

LITTLE ISLANDS:
LIMITS AND PROSPECTS OF THE UNITED NATIONS CHIEF
EXECUTIVE BOARD

PEQUEÑAS ISLAS:
LÍMITES Y EXPECTATIVAS DE LA JUNTA DIRECTIVA
DE NACIONES UNIDAS

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Abstract: After decades of slow incremental improvements, the United Nations Administrative Coordination Committee finally became the Chief Executive Board of the United Nations, which aims to develop further policy coherence within the UN system by promoting improved inter-agency cooperation. This high-level UN body opens up promising avenues. However, it also faces critical challenges to performing its task as a result of the strong pressures for regime-building within specialized UN agencies as well as a lack of coherence in policy formation at governmental level.

Keywords: United Nations, Chief Executive Board, policy coherence, coordination.

Resumen: Tras décadas de lentas mejoras incrementales, el Comité de Coordinación Administrativa de las Naciones Unidas ha sido transformado en la Junta Directiva de coordinación, con el objeto de asegurar la coherencia de políticas dentro del sistema de Naciones Unidas por medio de una cooperación entre-agencias reforzada. Con este órgano de alto nivel se abren algunas prometedoras avenidas. Sin embargo, se enfrenta a desafíos críticos para desarrollar su tarea de modo efectivo, dadas las fuertes presiones a favor de la construcción de regímenes dentro de las agencias especializadas de Naciones Unidas así como la falta de coherencia en la formación de políticas a nivel gubernamental.

Palabras clave: Naciones Unidas, Junta Directiva de coordinación, coherencia de políticas, coordinación.

Sumario: I. All together now?. II. The early experience. III. The new mechanics. IV. Current policy options.

I. All together now?

1. During the nineteen nineties the United Nations introduced a programme of reforms designed to adapt the original architecture of this global organization to the challenges of a new millennium¹. One of the most significant initiatives in this reform was the coordination of policies, plans and programmes

¹ See *Renewing the United Nations: A Programme for Reform, Report of the Secretary-General*, UN document A/51/950 (14 July 1997).

within the system², in order to avoid overlapping and duplicities.³ As a result, the United Nations created the *Chief Executive Board for Coordination* in 2001, based on its long-standing Administrative Coordination Committee (ACC).⁴ The aim in reinforcing this body was to further unity of purpose within the system, and upgrade coherence in global policy formation within the UN. Comprising 29 specialised bodies, the CEB is the main instrument for inter-agency coordination at *inter-secretariat level*. Managing the joint and regular work of the Executive Directors of the major agencies that make up the United Nations, the CEB's role is to provide guidance on translating the various mandates of the different agencies into joint programmes and activities. At the present time, the CEB operates as (1) a main forum for dialogue between Secretariats (at Executive Director Level), (2) the main instrument for coordinating substantive and administrative matters, liaising between United Nations bodies as well as providing (3) the main source of support for activating and implementing joint policies.

2. In practice, the CEB has no political power; this remains in the hands of the member states of the United Nations, through its different specialized agencies. In this context, deficient coordination of the various domestic agencies of any given member state (ministries of health, economy, environment culture, etc) transcends its administrative structures and is amplified by the international organizations in which the latter participate (WHO, WTO, IMF, World Bank, MEAs, UNESCO...)⁵. In short, the problems of coherence arising within the United Nations system are due to a failure to coordinate the agencies of each Member state at domestic level; improving policy coherence in the United Nations depends to a great extent on improving policy coherence between the domestic agencies of all Member states.

3. Nevertheless, the issue of inter-agency coordination has been a key policy issue for the UN from the very first, and was in fact incorporated in the UN Charter itself in the following manner: the ECOSOC has competence to (1) enter into agreements with any of the international organizations referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the UN (Article 63.1) and to (2) '*co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies*' (Article 63.2). Thus, following the creation of the United Nations, the ECOSOC established the Administrative Coordination Committee, as a specialized sub-body entrusted with carrying out these duties (Resolution 13 (111) 1946).⁶ Presided over by the Secretary General, and formed by Executive Directors of the United Nations agencies, its original function was to increase cooperation among UN specialized agencies as well as to supervise implementation of the agreements between the United Nations and the institutions of the *Bretton Woods system* (the IMF, the World Bank, and the multilateral trade system); a particularly complex task as these bodies were and still are 'legally, distant members of the UN family'.⁷ As a result, the work of the ACC over the last forty years of its history has been anything but easy.⁸ Umbricht summarized the committee's position as follows:

'The chief value of the ACC has been, not so much to impose formal restrictions on the freedom of action of the specialized agencies, an objective which their separate charters and different membership

² J. MÜLLER, 'The Quiet Revolution, 1997 to 2002', *Reforming the United Nations: the challenge of working together* (Martinus Nijhoff 2010), section B of chapter II.

³ E. LUARD, *International Agencies: The emerging framework of interdependence* (Macmillan 1977), at 269-270; J. TASSIN, 'Administrative Co-ordination in the United Nations Family', *International Administration* (Martinus Nijhoff 1990), at 15-17 and T. BEIGBEER, *The Internal Management of United Nations Organizations: The long quest for reform* (Macmillan 1997), at 38-40.

⁴ M. HILL, *The Administrative Committee on Coordination* (1978) and W. MENG, 'Article 60 marginal notes 13 et seq.', *The Charter of the United Nations*, Ed. Bruno Simma (Oxford University Press 1995).

⁵ P. SZASZ, 'The Complexification of the United Nations System', 3 *Max Planck Yearbook of United Nations Law* (1999): 1-57.

⁶ L. AHMED, 'The Organization and Methods of the United Nations' Administrative Committee on Co-ordination', 24 *International Review of Administrative Sciences* (1958): 333-346.

⁷ J. RUGGIE, 'The United Nations and Globalization: Patterns and limits of Institutional Adaptation', 9 *Global Governance* (2003): 301.

⁸ See *The Role and Functioning of the ACC and its machinery. Report and recommendations*, ACC Review Team, Raffuddin Ahmed, Hans Blix, Franklin Thomas (22 March 2000), point 15, page 4.

make it difficult or impossible to attain, *but to permit exchanges of views which have helped to promote co-operation and co-ordination among the agencies*'.⁹

4. In essence, the Charter of the United Nations regulates inter-institutional coordination merely through consultation and recommendation mechanisms. Consequently, there have been serious ongoing problems of coordination. The need to improve these mechanisms has been a recurrent hot topic for the United Nations from the start. Given the decentralized nature of the UN system, collaboration in pursuing common goals has been contingent on and, as such, dependent on the interests of each organization and their members. In this context, the actual machinery of coordination has also been semi-centralized, resulting in the creation of a wide variety of coordination mechanisms, aside from the ACC. In fact, a report by the Secretary General from the mid nineteen eighties identified 91 'formal coordination mechanisms' within the United Nations system with only 20 of these being ACC mechanisms.¹⁰ Given this state of affairs, and taking into account the diverse mandates and governing bodies of the participating organizations, it is reasonable to argue that providing them with a common goal posed a challenge that is anything but simple.¹¹

II. The early experience

5. The machinery of coordination within the United Nations has been subject to constant restructuring throughout its half century of existence. The original absence of a central authority to ensure coherent policy action within the system has been –and still is– an ongoing problem for the United Nations. The need for greater coordination has been patent from the start. In this regard, the ACC has been psychoanalysed ad infinitum, with multiple studies published on its functions, operations and the efficiency of its subsidiary machinery: from 1953 to 1981, for example, 32 diagnostic reports were issued on the subject. Every decade has produced a significant review: the first was in 1977, resulting from the Resolution 32/197 of 20 December 1977; the second in 1985, pursuant to Resolution 40/177 of December 1985; and the third between 1992 and 1993, following adoption of the Reform report issued by Francis Blanchard, the Director General of the ILO.¹² As mentioned, it was not until the final review in 2001 that the ACC was transformed to become the CEB.

6. The reform deriving from the Blanchard Report is probably the most important of all, apart from that which gave rise to the CEB. In this reform, the General Secretary finally managed to shift the ACC focus, originally concerned with administrative coordination, to coordination of public policies.¹³ Therefore, Blanchard's planned reform made a qualitative breakthrough, beginning to focus on *policy coordination*, without abandoning the traditional functions of administrative coordination.¹⁴ In the early nineties, the ACC was defined in the following way:

'A committee of executive heads who have been entrusted by (their) governing bodies... with implementing the policies determined by those bodies and carrying out programmes approved by them'.¹⁵

7. The reform from the early 90s produced organizational changes associated with this new direction taken by the ACC, thus facilitating the subsequent creation of the CEB. The most significant organizational change in this regard was the concentration of competence on programme (CCSQ/PROG) and operation (CCSQ/OPS) in a single ACC body: the Consultative Committee on Programmes and

⁹ V. UMBRICH, 'Joint Activities of International Organizations', *Manuel sur les organisations internationales* (Martinus Nijhoff Publishers 1988), at 377.

¹⁰ See UN documents A/42/232 and E/1987/68 (22 May 1987), at 17.

¹¹ E. BARDACH, *Getting Agencies to Work Together* (Brookings Institution 1998).

¹² See ACC/1992/CRP.7/Rev 1 and ACC/1993/CRP.1 (29 March 1993).

¹³ See ACC/1992/2/Add.1 (10 June 1992).

¹⁴ See ACC/1993/14 (14 July 1993).

¹⁵ See ACC/1993/14, 14 July 1993.

Operational Questions (CCPOQ).¹⁶ In short, the incremental reforms implemented in the ACC gave rise to the basic profiles of the current CEB.

8. Interestingly, the impetus behind the creation of the CEB was actually a year earlier than the United Nations reform programme promoted by Kofi Annan (1997).¹⁷ In fact, in the ACC working sessions in 1996 (25 and 26 October 1996),¹⁸ the Executive Directors had already prepared a *Joint Statement on reform efforts to date, and on the future direction of these processes in the United Nations system* (11 November 1996).¹⁹ This joint Statement considered measures for reform and emphasized the need for every agency in the United Nations system to concentrate on their basic area of competence, while at the same time reinforcing their joint actions.²⁰

9. ACC members were aware of the challenges inherent in coordinating in an interdependent world in which, paradoxically, public action is highly fragmented; inevitably, as a result of this structural fragmentation and divisions, to paraphrase Koskenniemi, ‘the sphere of the “international” has been transformed from one of a principled commitment to a battle-zone’.²¹

10. From the mid nineteen nineties, the ACC’s Executive directors with the Secretary General at their head began giving some credence to the role that this body could play in responding collectively to the challenges of globalization.²² On this point, the Secretary General’s efforts to strengthen coordination by creating the CEB were a determining factor. The creation of this body is probably one of the least known achievements of Kofi Annan during his period in office. At the end of the nineties, we find the then Secretary General explaining to the executive directors the need to reinforce and transform the committee’s consultation system as well as inventing mechanisms which will ensure ongoing communication and dialogue between its members. For Kofi Annan, new working methods were needed in the subsidiary machinery of the committee and full time support for the team in the Secretariat. In fact, Annan began by creating the Office of Inter-Agency Affairs in 1998 to ensure improved interchange of information between members of the ACC.²³

11. In the heat of the globalization debates of the nineties, the committee members shared the Secretary General’s vision on the potential role of the ACC in the global institutional architecture and undertook to transform it into the *centrepiece of a more united and effective system*.²⁴ The Secretary General addressed members of the ACC on 5 October 1999 as follows:

‘Best way to proceed is to entrust the task of reviewing the current state of affairs and of preparing a proposed blueprint of desirable reforms to a small and independent team that combines in-depth, direct experience of the workings of the inter-agency machinery, with an external but knowledgeable view.’

12. Reasonably, the improved effectiveness of the United Nations requires increased coherence, not only in the phase of formulating policies but also in implementing them. Only in this way will the United Nations be able to increase their capacity to provide a coherent collective response to

¹⁶ See ACC/1992/32 (28 July 1993) at 7.

¹⁷ See Res A/51/950, *Renewing the United Nations: A programme for Reform*, Secretary General’s Report (14 July 1997).

¹⁸ See *Joint Statement on Reform Processes in United Nations System Issued by Administrative Committee on Coordination*, Press Release SG/SM/6106 ORG 1227 (11 November 1996).

¹⁹ See *Reform and Strengthening of the United Nations System*, SG/SM/6106/ORG/1227 (11 September 1996).

²⁰ See ACC/1996/20 (3 December 1996), pp.17-18 and *ANNEX III The Role and Functioning of ACC: An historical note*, paragraph 33.

²¹ M. KOSKENNIEMI, *International Legislation: today’s limits and possibilities*, op.cit.p.31.

²² See *Summary of conclusions of the Administrative Committee on Coordination at its first regular session of 2000*, ACC/2000/4 (7 June 2000).

²³ See *Summary of conclusions of the Administrative Committee on Coordination at its first regular session of 1998*, ACC/1998/4 (9 June 1998), paragraphs 20-21, y *Managing Risks of Globalization Great Challenge of Modern Times, Secretary-General Tells Economic and Social Council*, Press Release ECOSOC /5812 (3 February 1999).

²⁴ See *Summary ...op.cit*, paragraph 20 (“centrepiece of a more united and effective system”).

major global public matters. The United Nations' reform programme was very clear on this point.²⁵ In the late nineteen nineties, the tasks considered by Executive Directors to be essential for improving coordination already included initiatives such as the creation of strategic alliances between agencies and consulting mechanisms which would ensure respect for the mandates and capacities of each agency, as well as clarifying the functions of the latter.²⁶ The ground breaking 1998 Operations Plan –drawn up on the basis of the Secretary General's proposals– had already incorporated in its agenda structural issues such as the relation between mandates and the implications of this relation for operation of the United Nations system overall:

‘Bringing about greater policy coherence and functional complementarity at the level of the system, strengthening the system's collective capacity for forward planning and strategic thinking, formulation of complementary responses to global problems and strategies for resource mobilization, enhancing the system's flexibility and rapid response capacity to major international developments and crises’.²⁷

13. Given this scenario, the ACC 1999 annual report declared in straightforward terms: ‘a new phase in inter-agency cooperation, spurred by the imperatives of globalization, is now emerging’.²⁸ During this period, several key ideas and proposals arose. Notable among these was the policy document issued by Gert Rosenthal, former Executive Secretary of the CEPAL.²⁹ In his document *A system-wide reform*, Rosenthal defended institutionalization of a culture of inter-institutional dialogue and communication in order to connect the theory and practice of coordination in all the structural activities of the United Nations (proposals, initiatives, programme priorities, strategic plans etc). In short, during the years prior to creation of the CEB, some Executive Directors and committee personnel were striving to take advantage of the UN reform programme in order to substantially improve inter-institutional coordination. This small epistemic community considered that improvement of this kind could help the United Nations to address global governance in a coherent and effective manner:

‘As the United Nations system enters a new century and equips itself to address the challenges of globalization, the content and purpose of inter-agency coordination is taking on a new policy significance, and a new central place in the policy concerns and initiatives of the organizations constituting the system’.³⁰

14. The report, drawn up by the ACC review team in 2000 and entitled *The Role and functioning of the ACC and its machinery*,³¹ is a clear expression of this principle. The basic ideas of this team comprising Hans Blix, former Director General of the IAEA, Raffaeuddin Ahmed, Head of the Economic Department and Franklin Thomas, former president of the Ford Foundation were summarized thus:

‘While substantive policy making is the prerogative of member states, ACC could focus its dialogues and deliberations in such a manner as to provide clear guidance for *translating legislative mandates into joint programmes and activities*. Where *initiatives of a policy nature appear urgent*, ACC may agree to draw them to the attention of the relevant policy-making organs of the system’.³²

15. In short, the ACC review team placed on the table the need to provide the coordination machinery with two basic functions for adopting coherent decisions:

²⁵ See *Renewing the United Nations: A Programme for Reform*, A/51/950 (14 July 1997).

²⁶ See *Summary of conclusions of the Administrative Committee on Coordination at its first regular session of 1998*, paragraph 18.

²⁷ See *Summary (1998)...* op.cit, paragraphs 20, 21, 23 and 24 (paragraph 22).

²⁸ See UN Doc. E/2000/53, *Annual Review report of the Administrative Committee on Coordination*, 1999, (7 May 2000), paragraph 3.

²⁹ See *System-wide Reform: An appraisal of the current phase* (1998).

³⁰ See *Summary of conclusions of the Administrative Committee on Coordination at its first regular session of 2000*, ACC/2000/4 (7 June 2000).

³¹ See in particular, *Review of the Administrative Committee on Coordination and its Machinery: Report of the Joint Inspection Unit of the ACC and its Machinery*, A/54/288 (30 August 1999).

³² See *The Role and Functioning of ACC*, op.cit. paragraph 19.4, p.7.

1. The *concurrent mandates* of the different agencies in the United Nations require the ACC to be attributed the authority to provide guidance on *joint programmes and activities*.
2. The ACC's *nodal position* in the United Nations system also requires that it has competence to propose *urgent policies*.

16. Blix, Ahmed and Thomas proposed to make the ACC formally responsible for guiding programmes and activities as well as proposals for urgent policies. Interestingly, they also recommended modifying the name "ACC" so that its policy-related functions were more accurately expressed.³³ Clearly, their work lays down the foundations for the CEB, offering pragmatic and reasonable ideas for facilitating change.

III. The new mechanics

17. Achieving a unified purpose for the many institutions that make up the United Nations is no easy task. The ACC became a Board of Management of the United Nations in 2001 with such aim in mind.³⁴ The new reorganized body was granted the authority to promote more integrated and systematic programmes and therefore increase the degree of coherence of the United Nations system overall.³⁵ The transformation of the ACC to CEB was logically a basic element of the United Nations reform, promoted during Kofi Annan's mandate.³⁶ Currently, the Executive Directors of the CEB openly deal with issues of joint policies and strategies, and actively address ways of increasing coherence among its institutions. The change of paradigm at executive level has already occurred. In fact, there is consensus on the need to continue developing in this direction.

18. However, this requires inoculating the idea of "system" at all levels, beginning with the executive offices, and continuing with governments. On this point, the first decade of the new millennium is producing some changes. The first of these innovations was an initiative launched during the World Summit of 2005 to make the United Nations system more coherent and effective in matters of development cooperation.³⁷ For this purpose, in February 2006 the Secretary General created the High-level Panel on UN System-wide Coherence, following the document detailing the results of the World Summit, paragraph 169 of which prescribed that decision making throughout United Nations should take into consideration 'main horizontal policy themes'.

19. The objective of the Panel was to carry out an in-depth analysis of the solutions available for further strengthening coordination of United Nations operational activities with regard to the achievement of the internationally agreed development goals, including the Millennium Development Goals. That same year, in November, the Panel presented its report 'Delivering as One' (A/61/583). From then on, following two years of consultations, the General Assembly was to adopt the first and second Resolution on UN system-wide coherence, on 15 September 2008 (A/RES/62/277) and 2 October 2009 (A/RES/63/311), respectively. The first of these resolutions provided the initiative structure; and the second reinforced inter-institutional cooperation in 5 prioritised areas linked to development: (1) women's empowerment (2) strengthening UN coordination with regard to development governance, (3) improving UN funding for development, (4) delivering as one and (5) harmonisation of business practices.

³³ See *The Role and Functioning of ACC*, op.cit. paragraph 20.9, p.II.

³⁴ R. McLAREN, 'UN Reform through Coordination by the ACC: The Continuing Saga of the King and the Barons', 67 *International Review of Administrative Sciences*2 (2001): 313-322.

³⁵ See *Summary of conclusions of the Administrative Committee on Coordination at its first regular session of 1998*, paragraphs 13 and 14.

³⁶ See *Renewing the United Nations: A Programme for Reform*, A/51/950 (14 July 1997).

³⁷ See J. MÜLLER, 'System-Wide Coherence of UN Operational Activities', *Reforming the United Nations: the challenge of working together* (Martinus Nijhoff 2010), section D of chapter III.

20. These new initiatives are instrumental to the CEB's work, which since the start has included coordination of elements of the *Millennium goals programme* as one of its tasks; as is known, the first global programme of public policies based on measurable goals and employing measurement mechanisms for ensuring quantifiable fulfilment.³⁸ As a result, the CEB today is defined as the main instrument for supporting and reinforcing the function of coordination of United Nations inter-governmental bodies in social, economic and related matters. Led by the Secretary General and aided by the Secretariat –based in both Geneva and New York– the new body promotes coordination and strategic direction in the areas of responsibility of the Executive Directors.

21. There are currently three basic bodies for achieving this. The first of these and the most important is the CEB High Level Committee on Programmes (HLCP), responsible for promoting coherence and cooperation as well as sharing knowledge in strategic areas within the system. In addition, the CEB High Level Committee on Management (HLCM) undertakes to identify and analyse administrative reforms for improving efficiency and for simplifying what is currently known as United Nations 'business practices'. Finally, the United Nations Development Group (UNDG) is responsible for coordinating operational activities at a domestic level. Its mandate on this point is based on wide quadrennial policy review of the operational activities for development of the United Nations system.³⁹ These three bodies meet twice a year prior to the CEB sessions. They provide direction and guidance to networks and established working groups. Their agendas concentrate on promoting harmonization of specific practices, as well as emerging issues which require policy coherence.

22. The CEB concentrates its efforts on promoting what it calls 'a holistic approach to all *issues of system-wide importance*'. Hence, its tasks have varied considerably from those of the old ACC, including among others the following tasks and activities: (1) coordinated United Nations approach to climate change, (2) implementation of joint initiatives in response to the global and economic financial crisis, (3) progress for harmonization and simplification of business practices of the United Nations, (4) improved security of system personnel at a global scale, etc.⁴⁰ Through the CEB, the United Nations 'are committed to responding to these challenges by delivering as one at the global, regional and country levels on the basis of their convening and advocacy roles, normative and analytical expertise, and operational and coordination capabilities'.

23. With regard to climate change, the CEB provides the impetus for various initiatives designed to ensure that the United Nations is able to *deliver as one* in matters of mitigation and adaptation. The CEB also monitors the effects of the global financial and economic crisis on the scope of Millennium Development goals. In 2008, the CEB and its High-level Committee on Programmes (HLCP) set up measures to review and analyse the impact of the crisis on most vulnerable groups. On this last issue, the CEB has devised special measures to facilitate a more rapid response from the United Nations system. Thus, 9 joint crisis initiatives were set up in the spring of 2009 with a multidimensional approach: (a) additional funding for the most vulnerable; (b) food safety; (c) trade; (d) green economic initiative; (e) a global employment pact; (f) social protection floors; (g) humanitarian action, social security and stability; (h) technology and innovation and (i) control and analysis.

24. Essentially, the CEB's informal slogan is to achieve 'a more coherent United Nations system delivering as one in response to intergovernmental mandates at the global, regional and country levels'. To a considerable extent, their work takes as a reference the Secretary General's quinquennial actions. For example, one of the centrepieces of these actions for the current five year period is to support member states in their efforts to advance economic growth, social development and environmental

³⁸ See A/RES/55/2, *Millennium Declaration* (8 September 2000).

³⁹ See A/RES/67/226, *Quadrennial comprehensive policy review of operational activities for development of the United Nations system* (22 January 2013).

⁴⁰ E/2010/69, *Annual overview report of the United Nations System Chief Executives Board for Coordination for 2009/10*, ECOSOC (7 May 2010).

sustainability in an integrated manner. Thus, by extension, this agenda is also a priority for the CEB in its programme issue *Strengthening United Nations system support for sustainable development*:

‘In response to General Assembly resolution 65/152’, CEB (under the aegis of its High-level Committee on Programmes) developed several joint contributions of the United Nations system to the preparatory process of the Conference on Sustainable Development aimed at advancing coherence and synergies within the United Nations system on sustainable development’.⁴¹

25. In this regard, the CEB works to ensure a coordinated approach of the United Nations to follow-up of the Millennium Summit from 2000. A decade later, in 2012, this body was explaining its functions regarding the Millennium goals in the following manner:

‘Acting on its mandate to enhance United Nations system coordination and coherence in support of and conformity with intergovernmental mandates, CEB bolstered its efforts to support countries in the achievement of the Millennium Development Goals and strengthened United Nations system collaboration around sustainable development issues’.⁴²

26. As a result, for example, the HLCP addresses strategic matters with a view to speeding up implementation of the Millennium goals for 2015. Furthermore, this body in April 2012 drew up a synthesis Report entitled “Fairer, Greener, more Sustainable Globalization” which highlights the coordination problems in this specific area.⁴³ Not only does the HLCP refer directly to the problem of inter-institutional coordination as a structural issue which brings with it the imbalances in globalisation: ‘Lack of policy coherence and not globalization per se, is a fundamental cause of the imbalances’;⁴⁴ it also provides a somewhat caustic appraisal of the current situation:⁴⁵

‘There are many inter-governmental frameworks and international organizations within which global issues are debated and policies formulated and implemented. In many respects, however, these institutions tend to operate in “policy silos”, and there exists no effective mechanism for ensuring the integration of their work across institutional mandates—a major “structural gap”. Moreover, many lack effective mechanisms to encourage or enforce compliance—an “implementation gap”’.⁴⁶

27. One structural problem for inter-institutional cooperation, which also provides the stimulus for growing fragmentation of global governance and international law, are the functioning of treaty-based regimes as a form of *policy silos*. The resulting challenge is captured by Koskenniemi with great clarity:

‘As [...] international rationalities clash, there no longer is any neutral terrain on which to resolve such conflicts. The battle is waged through jurisdictional language: you tell me which institution is charged to deal with such clashes, and I will tell you how it will be resolved, which preference will win out’.⁴⁷

28. For reasons such as this, many United Nations officials and public representatives are dubious about the actual capacity of the UN to channel the positive effects and balance the negative effects of globalization. Logically, in any case, the HLCP sustains a rather different position:

⁴¹ E/2012/67, *Annual overview report of the United Nations System Chief Executives Board for Coordination for 2011/12* (3 May 2012), p.4.

⁴² E/2013/60, *Annual overview report of the United Nations System Chief Executives Board for Coordination for 2012* (3 May 2013), conclusions, paragraph 73.

⁴³ CEB/2012/4, *CEB High-Level Committee on Programmes, Report of the High-Level Committee on Programmes (HLCP), at its Twenty-Third Session*, WMO Headquarters, Geneva, 19-20 March 2012 (3 April 2012), Annex V “Fairer, Greener, more Sustainable Globalization”, *A Synthesis Report by the High-Level Committee on Programmes* (2 April 2012).

⁴⁴ CEB/2012/4, op.cit, paragraph 38.

⁴⁵ CEB/2012/4, op.cit, paragraph 46.

⁴⁶ CEB/2012/4, op.cit, paragraph 55.

⁴⁷ M. KOSKENNIEMI, *International Legislation: today's limits*, op.cit, p.32.

‘The United Nations entities, acting collectively or individually, discharge of a range of functions that can influence the outcomes of the process of globalization—as the source of the human rights-based principles, norms and standards around which national policy should be articulated; as a source of research, technical assistance and policy advice; and as a forum for the exchange of ideas and experiences’.⁴⁸

29. In fact, the HLCP has publicly expressed its concern for the widespread scepticism regarding the ability of the United Nations organizations to manage the phenomenon of globalization in a coherent manner:

‘However, globalization has also affected the perception of the UN—there seems to be increasing scepticism about whether the UN as a multilateral framework can facilitate the urgent, cohesive and effective responses that today’s challenges demand. This doubt persists despite compelling evidence to the contrary, as well as evidence of the system’s capacity to reconfigure its operating organizations to elevate certain core objectives and enhance efficiency’.

30. In this respect, the CEB experts are fully aware of the difficulty of their task. At the same time, in response to this disaffection, HLCP recalls some of the United Nations’ most important achievements—in particular the Universal Declaration, the Convention on the rights of the Child, the ILO agreements, the Millennium Goals and the intergovernmental panel on climate change—and refers to them as essential for *achieving better outcomes from the globalization process*.

31. However, the actual problem resulting from the current multi-layered overlapping of authorities within the UN universe is also inevitably expressed within the coordination structures themselves. As explained, according to the Charter, the ECOSOC is authorized to coordinate within UN and paradoxically, therefore, to also “coordinate” the tasks of the CEB today.⁴⁹ In this regard, the General Assembly has also formally attributed the function of providing coordination and guidance to ECOSOC in order to ensure that political orientations ‘are implemented on a system-wide basis’;⁵⁰ a paradoxical policy measure when the CEB has the recently been given the wherewithal to coordinate high level inter-institutional coordination (HLCP, etc). Unquestionably, this super-structure for coordinating coordination (sic) weakens the authority of the CEB in fulfilling its mandate on coherence. In other words, the executive directors that make up the CEB are subject to the regular control of one of the specialized agencies of the UN. To a certain extent, this phenomenon is illustrative of the long ongoing struggle for power/authority between the organizational units that make up the United Nations. Inevitably, this situation contrasts markedly with the CEB’s new task in *Coordination in preparation and follow up of UN conferences and summits* within the framework of its functions of ensuring system-wide coherence on programme issues:

‘Responding to calls by the General Assembly for system-wide coordination in the preparation and follow-up to United Nations conferences and summits, CEB through its subsidiary machinery, consistently develops joint contributions as inputs to those meetings and systematically promotes collaboration and coherence in follow-up actions by the United Nations system’.⁵¹

32. In practice, the UN universe tends to regularly develop new layers of authority over its many bodies, including the CEB itself, and in doing so increases the latter’s Herculean task of delivering effective inter-agency coordination. An additional notable example in this regard is the so-called Comprehensive Policy Review of operational activities for the development of the United Nations system. This policy review mechanism created by a General Assembly Resolution serves as an instrument for the monitoring and the assessment of all UN development operations. Under this policy review scheme based on quadrennial reviews—where ECOSOC also provides coordination and guidance to ensure that

⁴⁸ CEB/2012/4, op.cit, paragraph 54.

⁴⁹ On so-called ‘co-ordinocrats’ see F. MEZZALAMA, K. ISSAOTHMAN & L. OUEDRAOGO, *Review of the Administrative Committee on Co-ordination and its Machinery*, Joint Inspection Unit, Geneva, JIU/REP99/1 (1999), p.14.

⁵⁰ See A/RES/67/226, *Quadrennial comprehensive policy review* (2012).

⁵¹ E/2013/60, *Annual overview report of the United Nations System Chief Executives Board for Coordination for 2012* (3 May 2013), paragraph 55.

those policies are implemented—, new system-wide policy orientation for the development, cooperation and country-level modalities have been established...

33. Last but not least, all these multiple old and new pro-coordination within UN are administered under the watchful eye of governments, to whom ultimately the CEB is answerable. As a result, all the annual reports of the CEB clearly capture this complicated position synthesized in the following catch phrase which, with minor variations, generally appears in its annual reports: ‘CEB deepen[s] its efforts to enhance the effectiveness of the United Nations system by fostering coherence and coordination *in response to mandates by Member States*’.⁵² In short, the CEB’s capacity to promote world policy coherence and coordination in general is inevitably limited by the traditional organizational forces which have driven the complex UN universe since its inception.

IV. Current policy options

34. The challenge of coherence in the architecture of global governance within the UN goes far beyond the CEB. Essentially, it is a structural challenge which dates from way back, transcending the creation of the United Nations. When the post-World War II system of international organizations was created, it was deliberately designed by its founders to be decentralized;⁵³ different international institutions were built upon and governed by their national counterparts— be they foreign ministries, treasuries, or departments of agriculture, health, education, and labour. As Ruggie underlines:

‘The most distinctive institutional feature of the UN system, therefore, is that it is not designed as a matrix at all but as a set of deeply rooted columns connected only by thin and tenuous rows. Nothing that has transpired since 1945 has transformed that fundamental reality’.⁵⁴

35. Hence, preserving the sense of unified purpose within the system is not the competence of the CEB but of the governments that make up the United Nations. Nevertheless, the CEB can make some contributions to improving policy coherence in accordance with its formal authority to guide programmes, activities and proposals. As a result, since 2003, the CEB has taken some steps to guide and influence programmes and activities as well as urgent political initiatives. In this regard, this peculiar body in the heart of the United Nations system, with the Secretary General presiding as *primus inter pares*, has several advantages for promoting a paradigm change. The basic issue is how to increase interdependence of the independent mandates. For this purpose, *joint collaboration initiatives* have proliferated in recent years,⁵⁵ and the CEB also has the capacity to promote high level activities and best practices in coordination matters;⁵⁶ and understandably, its members and technical teams have for years been among the most active advocates of the need to build “bridges” between the concurrent mandates of UN agencies.⁵⁷

36. The high level representation in CEB –Executive Directors of international organizations– as well as the fact that CEB’s Secretariat responds solely to the UN Secretary General –as president of the CEB– offers some possibilities for successfully promoting some good practices in the field of inter-institutional coordination within the United Nations. In this respect, for example, the CEB could easily promote some good practices with the help of the international Law Commission. (ILC). As the latter body is competent in codification and progressive development of international law, it would be reasonable to explore, together with the CEB, best legal practices in inter-institutional cooperation, with a view

⁵² E/2013/60, *Annual*, op.cit., p.3.

⁵³ J. W. HOLMES, *The Shaping of Peace* (University of Toronto Press 1979).

⁵⁴ J. RUGGIE, ‘The United Nations and Globalization: Patterns and Limits of Institutional Adaptation’, 3 *Global Governance* 9 (2003): 303.

⁵⁵ P. LAMY, *Pragmatic solutions need to be found now to enhance global governance*, WTO (2010).

⁵⁶ J. RUGGIE, ‘The United Nations and Globalization: Patterns and Limits of Institutional Adaptation’, 3 *Global Governance* 9 (2003): 301-321.

⁵⁷ See *Economic and Social Council Hears Briefing on Results of Initial Session of Administrative Committee on Coordination*, Press Release ECOSOC/5890 (12 May 2000).

to creating new effective legal tools on this issue in the long term⁴. Legal and policy measures such as, among others, reciprocal *technical assistance*, attribution of relevance to legal and fact determinations from other regimes (inter-institutional *deference*) and the creation of effective inter-institutional dispute settlement mechanisms, as well as joint decision making bodies are basic examples in this regard.

37. Article 13.1(a) of the United Nations Charter mandates the General Assembly to promote and commission studies for codifying and progressive development of international law. Since Resolution 174 of 21 November 1947 created the ILC, progressive development of international law consists of drawing up draft agreements on unregulated matters, or insufficiently regulated (article 15 of the Statute). Reasonably, inter-institutional coordination and coherence is one such case. The problem was identified many years ago; as Morgenstern explained in the nineteen seventies:

‘There would seem to be a need for a much wider awareness of the need for coherence in international legislation if the international law of the future is not to be cluttered, like space, with imperfect technology of the twentieth century’.⁵⁸

38. On this point, initiatives should exceed the diagnoses currently available on fragmentation of global governance and focus on practical proposals. In fact, although the appropriate framework for these issues of *lege ferenda* is the long term work programme of the ILC, it is clear that results can be obtained in the short term with the political will of some governments (i.e: G20). For several years now the high-level representatives of the United Nations, the Bretton Woods institutions and the WTO have sat at the table in the CEB’s biennial meetings. Unquestionably, it is the first global body in history in which the San Francisco regime (UN and its specialized agencies) and the Bretton Woods system (IMF and World Bank), together with the WTO, regularly participate in a common body partly aimed at improving the coherence of their diverse policies.

39. Nevertheless, these international organizations are largely tied to the mast of their respective treaty mandates. In this sense and notwithstanding that the CEB seats are occupied by the Directors General, those who actually make the global policy decisions in practice are the domestic agencies participating in these specialized organizations. For Müller, in this regard, ‘consolidation and merging of mandates and structures appear to be a precondition for coherent and efficient action’, which would require ‘a fundamental restructuring of the UN system, and that would face tremendous barriers’. Therefore, incremental consolidation, restricted to a limited number of entities and focusing on a narrow subject area, appears to be a more workable solution.⁵⁹

40. However, it is important to remember that the most powerful specialized agencies are not interested in building bridges in this respect, because this would restrict their leverage when defining global policies. In this context, and to paraphrase MacLaren, ‘as long as the barons have their own constitutional legitimacy, policy coordination of their work is impossible’.⁶⁰ In fact, when the Kofi Annan, Secretary General of the United Nations began to set up his plan for improving the UN system at the close of the nineties, not many supported his 1997 proposal that they convene a ministerial commission to review the association agreements between the UN and the specialized agencies, with an eye to better integrating the UN’s capacity to operate globally in all policy areas.⁶¹

41. Therefore, it is reasonable to argue that the CEB lacks the capacity to lead major global transformations regarding the coherence of international law and policies. To quote Ruggie:

⁵⁸ F. MORGENSTERN, ‘International Legislation at the Crossroads’, 49 *British Yearbook of International Law* (1978): 117.

⁵⁹ See J. MÜLLER, *Reforming the United Nations: the challenge of working together*, Ed. Joachim Müller (MartinusNijhoff 2010), p.X.

⁶⁰ See R. McLAREN, ‘The UN System and its Quixotic Quest for Coordination’, 34 *International Organization*1 (1980): 146-147 y R. McLAREN, ‘UN reform through coordination by the ACC: the continuing saga of the king and the barons’, 67 *International Review of Administrative Sciences* 2 (2001):320.

⁶¹ See UN Doc. A/51/950, *Renewing the United Nations: A Programme for Reform* (14 July 1997), paragraph 89.

‘The ACC/CEB, which the heads of the World Bank, the International Monetary Fund (IMF), and the WTO now attend, was never intended to modify this constitutional arrangement. Throughout its history it has discussed but was unable meaningfully to coordinate what was, in any case, merely the *secretariat tail end* of the UN system’s policy processes’.

42. According to this expert, an appeal to the greater social good is of limited use in persuading agencies within the same government to collaborate, let alone the international organizations of which their states are members. This is not because they are run by bad people but because of the structure of incentives and accountability under which these functional agencies operate: achieving increased instances of inter-agency collaboration requires finding some way of overcoming these structural flaws. Thus, as Ruggie suggests, at the beginning of the twenty-first century, the UN truly straddles an epochal divide, one side anchored firmly in the twentieth-century intergovernmental order, while the other is making efforts to create and participate in a more inclusive and more fluid global public domain.

43. In this context, the ways in which CEB relates to new global policy forums such as G20 is of significant interest. The G20 certainly has an increasing capacity to generate policy space and momentum across the board of the networking architecture of global governance. In practice, participating in G20 meetings and summits often helps the heads of international organizations to obtain the political impetus needed to push through their agendas;⁶² as Lamy puts it, ‘[the G20] is not a world government, but it gives signals, impulses’.⁶³ Thus, as a result, the UN Secretary General (CEB president) and the heads of several international organizations already participate in some G20 meetings, and they are pushing to increase their presence; also interestingly, international organizations already contribute to G20 debates through joint reports specially prepared for their meetings.⁶⁴

44. Not surprisingly, pragmatic observers view the G20 as the natural home of global leadership on one hand, and international organizations as places of expertise, mobilization of resources and specialized inputs (e.g. rules, policies, programs) on the other.⁶⁵ However, it is hard to disagree with those critics who portray the G20 as a discriminatory elite club with its non-inclusive global policymaking. In addition, it is obvious that neither the CEB president nor the heads of international organizations participating in G20 meetings are significant key actors deciding policy direction in this type of forum.

45. Reasonably, the conundrum of how to improve global policy coherence is that of finding a way to lead global governance in an effective and inclusive manner. In fact, it is not clear how and who should lead such an objective in the making: the governments, international organizations, parliaments, combinations or groups comprising all of these?⁶⁶ In this scenario of network governance and polyarchies, the limitations facing the CEB in carrying out its work are clear. Certainly, issues of on global policy coherence are more seriously taken into consideration nowadays. However, the bits and pieces of a new architecture for global governance are certainly not developing ‘à la Montesquieu’, as Lamy puts it: things are being done more in networking and informal modes, and some mechanisms are progressively being put in place to promote coherence.⁶⁷ In this context, the CEB could definitely play a role, collaborating with other policy actors in promoting some improvements in inter-institutional coordination. However, coherence in both internal and international policymaking will continue to be a domestic policy issue first and foremost, and only from the domestic sphere can it extend upwards towards the global realm, at least at the present time. In short, the CEB may well try to do its utmost, but coherence still starts at home.

⁶² P. LAMY, *Pragmatic solutions need to be found now to enhance global governance*, WTO (2010).

⁶³ P. LAMY, *Lamy urges raising UN ECOSOC profile*, WTO (2011).

⁶⁴ For first examples see *Seizing the benefits of Trade for Employment and Growth*, OECD-WB and ILO and *Prize Volatility in Food and Agricultural Markets*, OECD-FAO-UNCTAD-WB-WFP.

⁶⁵ P. LAMY, *Crisis is opportunity to restore coherence in global economic governance*, WTO (2010).

⁶⁶ P. LAMY, *Lamy sees need for “right global governance”*, WTO (2009).

⁶⁷ P. LAMY, *Pragmatic solutions need to be found now to enhance global governance*, WTO (2010).