it Health Action International (HAI), a network of NGOs concerning consumer and health has come to characterized that the core motive of the WHO and the pharmaceutical industry stands sharp contrast to each other as the former urge is public intended where latter is profit maximiser for its shareholders. The partnering between the two as reflected in the secondment of the private sector staff to WHO as being disturbing feature as they argues that the loan of staff from the pharmaceutical industry mean lead a divided accountability between the WHO and Pharmaceutical industry (Bruno2000: 391). WHO's Director-General when asked about the matter, the response was not ruling out possibility of secondment of official from the companies. one astonishing fact that was arrived at by WHO Expert Committee's in 2000 that tobacco companies official, some even at consultant level itself ,have thronged WHO creating complications and diluting the anti-tobacco initiative of WHO. such situation, provides room for suspicion and confrontation in partnership between two(HAI 2001).With regard to the private sector funding with regard to the extra-budgetary funding it is argued that it would tend to tend to private sector partnership and sponsoring of the programme that might seem problematic for equity, normative function and global health policies simultaneously maligning the image of the WHO as public interest organisation. There is clear need for improvement in liaison with the private sector and clear set of policy transparency in dealing with private sector.( koivusalo and Oillila,1997: 16)

International Baby Food Action Network (IBFAN) has taken serious note of the corporate sponsorship and their large donation made at the time they are facing a serious criticism, the act is intended to influence the public opinion and reputation avoiding their social responsibility by attaching the large donation. Such perception or view emerges out of the fact that the time when Melinda and Gates foundation was facing agony of the anti-trust law in the United state they donated profusely over \$15.8 billion in 1999(IBFAN 1999).

What Peter Utting describe as an 'institutional capture' being skeptical of the consultation that is being established between the tobacco industry personnel and the WHO raising an important concern that their participation in influencing the

decision making would might create a situation of institution being eroded.(Utting 2003:9).Another instances the March 2000 WHO-UNICEF Technical Consultation on Infant and Young Child Feeding, three out of nine background papers were censored by WHO, a participant pointed out. Critical points about the infant food industry were removed. In addition, WHO attempted to prevent the technical experts from discussing the appropriate duration of exclusive breast feeding. At that time, WHO and UNICEF recommended that infants should be exclusively breastfed for the first four to six months of age. The experts at the meeting supported a change of policy from four to six months to six months. The industry has always supported the four to six months recommendation. It provided them with two extra months to promote and sell their complementary foods. With regard to international code of infant Breast feeding substitute there has acceptance in more than 116 countries (including India, China, Brazil and Nigeria) and over half the world's population now lives in countries where laws are in place which broadly incorporate its main tenets. Tobacco companies had penetrated the innermost structure of the World Health Organisation. Philip Morris, the largest cigarette manufacturer in the world, admitted paying scientists to turn up at WHO meetings to which the company had been refused entry (Boseley 2002).

One of the astonishing fact that comes up regarding the International Code of Marketing of Breast-Milk Substitutes. It heart-rending to note that in Philippines, where only 16%children between four to five months are breastfed accounts for one of the lowest documented rates on the globe. According to WHO, approximately 16,000 Filipino children die as a result on inappropriate feeding Practices every year.. The prime cause attributed to inappropriate feeding practices and feeding children with substitutes for breast milk. The blame comes upon manufacturers (most based in the developed countries) of baby formula for much of the decline in breastfeeding. According to IBFAN and INFACT breastfeeding reduces the incidence of asthma, allergies, childhood cancer, diabetes, celiac disease, crohn's, colitis, poor cognitive development, obesity, cardiovascular disease, ear infection and poor dentition. The expenditure by the companies is profusely high over \$100million a year which equates nearly half the health budget. The poor lots are affected by these advertisements and are most likely to use contaminated water to make feed as 70%of

Filipino have inaccessibility of the potable and fresh water. Besides, it formula companies have dispensing gifts to both health workers and mothers, runs promotional classes and meetings, advertising their wares on Television and in magazines and Papers that runs contrary and discouraged by the code but mostly legal in the country.( Monbiot 2007).

The drug donation programme is also subject to criticism. It is argued that in the name of drug donation, dumping of the drugs takes place as well as dependency creation for the other countries and its sustainability (Kent and Walt 2000: 78). Even arguments like the expired and unusable drugs have been also provided by the state as well .A WHO audit of humanitarian drug donations received in Albania during May 1999 revealed serious quality problems. It was estimated that 50% of the drugs coming into Albania during the Kosovo refugee crisis were inappropriate or useless and would have to be destroyed. Sixty-five per cent of drugs had an inadequate expiry date (either missing or expiring less than one year from the date of donation); and 32% were identified only by brand names, which were unfamiliar to Albanian health professionals. None of the short shelf-life donations were requested, and according to aid workers they could not be distributed and used before the end of the year.

Another instance of donation that had serious problem was Pharmaciens sans Frontières collected 4 million kg of unused drugs from 4,000 pharmacies in France. These were sorted out in 88 centers in the country. Only about 20% could be used for international aid programs, and 80% were burnt.

With regard to the WHO corporate assessment mechanism it is argued that it is an adhoc body as well as only used sporadically (Zammit 2003: 243). Within WHO, the relevant cluster assesses the substance of the partnership. Although the mechanism to screen partnership include - the Legal Office and the Department of Government and Private Sector relation but in practice it is evident that all partnership does not undergo the institutional set up provided .It is to state that initiative like GAIN did not undergo the screening process as elite section of the WHO was

involved in the passage of such initiative without taking into account consultation at proper channel. (Oillia 2003: 55).

With regards to the guidelines provided for the developing and continuing partnership with the commercial sector is subjected to be challenge.

But it would biased assessment as the endeavour to the WHO and Private sector have come to make differences in the live of many. In the case of River blindness or Onchocerciasis, Onchocerciasis Contol progrmmee that has been intiated to cater to needs of African countries sought to eradicate the prevalent disease virtually. According to an estimate by 2002, they were expected to stop nearly six lakh cases of blindness and nearly 16 million children have overted the risk of getting affected by the disease. Another effort that needs mention is Lymphatic filariasis or elephantiasis being a tropical parasitic disease affecting nearly 120 million people, with nearly 1 billion at risk in over 80 countries. The WHO and Private sector along with other partners efforts have resulted in By the end of 2002 in covering around 15 million people risking their their lives in 20 countries and 25 countries have developed national plan of action, including mass awareness and distribution campaign.(Nelson 2002: 240-241).

## **CONCLUSION**

The partnership with the WHO and Private sector has seen a serious engagement in terms of donation of drugs, research and development, cash contribution and secondment of personnel .Not only that the partnership has been reflected in several forms, rather efforts have developed to establish institutional mechanism as well as policy guidelines for interaction with the private sector. The outcome has been setting up of private sector unit in WHO and by 1993 a preliminary guidelines to interact with commercial enterprises was formulated and was subject to review and later in 2000 a guideline was issued. It has hired an ethical investment company to get a report of the companies to be engaged and its assessment on benchmarks of human rights and concurrently, WHO maintains its own assessment. Though, the partnership has been in full swing, has been subject to critical evaluation from time to time. Some negative tendencies and lacuna has been detected in operation of the partnership. Like violation of International code on use breast-milk substitute formula and drug donation guidelines have been violated time and again. It

has been taking toll of the children. There are also positive outcome that have come forth from this partnership in terms of eradication of disease as well as reduction of the prices of medicine. Thus, despite the existence of some negative tendencies the partnership on the whole prove to be fruitful for both Private Sector and WHO. There are certain challenges and lacuna in guidelines and assessment procedure which needs to be redressed to make the partnership more successful in future.

Chapter 4  
*UNICEF-Private Sector  
Partnership*

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The United Nations children's fund was instituted on a temporary basis taking stock of the vulnerable plight of children in the post-war Europe in 1946 aiming to improvise the emergent situation. However, in the late 1940s drifted its work towards Third World countries, evolving itself as a permanent entity with a broader mandate to grant assistance to the Third World countries in child health and welfare services. Evolving itself with the time emerged as the world's largest provider of vaccines for developing countries, supporter of child health and nutrition, good water and sanitation, quality basic education for all boys and girls, and the protection of children from violence, exploitation, and HIV/AIDS.

With regard to private sector, it is perhaps one of the first organization cultivated the most advanced engagement with the private Sector (Witte and Reinicke 2005:64). with long-standing relations of in procurement and philanthropic based programmes. Though, prolific partnership have widened in the recent years as the duo are engrossing in programmatic alliance, advocacy and awareness campaign, and fund-raising or in kind contribution on issues vital to children and relief efforts. The private sector is vital to research and development assistance, technological knowledge, logistical support and extensive communication channel.

The UNICEF operational level being international, regional and national it seeks to engage corporate sector ranging from medium sized enterprises or multinationals in multitude partnership. In the wake of globalization the advancement partnership was marked with institutional establishment in 1996 called Private Sector Division(PSD) as a focal point to manage its burgeoning liaison with the all private sector partners inclusive of the business and civil society. The convening of conference in 1990 on the child issue in the general Assembly and consequently its follow up in 2002 envisaged the role of the private sector partnership to improve the children lives around the world and attributed vitality of the private sector to generate new investment, generate employment opportunities and financing for development and pinpointed to cater to the needs of the developing countries. (UNICEF 2006<sup>a</sup>:21).It apparently envisaged the role of the Private sector in mobilizing of the resources, sought need for corporate social responsibility and increased partnership with the business. Thus, the vitality of the private sector was asserted repeatedly the Millennium declaration and Millennium Development Goals (MDGs) also desired an

explicit contribution of the private sector to uplift the degenerating and deteriorating condition of the child.

Many companies find it highly attractive to work with UNICEF because of its positive brand image and association with children's causes. As a consequence, today UNICEF is one of the United Nations organizations with the greatest experience in partnership activities (Witte and Reinicke 2005:64). The role of the UNICEF's Executive Director Carol Bellamy has been instrumental in leading the Partnership issue in the UNICEF. She has emphasized the role of the private sector, civil society in tackling the problems of the twenty-first century.

In the chapter I would be dealing with Mechanism and policy guidelines for partnership followed by forms of partnership and lastly a critical evaluation of the working of partnership between UNICEF and Private sector.

### **Mechanism and Policy Guidelines for the Partnership**

With regard to sustenance of the partnership between the UNICEF and Private sector there is Private Sector Division (PSD) in the international account section, that got recognised in 1996 to manage relationship with all private sector inclusive of civil society and business. Through, this very institution all public-private Initiative (PPI) has to undergo. Such an alliance has to be reviewed and approved by co-ordination committee established by the executive director. It also continues to review all partnership with the Private sector taken up by the PSD and ensures that they are not misused. Strengthening the institutional mechanism is corporate screening mechanism based in Geneva that keeps a special care for the corporate screening. (UNICEF 2001<sup>a</sup>) The regional office and national office and National committee play an active role to promote and manage relations with the private sector especially companies. The National Committee plays a vital role in encouraging the partnership. It is nation-based entity in the industrialized countries engaged establishing close relationship with the private sector, individual donor, volunteers contributing to fund-raising for the UNICEF that amounts to nearly one-third to its annual income. Besides, it evolves in lobbying the people to evolve consensus over the various issues or convention. At present, there are 37 national committees at work in different



countries. According one view the UNICEF is most recognized brand in the United Nations as because of its National Committees that engrossed itself advocacy programme from its very inception in 1940s (Jane Nelson 2002:171). Each committee has its own structure: some being independent of their governments; others are virtually sub-departments of the Ministry of Foreign Affairs. They aim to promote and represent UNICEF's voice in the country where they operate, increase awareness of the situation facing children in the developing world and raise funds for UNICEF programmes. During the 1990s, the increasing prominence of the voluntary and non-governmental sector, coupled with an outbreak of emergency situations, led to a substantial increase in the overall proportion of funds provided to UNICEF by the Committees and other private sector partners. Between 1990 and 1992, National Committee and NGO contributions rose by 40 percent, or over US\$80 million. In 1994, non-governmental income from the Committees, greeting cards and the private sector was US\$327 million out of a total UNICEF income of US\$1 billion. As a result, at a time when multilateral aid was dwindling, UNICEF's income increased (UNICEF 2006<sup>b</sup>:7). UNICEF to develop partnership with the private sector works with the national committee where professional people work with the private sector or business for the primarily endeavour directed towards the children. Thus, the national committees of emerges out as an important component to contribute financially to UNICEF through private sector.

With regard to the guidelines that direct the Partnership is the *UNICEF Guidelines and Manual for Working with the Business Community* sought to broker alliance with the business that seeks to encourage corporate social responsibility as well as work for the core mission of the UNICEF. Whether the alliance is myriad of forms reflected in programmatic Alliance, advocacy, fund-raising and contribution in kind. The address by the Executive Director of UNICEF to the Harvard Development Conference provides a useful guide in this regard. She stated:

The heart of the matter is the exercise of due diligence. The United Nations must look carefully at these companies. This does not mean putting them under a microscope...but identifying organizations whose behaviour, on balance, shows evidence of a willingness to exercise corporate responsibility" (Mezzalama & Ouedraogo 1999:14)

The UNICEF uses ally and alliance for the Partnership that has been conceptualised as Best Alliance and Best ally. The alliance is debarred to companies relating to weapon or ammunition production, alcohol and tobacco companies, with regard to manufacturers of infant formula whose marketing practices which violate the international code for Marketing of Breast milk substitute, companies involved in pornography, exploitative and or corrupt practices and violator of environment laws. The alliance with the alcohol or tobacco companies to a limited extent. The UNICEF and its staff members, officer or by the National committee does not endorse any industry product, services, any particular item and the or provide exclusivity to any companies or group of industry.

With regard to use of the UNICEF name, Logo and Emblem the UNICEF Identification Standards Manual guides the general usage of the UNICEF name, logo and emblem. At the national level, any recognition of the agreement is done mandatorily in connivance with the requirements of the Identification Standards Manual, as it guarantees a clear, consistent, readily identified image of UNICEF. The UNICEF name, logo, and emblem are not trademarks. Under the Paris convention they are safeguarded from misuse and are not any registered trademark. The UNICEF name, logo and emblem may not be registered as trademarks by any UNICEF office or National Committee, and they should not be referred to as trademarks in any legal or other documents.

Alternative UNICEF 'logos' or special 'corporate fundraising emblems', or any part of the UNICEF logo or emblem, may not be created and incorporated in use. In order to ensure that UNICEF enjoys the highest visibility and awareness by the public it is recommended that the full representation of the UNICEF name, logo and emblem be used in all alliances or activities. Permission to use the UNICEF name, logo and emblem may only be granted in writing and only on approved terms. (UNICEF 2002<sup>a</sup>:15-16). There is a coordination committee that primarily keeps a watch on the use of emblem and logo that are used by commercial enterprises especially in the case of fund raising alliance and some of the other cases.

## **FORMS OF PARTNERSHIP**

As the Partnership moves ahead, there has emerged multitude of partnership between UNICEF and private sector. According to UNICEF's director of its Private Sector Division, Alejandro Palacios (interview in October 2002), the UNICEF's expectations for private sector collaboration are: 1) funds, 2) direct programme support from corporations, 3) research and development capacity, and 4) influence over governments. (Deacon, Bob *etal* 2003: 44).

### **Corporate Philanthropy**

The corporate sector has come up to support the UNICEF project and programmes philanthropically. UNICEF through a grant, contribution or provision of in-kind assistance does two-aimed job at one hand it helps to improve the plight of world's children and simultaneously strengthen corporate image manifesting its commitment to social responsibility, bolster employee morale, and promote positive customer relations. Often companies complement their philanthropic efforts with other efforts in support of UNICEF involving their marketing and communications departments. The education of nearly 1.5 million African children on how to protect themselves from HIV/AIDS was made possible by an \$870,000 donation from Barclays (UNICEF, 2006<sup>a</sup>:21).

### **Fund Raising**

The UNICEF relies on the voluntary contributions rather than assessed UN contributions. It is contrast with UN itself and with the regular budget of WHO and specialized budget of other specialized agencies. The task of the UNICEF has been raising the financial resources from the private sector that includes many companies and its charitable foundation making the direct financial contribution. It is here that contribution of the private sector holds a significant ground. The present statistics exhibits that the corporate sector contribution accounts for 6% to 8% of the total budget of the UNICEF and seems to get a facelift in the ensuing years. (Deacon *etal* 2003:49).In order to facilitate a closer engagement between private the National Committees of UNICEF sector plays a vital role. Thus, one of the significant contributions that comes from the private sector comes in the form of fund-raising

activity through national committees of UNICEF that comprises nearly one-third to its annual income.

Table illustrates the contribution that constitutes the UNICEF income for the year 2005 (Total: \$2,762 million), where the scale of the private sector has shown a tremendous share:

**Table No. 5 UNICEF income for the year 2005**

Sources of income	Percentage share (%)
Government	50
Non governmental organization	4
Intergovernmental organization	3
UN/interagency oragnisation	3
Private sector	38
Other	2

*Sources: UNICEF Annual Report 2005*

Many corporate partners support UNICEF through the purchase, sale or distribution of our unique range of greeting cards and products, particularly during the year-end holiday season. Greeting cards are an effective way to communicate an alliance with UNICEF to consumers and clients. The role of the National committee gains ground as besides fund raising campaigns, it involves to promote in-kind donation, product licensing and other agreements. They encourage to different business and corporate entity to visit a place engrossed in tussle and engages them to contribute to cause so that the prevailing order could be ameliorated. During 2006, the United States Fund for UNICEF arranged for CNN to visit Chad, Darfur (Sudan) and the Democratic Republic of the Congo (UNICEF 2006<sup>a</sup>:26) and then followed contribution from their side. Another facet of Fund raising is consumer fund raising initiative whereby consumers are encouraged to make direct contribution from the direct purchase but the other dimension of it is innovative customer campaign initiative. Substantiating the instance include Change for the children and Check out for Children. Check Out for Children™, a signature fund-raising programme familiar to hotel guests around the world, is an alliance of UNICEF and Starwood Hotels & Resorts Worldwide, Inc. that invites each hotel guest to donate to UNICEF \$1, or the equivalent in local currency. In November 2000, Check Out for Children™ celebrated its fifth anniversary along with another milestone:\$5 million in donations for UNICEF raised by Starwood guestsworldwide. In celebration of this milestone,

Starwood staff launched 'Give Me Five', a fund-raising initiative built around the number five, in the division responsible for Europe, Africa, India and the Middle East. Through their creativity and commitment to the cause of children, Starwood staff generated additional funds as well as good publicity for both UNICEF and Starwood. Plans to extend 'Give Me Five' to other Starwood regions are under way. First launched in Europe in 1995, CheckOut for Children™ today operates outside of North America in more than 200 Sheraton and Westin hotels worldwide. IKEA, Save the Children and UNICEF initiated joint fund raising campaign in the UK enabling support for thousands of children around the world during Christmas occasion, during the 2005 there efforts resulted in €2 million encashing of the fund globally. These initiative is done through enabling IKEA stores selling soft toys that it sells contribute certain section of it to UNICEF. Money raised from the campaign is utilised in a range of child protection, health and education work across Africa, Asia and Europe, including sport for development programmes in Guinea, prevention of child labour and child abandonment programmes in Romania and school health and nutrition work in Bangladesh.

There are different endeavour that has been taken up to broker partnership and the Private sector has contributed positively to substantiate the assertion are the following instances (UNICEF 2005<sup>a</sup>)

- Procter & Gamble has raised around \$1.2 million for UNICEF through a cause-related marketing programme in Greece, Spain, the United Kingdom and the United States involving their Fairy Liquid/Dawn Antibacterial Dishwashing Liquid.
- Pier 1 Imports is the single largest seller of UNICEF greeting cards in the world. The company raised nearly \$1.5 million in the United States in 2000, bringing its greeting Card sales to over \$14 million since it became partners with the US Fund for UNICEF in 1985.
- Winterthur (Switzerland) raised \$606,000 for UNICEF when 28,000 employees worldwide donated one hour of their work pay in April 2000 to benefit UNICEF projects in Venezuela.
- MasterCard International raised \$480,000 for UNICEF; primarily programmes in Brazil, Mexico and the United States (CVS

drugstores). Consumers were invited to use their Master Cards during a specified time so that a percentage of their purchases could benefit UNICEF supported programmes.

- MobiNil – the Egyptian Company for Mobile Services – conducted a three-day promotional sale of mobile phones, giving a percentage of the proceeds to UNICEF. This is UNICEF’s first corporate fundraising partnership in Egypt. The \$140,000 expected to be raised will support UNICEF programmes in the West Bank and Gaza.
- Ta-Ta, Uruguay’s largest supermarket chain completed its second year of a fund-raising campaign in which customers are asked to donate a peso (about eight US cents) to UNICEF at the checkout counter.

### **Awareness Campaign**

UNICEF has been initiating awareness about HIV/AIDS and against child labour from time to time. In the wake of rising cases of HIV/AIDS, there has been intense effort to create awareness about the malice supporting the case in China that has a devastating report of population of about 70,000 between the child and youth being affected each year by it constituting the largest in Asia. M.A.C cosmetics<sup>5</sup> has come forward to contribute US\$129,000 as donation to UNICEF-China in support of leading a global campaign “Unite for Children, Unite against AIDS”, launched by the Chinese government in 2006. Accentuating the campaign and awareness would include the appointment of the youth Ambassador and celebrities from China to create awareness and disseminate the message to cease the disease in its effort ten facts would be given prime importance being about the disease and create respect for those being affected by the pandemic. A similar effort has been tendered by the Coca-cola to support the awareness programme in Africa along with the Nigerian government and UNAIDS to develop their capabilities that adolescents have every opportunity.

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<sup>5</sup>M.A.C is an international partner with UNICEF, supporting the organization’s work with children and AIDS with funds generated from their “VIVA GLAM” lipstick and other social programme revenues

Broadcast companies such as Warner Brothers, Walt Disney Studios and TV Cultura in Brazil have worked with UNICEF to create and broadcast animation projects promoting children's rights.

Child survival messages has been taken up by the Turkmenistan Airlines done through publications, video and audio promoting important child well-being messages available on board of all Turkmenistan Airlines flights and in the country's airport waiting lounges. The subjects include: immunization, diarrhoea, safe motherhood, exclusive breastfeeding, avian influenza, early childhood development, hygiene, family planning, HIV/AIDS prevention, malaria, and other child health-related matters. This would create awareness among 1.2 million people who fly on the airline's domestic flights each year (UNICEF 2007<sup>a</sup>).

The awareness against child labour was taken up by UNICEF, Ikea and World Health Organisation along with local communities targeted to eliminate child labor in the carpet belt of Uttar Pradesh with allocation of financial resources of \$4,50000, promoting strategies to get rid of child labour and raise awareness on the issue along with children enrolment drive and opening of alternative learning centres. This partnership have stretched to cover women to ease off their burden through formation of self-helping groups by improving access to credit and income-generation opportunities(UNGA 2003:11).

As part of creating awareness among children was initiative taken by UNICEF, Levi Strauss & Co. contracting MTV Asia at the expense of to provide an opportunity to youth to speak about the social issues afflicted upon them in initiative called "Speak Your Mind" that formed the Asian youth charter presented to the United Nations in New York during the special session of the General Assembly on children. MTV was contracted with the expense of total of \$270,000 to make documentaries of the themes of problem and youth discussion that would create awareness when televised (UNGA 2003:11).

## **EMERGENCIES/RELIEF MEASURES**

The organisation was set out to humanitarian assistance to children living in a world shattered by the Second World War. The instances of emergencies have grown increasingly complex, their impacts ever more devastating, UNICEF remains dedicated to providing life-saving assistance to children affected by disasters, and to protecting their rights in any circumstances and addressing different elements like health and nutrition, water and sanitation, protection, education and HIV/AIDS.

In the wake of emergencies, emerging out in the south Asia because of the Tsunami that affected the livelihood and life and property of a larger section of the population resulted in an immense support coming from the private sector. The particular year was of importance, as there came a huge resource. Private sector response to the Indian Ocean tsunami and South Asia earthquake emergencies resulted in an almost threefold increase in contributions to other resources (emergency), from \$391 million in 2004 to \$1,129 million in 2005.(UNICEF 2005<sup>a</sup>:31).Corporate logistical expertise helped ensure the successful delivery of life-saving Supplies and assistance to families affected by the Indian Ocean tsunami. Verizon Communications Inc. \$100,000 and matching employee contributions 2 to 1 for contributions made to UNICEF or the Red Cross. Time Warner the parent company of CNN/Money, is giving \$100,000 each to the American Red Cross International Response Fund and UNICEF South Asia Tsunami Relief Fund. The media conglomerate will also match up to \$1,000 per employee up to \$500,000 for donations to relief groups(CNN 2004).

Apart from the corporate involvement the Clinton foundation that comes under the broad rubric of the Private sector put forth the joint initiative along with the UNICEF to provide safe drinking water and sanitation facilities to the children and families affected by catastrophe. The Tsunami water and Sanitation Fund was created to curtail and contain the proliferation of the water-borne disease like cholera and diarrhea in the region raved by the disaster. The effort targeted to make available among people water purification tablets and “household water kits” containing water containers, soap and buckets for washing, construction of emergency latrines and the rehabilitation of urban and rural water supply systems, with a priority for hospitals,



health centers and schools, as well as provide equipment to construct basic sanitation facilities.

Another instance that exhibited the partnership role of the UNICEF-private sector was earthquake in 2006 in south Asia. Among contributions, that provided comfort and sustenance were an in-kind donation in 2006 was huge in terms to meet the need of emergency and long-term situation considering for instances by IKEA of 335,000 quilts, valued at more than \$2 million, delivered to children and families affected by the South Asia earthquake. Corporate logistical expertise helped ensure the successful delivery of life-saving supplies and assistance to families affected by the Indian Ocean tsunami. support of British Airways for making a weekly 747 freighter flight available to UNICEF to get humanitarian supplies to tsunami-stricken countries particularly in Sri Lanka, Indonesia and the Maldives has been applauded.(UNICEF 2005<sup>b</sup>)

## **HEALTH-RELATED PARTNERSHIP**

“Health in Your Hands” partnership for initiative for Washing Hands has been taken up in 2001 with against the rising unintended consequence because of laxity in hand washing with soap leading to disease diarrhoeal disease and respiratory tract infections causing death to majority of children less developing countries. The Partnership involves soap industries including Procter and Gamble, Unilever, and Colgate Palmolive and UNICEF. Other partners being WHO, the United States Agency for International Development (USAID), the London School of Hygiene and Tropical Medicine. The World Bank has funded the programme. The Partnership has been taken at country level in countries like Nepal, Senegal, Peru(Witte and Reinicke 2005:15).The target of this partnership also include the Kerla state in India to encourage the people with this initiative and reduce the cases by the involvement of the soap industry though such arguments gets struck off as the state maintains the highest hygiene and lowest infant mortality rate in India having non-hygienic, locally produced ,non-polluting hygiene product.

The Polio Eradication Initiative that was taken up in 1988 with UNICEF, Rotary International, WHO and other partners to control and prevent the crippling disease. In this initiative, the UNICEF act as major provider of the vaccines and

immunization equipment together with the social mobilization it provides operational support in the field, though other partners are also there like WHO that global technical support and overall co-ordination. The declaration of National Immunisation days have enabled in nearly 122 countries immunization with support of \$140 million directly to UNICEF, directing the money to much-needed polio vaccine, operational support, medical personnel, laboratory equipment and educational materials for health workers and parents.(UNICEF<sup>b</sup> 2001)

GAVI established in 1999 with the prime aims enshrined to improve accessibility of immunization programmes for children and accelerate the development of new vaccines for the improvised countries. The pathetic plight of the immunization in the African countries in 1990s was one of the underlying reasons that put forward the GAVI. Global Alliance for Vaccines and immunization (or GAVI), is designed to speed the introduction of the new, cost-effective vaccines against hepatitis B, which is a cause of liver cancer, as well as against hib -- a major cause of pneumonia and meningitis in children. It will also work to accelerate the development of new vaccines for the developing world, especially against HIV, malaria and tuberculosis (Bellamy:1999)

Partners include the Bill and Melinda Gates Children's Vaccine Program, the International Federation of Pharmaceutical Manufacturers Associations (IFPMA), public health and research institutions, national governments, the Rockefeller Foundation, the World Bank Group, UNICEF and WHO. The successor to the Children's Vaccine Initiative, the Global Alliance for Vaccines and Immunization has its secretariat in UNICEF, public resources in an efficient manner; and create environments in which commercial enterprise is appropriately motivated to meet the needs of whole. The GAVI Fund created to administer the funding of the GAVI, The Gates Foundation \$908.5 million (through end of 2005), is by far the largest donor to the GAVI Fund pledged a further \$750 m

The partnership with American Express generates funds for vaccines, vitamin A supplements and school exercise books. UNICEF anticipated that its relationship with Coca-Cola could help in the distribution of HIV/AIDS drugs, The Clinton Foundation and UNICEF are also partners in the global effort to combat HIV/AIDS. IN 2007 UNICEF delivered 113,800 doses of Efavirenz, a generic

antiretroviral (ARV) medication, to the Brazilian Ministry of Health. The ARVs will benefit 75,000 people living with HIV in the country, including children and adolescents. In 2004, the Clinton Foundation HIV/AIDS Initiative joined with UNICEF and the World Bank and the Global Fund to fight AIDS, Tuberculosis and Malaria in order to make lower cost medicine and diagnostic tests more available in the developing world million for 2006-2015 (\$75 million a year).

Another initiative that aimed to prevent transmission of HIV from mother to child was “Eni-UNICEF Project for the Prevention of Mother to Child Transmission of HIV”. Eni the Italian oil company financed this project and taken up by UNICEF increase the provision of voluntary confidential counseling ,testing services and other “Preventing Mother to Child Transmission” services in 100 governmental areas in the Rivers and Bayelsa states of Nigeria.(UNGA2005:8)

## **WORKING OF THE PARTNERSHIP**

The skepticism of the partnership has highlighted from time to time at different levels and a cautious approach reflecting transparency and accountability on the part of UNICEF has been accounted for in any of the Partnership but that remains contested. According to Bellamy, former Executive Director of UNICEF interest is not in tune with that of the private sector in general and corporate sector in particular, thus a precautious approach while handling with the private sector has to followed. According to UNICEF’s executive director, Carol Bellamy (1999):

“ ..it is dangerous to assume that the goals of the private sector are somehow synonymous with those of the United Nations, because they most emphatically are not. Business and industry are driven by the profit motive -- as they should and must be, both for their shareholders and their employees. The work of the UN, on the other hand, is driven by a set of ethical principles that sustain its mission -- the principles set out in the Charter of the United Nations...and elsewhere. ... It is perfectly right and legitimate for both to be pursuing their singular mandates – and where they can work together as partners so much the better. But in coming together with the private sector, the UN must carefully, and constantly, appraise the relationship.” (Bellamy: 1999)

The UNICEF fund-raising with the Mc Donald has come under severe criticism from the different civil society networks and Children’s advocate the World Alliance for Breast-feeding Action accuses UNICEF of compromising its own core

mission to promote good nutrition values by allying with the Mc Donald. The prime objection that surfaced is that the multinational often attached with its stagnant adhering to ill health and poor nutrition in both developed and developing countries. As outrage the fact, it is asserted that such initiative runs Contrary to UNICEF's mission and is likely to undermine the World Health Organization's fight against obesity, cardiovascular disease, hypertension, diabetes and other harmful conditions. An another view advanced opines<sup>6</sup> that the under the garb of UNICEF it (Mc Donald )has tried to expand its own interest as advertisement shows that a baby instead of sucking the mother's milk consumes hamburger bun sends a different consumerism and habit among the people.( Dyer 2003:923)

These foods are alleged to contribute to rapidly rising rates of childhood obesity, type 2 diabetes, and to the disruption of traditional ways of food preparation in families and in different cultures.

UNICEF has engaged in several dubious business interactions besides sponsorship alliances with McDonalds and Coca Cola. These alliances also prompted questions about whether UNICEF had violated its mandate to protect, promote and fulfill children's rights Questions were raised most recently when Abbott Ross, a known violator of the International Code of Marketing of Breast-Milk Substitutes, distributed UNICEF's 2004 diary, co-branded with its company logo, to physicians in the Middle East(Richter 2004:65)

The screening Process of the corporate sector, that guideline that was followed in 1998 that applied to the agency's whole global structure internet based screening and made a reluctant attitude with the companies that could tarnish the image of the UNICEF and its core mission seems. Such seem urge seems to be losing out juncture as the companies that are engaged though cater to needs and right of children but has deficit corporate social responsibility.(Zammit 2003:32-32).

With reference to the International Code of Marketing of Breast Milk Substitute since its adoption in 1981, there has enough misuse from time to time,

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<sup>6</sup> Patti Rundall of Baby Milk Action, a British charity promoting breast feeding.

nearly twenty-five years have lapsed according to a record 1.4 million children die because of they are deprived of enough mother's milk and aggressive marketing strategy by the manufacturers of the substitute are the real culprit .In United kingdom, approximately £6 million was spent on marketing baby milk by the leading manufacturer. According to the International Baby Food Action Network, UNICEF also has a partnership with Johnson & Johnson, a known Code violator. The partnerships are so troubling that at least two UNICEF officials recently resigned in protest.(BMJ 2005).Also in the case of UNAIDS taken up with UNICEF, UNDP, WHO and with five pharmaceutical corporations Boehringer Ingelheim, Bristol Myers Squibb, Hoffman-LaRoche, GlaxoWellcom and Merck to address the AIDS crisis in Africa. aimed at lowering costs of AIDS drugs there.It includes (parent companies of) violators of the WHO Code of Marketing of Breast milk Substitutes(TARC 2000:8).This kind of case has been presented as dilemmatic situation for UNICEF where at one level it is committed to abide by Code of Marketing of Breast milk Substitutes but at the same time participating in UNAIDS Progamme (Utting 2000:10).

With regard to the guidelines to be adhered by the corporation one instance being the IKEA has encouragement to eliminate child labour in its supply chain consistently. UNICEF assisted IKEA in developing elements of its code of conduct relevant to Child Labour to quote the fact has been in the North India since 2000 on nearly 500 villages with the population estimation of 1.3 million through thrift credit self help groups focussing to break the vicious circle of poverty as well as child labour. Being specific to the issue, some positive result is especially in the carpet belt of Uttar Pradesh as a result of Ikea and UNICEF partnership resulted in 24,000 children are attending school and more than 6,000women have the opportunity to contribute to the incomes of their families. Based on the success of the project, Ikea and UNICEF decided to enlarge the project to include another 300 villages in the same area, bringing to 500 the total number of villages involved in the project.(UNGA 2003:11).Another achievement of partnership is of "Eni-UNICEF Project for the Prevention of Mother to Child Transmission of HIV" initiated in Nigeria include the mapping of 200 communities, the supplying of equipment to 4 project health sites, the training of 120 health practitioners and community mobilization.(UNGA 2005:8).

**Conclusion**

Among UN agencies, UNICEF has distinction of having sustaining partnership for such a longer period of time since 1948, with its structure like National committees playing insignificant role in outreach to the private sector in availing the cash contribution and till today continue to pursue private sector for their involvement. In the wake of twentieth century the structural adjustment programme and rolling out of the state from major role necessitate the involvement of private sector. They involve in partnership including health-related, awareness campaign etc. concurrently, to maintain partnership, the institutional development in the form of Private Sector Division have been established with guidelines to screen the commercial enterprises. Though such partnership came to be hailed as well as criticised.

**Chapter 5**  
*Conclusion*

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The backlash of the globalization exhibited inefficiency of both the Private and Public Sectors in tackling the emergent situation. Thus, the partnership in different forms have come up as major experiments at national as international levels, giving out to different conceptualizations like Public-Private Partnership(PPP),the Network Society, multi-stake holder partnership, multi-sector partnership. This takes the debate from the realist perspective of state-centric approach to understanding of the liberal approach of including other actors apart from state. The partnership could also be gazed from the understanding of complex interdependence propounded by Keohane and Nye, which talks of multiple channels that connect societies. Even the notion of partnership can be seen from the constructivists argument, which assert that identity and power is not constant and could be redefined. The UN and Private Sector that had strained relations during the cold war period have come together to redefine their relationship and forge partnership in the wake of changed context towards the end of twentieth century

The new relation has come to exhibit a myriad of partnership between the duo ranging from short term projects to a long-term engagement. The obvious query that erupts that what went wrong suddenly that UN or UN system came to engage the Private sector so profuse that had not traced seen in the antecedents. The answer to the questions comes from the fact that the ground for forging relations was not made so sudden rather a series of developments were compiling that culminated to partnership. Accounting them one by one would include the series of financial dilemma that was being faced by the UN as beginning from 1980s there was cut in the contribution to the UN budget. Among the prime contributors has reduced the level of contribution to the budget creating shortage of fund at UN disposal to deliver the good. This problem became too critical at the beginning of 1990s as in the peace and security arena of UN with increase in intra-state conflicts increasing by manifold referring to the mission of peace keeping and peace building the UN lacked adequate fund as well as trained professionals to be deployed in peace building operations. The neo-liberalism marked the end of cold war as popular ideology asserting the importance and dominance of this particular view and reduced role of the state, with 1990s and era of globalization at its full swing with the Private sector endowed with potentiality of possessing a huge financial and other resources at disposal, high mobility possible came to grab the international scenario. But, who reaped the fruit of the situation was the leadership



that was carry forwarded by the stewardship of Kofi Annan as UN Secretary-General challenged the Private sector to embed in its working universal accepted values oh human rights, labour protection, congenial to environment by the private sector especially commercial enterprises. The World Economic Forum, the General Assembly Secretary-General reports as well as Millennium report came to provide an insignificant role for the Private Sector in different issue are ranging from the matter of peace security for instance their role in peace building mission to issues of health and development. The Millenium Development Goals (MDGs) that remains now and then in academic discourse of proposes to reap the fruits of new technologies and communication expertise from the private sector as well as accessibility of new drugs to tackle dreaded disease from the pharmaceutical companies. Thus, such commitment on the part of UN resulted in coming of several forms of partnership. The different levels of partnership between UN and Private Sector are: firstly, contractual, commercial agreement for procurement ; secondly, Partnership in policy dialogue that includes formal and informal participation of the Private Sector in intergovernmental deliberation; thirdly, partnership in project design and operation delievery; fourthly, partnership in resource mobilization; fifthly, advocacy partnership and lastly, cooperation relating to research and learning. Thus, there was qualitative and quantative increase in the partnership between UN and Private Sector since the last decade of twentieth century.

Related to this development, there is another inquisitive issue of how to continue with this partnership once it has been sprouted. There were apprehensive of the intension of the Private Sector involving in the partnership. Unlike many of the member states of United Nations, the Private Sector have more international mobility, huge size in terms of resources and skilled manpower, and technical know-how. Therefore, the member countries, specially the developing countries raised demand for strict control over their functioning. The General Assembly dominated by the third world made an attempt that adequate information be provided about the transnational corporation and their national sovereignty would not be eroded and a code of conduct to be formulated to regulate the activity of the. This resulted in the establishment of two institutions i.e. UNCTC and Centre on TNCs under the banner of UNCTAD. The former UNCTC sought to promote an understanding of nature and political, economic and social effects of transnational corporations in home and host counties

the later to control behaviour of transnational corporations in their countries of operations. Both that endeavoured to regulate the activities of transnational corporation. There was an effort to formulate a code of conduct during this period did not materialise as strife between the developed and developing countries to reach an agreement. With 1980s neo-liberalism making its ground the countries made arrangement to facilitate the investment with 1990s saw globalisation and its backlash simultaneously with the economic upheaval and vulnerabilities. The Global Compact initiative was instituted to promote corporate social responsibility inviting countries to embed in their working the issues of human rights, labour rights, environment protection and anti-corruption as chief values thus enshrining norms and standards in the working of corporation. Though initiative got severe criticism from the NGOs as this being voluntary initiative and entity being part of it would do to promote its image among the consumers and ensuring their long-term economic interest. Though recent addition to the list is the guidelines for cooperation between the UN and Business sector issued by the Secretary-General in 2000 that sought to focus on clear responsibilities with well defined objectives, transparency and no favoritism to a particular enterprises. Though it continues to be overarching guidelines and each agencies and fund has been encouraged to develop its own guidelines based on its mandate. Accordingly, the particular guidelines have been developed not only that there are institutional manifestation to regulate and see that the guidelines are followed and to screen enterprises.

The interesting aspect comes while analysing the partnership of the two agencies of the United Nations system(WHO and UNICEF) with that of Private Sector, on the issue area of health and child development. They at times form cross-cutting partnership with each other and private sector and has history of developing jointly instituted code on Breast-milk substitute developed in 1980s. Not only that, there are cases that have brought them in multi-holder Partnership on the issues of health. Infact, both these agencies have long tradition of engaging with the Private Sector in during the cold war period.

Taking the WHO-Private sector interaction is product of increasing failure of the either traditional public groups to grapple with the disease that has global effect and needs concerted efforts at global level. In the recent the examples of SARS,

HIV/AIDS, bird-flu are evident where combined endeavour could only result in success. In case of this UN agency, it was the leadership role that was spearheaded by the Grø Brundtland, the former Director General that took initiative stressing the role of the Private sector especially pharmaceutical industries that would play vital role in curbing the menace at global level. The outcome of it led to constituting a commission on Macroeconomics and Health, led by Jeffery Sach has come up to recommend the role for the private sector to come up to fight the dreaded menaces at the international level. The commercial enterprises also exhibited their CSR came to contribute profusely taking their gains in the long-term economic interest for instance is the oft-quoted is that of Bill and Melinda Gates Foundation for the research the area of HIV/AIDS. The form of partnership that too shape was in the field of research and development, drug donation, cash contribution, and secondment of personnel from the private sector.

Such development accompanied with designing of intuitional management structure and policy guidelines to uphold partnership. The institutional development that came forth in 1999 was in terms of called Private Partnership Unit in its (WHO) private sector division in its department of external relations and resources mobilization that became focal point of collaboration between WHO and Private Sector. As part of internal mechanism there has been attempt in 1993 to come up with the guidelines specific to WHO to regulate the commercial enterprises, foundation that brought of the private sector along with detailed guidelines for the purposes in which both are involved like cash or kind contribution, secondment of official, use of logo and symbols. Under the broad rubric of the that got a final shape to regulate the commercial enterprises. Not only that there is guidelines on product donation and guidelines on certain product like International Code on the Use of breast-milk substitute established jointly by the WHO and UNICEF had made intial success but till today its non-adoption and disobedience has taken toll of children evident is the fact of in case of Phillipines in recent years that according to WHO estimates, approximately 16,000 Filipino children die as a result on inappropriate feeding Practices every year. This need opens the lager debate on the commercial enterprises that are involved in it especially belonging to countries of North. The screening of the company has been given to a private ethical investment company along with its own assessment of the company. It is here pertinent to mention that as the partnership has

diversified in myriad of forms thus the role of the WHO officials becomes essential and need for trained professional having expertise the area would cater to need. The donation of the drugs also faces criticism as being process of dumping the drugs and sometimes evidences of dumping expired drugs are also there, in case of Albanian crisis in May 1999 according to WHO drug donation audit there was many lacuna found as may of the drugs had been already expired and many of them missed expiry date The use of it could have created another crisis. Though guidelines are always there to regulate the drugs donation it is surpassed or not given enough heed. Even some writer have argued 'institutional capture' as at times some companies influence has been such that reports stressing the negative aspect have skipped. But, the whole discourse would be of no avail if the achievement is not taken into account. The efforts of Bill and Melinda Gates foundation in its GAVI has contributed huge financial contribution in the research and development which has reduced the research cost in the area of HIV/AIDS making the availability at cheaper prices which could have been difficult for a common man to reach. Other endeavours that have been matter of feat for the partnership is in terms of eradicating disease and creating awareness.

Thus, the Private Sector with global mobility, accessibility, expertise and resources have the potential of reducing increasing health gap between developed and developing countries and have the ability to assist the WHO to overcome the resource constraints. However, problems and challenges as well as negative impact of the partnership needs to be closely monitored and tackled with.

The UNICEF that has diversified its area of working is more confined to the issue of children rather has come to include the concern of women and other disadvantaged section of the society. The Organisation is known for its outreach to the Private Sector from its very inception, in recent years the partnership has been promoted increasingly. Evident of the fact is that according to Annual report 2005, the Private Sector have come to contribute nearly 38% percent of the annual budget which was of total of \$2,762 million. Besides, cash contribution, the partnership has taken the form of creating awareness regarding like HIV/AIDS, Soap Hand Washing initiative. The fund raising partnership has brought the role of the national committees that operate at domestic level and liaison with the Private Sector and pursue them to invest for public good has bore fruit in helping out the children's concern. UNICEF has come to help

out people in the wake of emergency situation in the recent attempt of South Asian Tsunami it has delivered and still continue to deliver. A part of flourishing partnership, there has been developed a Private Sector Division in UNICEF in 1990s complemented by the corporate screening mechanism based in Geneva. The guidelines to screen the companies called *UNICEF Guidelines and Manual for Working with the Business Community* has come up in recent years, that tend to prohibit relation with the companies that indulge in practice of child labour, violate international code on breast-milk substitute formula. Though, it has been dilemmatic for the UNICEF which had at times been instituted WHO/UNICEF International Code of marketing of Breast milk substitute but simultaneously has maintained relations with the violators of the code in the UNAIDS programme to provide HIV/AIDS drugs at reduced prices. Another, major lacuna that such partnership that has surfaced is that Private sector have come to contribute heavily in the case of some emergency situation and giving uncertainty of the contribution in other situation that becomes problematic for the UN agency. Such problem has also been in other agencies too.

Though, it is seen that in the UN as well as UN system *per se* in the post-cold war era has there has been qualitative as well as quantitative increase in the partnership and its forms. The other aspect of partnership that include its guidelines and mechanism has also seen growth. But, there are certain observation that needs to be taken care off as the partnership moves

What comes in this work on the whole issue of partnership is that enough experimentation of Public groups and private Sector has been done in the economic history of the world. A new experiment that is called partnership in form of the Private and Public Sector has come up at the UN level too, as both are considered to be inefficient to achieve individually. Though, in case of UN agencies i.e. WHO and UNICEF, as partnership existed in history but got an acceleration in the wake of globalisation, as Private Sector possessing huge potentiality, resources and expertise and mobility have made inroads into UN and its agencies taking their long term interest in concern. Though what may be the different underpinning of it, the question before us is that is their any alternative to this in present context. In present situation there seems, no other possibility as the percentage of contribution besides, assessed

contribution by the major contributor, U.S. has shown decline and their have come reduction in the financial resources. Not only that, the expertise and technological innovation has been monopolized by these Private Sector. Another, alternative that could be possible is priorities the issue but doesn't seem feasible as each day a new problem crop up In such a situation there seems no alternative to such partnership and to achieve Millennium Development Goals (MDGs) such partnership seems inevitable to achieve it.

Another observation that comes in present partnership, that is ongoing has face several problems. First, among them is being of excess influence of the Private Sector, evidence of the fact was manifested during a WHO meeting some portion of the report was excluded as it evolved the names of some of the commercial company, this clearly reflect the level of penetration. Second, the lack of its binding nature of code comes as a crucial problem. Here, it is important that with regard to UN, Global Compact formed a voluntary initiative and it was expected from the companies to report it, many companies at initial years of working made reports but what is astonishing is that there is no mechanism existing to assess their report and ask them to ensure that the global universal values like human rights are adhered to. As, in case of Human rights mechanism as every state has to give its human rights details, mechanism like this for the assessment and feedback to be given back even is required.. Also, there always remains a problem of accountability on the part of the companies. Third, the general guidelines and the specific guidelines that have been issued in the case of the UN and WHO and UNICEF lacks effective mechanism. An agency committed to a particular code seems to join the company which has violated the earlier code. The UNICEF for instance instituted WHO/UNICEF International Code on Marketing of Breast-milk substitute but came to participate in UNAIDS, which involve company that violates the code. Thus, it presents UNICEF to be in fix whether to get out of the partnership or continue with the violators.

Thus, the partnership that is ongoing between UN and Private Sector and case under the study needs redressal from time to time for effective working. The following are the recommendations for it

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- Mechanism like present in the United Nations to address the human rights concern should be brought about in the issue of partnership like compulsory reporting from the companies involved in partnership, so that accountability is created and even feedback be given to companies to adhere to and be made public through website and other means. This would at times create accountability on the part of the company as it might affect the economic interest and image of the company in long term, where every company in the wake of globalisation seeks to make its image through so called corporate social responsibility
- The role of NGOs and INGOs is recommended, as they are involved in mass campaign and awareness. Effort on their part would create a pressure to comply with the guidelines that are available by the companies.
- There is need for training on the part of personnel in UN, WHO as well as UNICEF, so that assessment of the companies involved in partnership could be done and they could be effectively screened.

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