



Dialogue **on** Globalization

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The Economic and Social Council of the United Nations

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Dialogue on Globalization

Dialogue on Globalization contributes to the international debate on globalization – through conferences, workshops and publications – as part of the international work of the Friedrich-Ebert-Stiftung (FES). *Dialogue on Globalization* is based on the premise that globalization can be shaped into a direction that promotes peace, democracy and social justice. *Dialogue on Globalization* addresses “movers and shakers” both in developing countries and in the industrialized parts of the world, i.e. politicians, trade unionists, government officials, businesspeople, and journalists as well as representatives from NGOs, international organizations, and academia.

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Preface

Ever since the establishment of the United Nations (UN) in 1945, the Economic and Social Council (ECOSOC) has at times been subject to criticism and reforms that have expanded its membership and established new procedures to increase its effectiveness. Apart from the Security Council, no main organ of the UN has been debated as much as ECOSOC in recent years. Proposals for its reform have ranged from its abolishment to its incremental reform to its empowerment, including authority over the Bretton Woods Institutions. In any case, there is mounting international support for strengthening the role of ECOSOC both within the UN system of governance and in the macroeconomic governance of the global economy in more broad terms.

Publication of a policy paper on the subject of ECOSOC reform could hardly be more timely and relevant. Sixty years ago the UN was founded with the goal of promoting international peace and security. Believing sixty years later that the UN has “come to a fork in the road”. Secretary-General Kofi Annan formed the High-level Panel on Threats, Challenges and Change to assess the greatest threats facing humankind, consider how collective action might be used to address them, and advise on how the UN should be reformed to make that possible. The Panel’s final report, *A More Secure World: Our Shared Responsibility*, draws a clear link between development and collective security – human as well as state.

During the course of the year-long deliberations of the High-level Panel, the New York Office of the Friedrich-Ebert-Stiftung co-sponsored a series of expert consultations with the Panel’s research team, both inside and outside the United States. On June 10, 2004, we hosted a consultation devoted solely to the subject of ECOSOC reform. Participants included representatives of governments, the UN Secretariat and civil society.

However useful more ambitious reform proposals can be in identifying deficiencies in the institutional landscape of global governance, the best way of contributing to the dialogue on, and ultimate the strengthening of, global governance institutions is to table realistic and pragmatic proposals for reforming them. Against this backdrop, we had to look no further than Gert Rosenthal. Mr. Rosenthal has had a long and distinguished career in public service in his native Guatemala and in the UN system. Until recently he was Permanent Representative of Guatemala to the UN. Prior to that he served as Executive Secretary of ECLAC, one of ECOSOC’s regional commissions. In addition to his many important roles, Mr. Rosenthal’s position as President of ECOSOC in 2003 makes him an ideal person to comment on ECOSOC reform. The reform proposal developed by Gert Rosenthal in the pages that follow undoubtedly will serve as an important baseline for the forthcoming reform process.

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1 Executive Summary

Of the three principal intergovernmental organs that meet on a regular basis – the General Assembly, the Security Council and the Economic and Social Council – it is ECOSOC whose relevance appears to be questioned the most. Delegates, academics and the public at large understand the role of the General Assembly on the one hand and of the Security Council on the other, but they tend to be unclear as to exactly how the Economic and Social Council fits into the larger institutional scheme established in the Charter. Accordingly, it is ECOSOC that has been the subject of more reform proposals than any of the other intergovernmental bodies of the United Nations. In the course of the past 45 years, over a dozen proposals have been prepared: some “in-house” and others by independent panels. Some of those proposals have actually been acted upon, as was the case with the General Assembly Resolutions 32/197 and 50/227, both of which responded, with important lags, to proposals prepared by groups of experts in 1975 and 1988, respectively. Still, calls continue for a “strengthening”, “revitalization” and “reform” of ECOSOC.

Three sets of profound structural impediments to reform explain this state of affairs. The first derives from the Charter, which is ambiguous regarding the Council’s functions and responsibilities with respect to the General Assembly. Although the Council is a principal organ in its own right, under the Charter it shares many responsibilities with the General Assembly and, indeed, in most matters, is actually “under the authority of the General Assembly.” This has led, among other things, to overlaps and duplication in the activities of both organs. Furthermore, the Charter makes clear that the decisions taken by the Council are not binding on member states, or even on the specialized agencies of the United Nations System.

The second is also an indirect consequence of the Charter; it stems from the deliberately crafted, decentralized structure of the specialized agencies, the programs and the subsidiary bodies of ECOSOC, which defy internal coordination and cooperation. Since coordination is one of ECOSOC’s functions, decentralization makes its work that much more difficult.

The third reflects the post-war multilateral framework, which made it increasingly difficult for the United Nations to attract officials from the economic sectors, who have tended to gravitate to the Bretton Woods Institutions and the General Agreement on Trade and Tariffs (now World Trade Organization). Add to the above the question of membership – some would like ECOSOC to be a universal organ, others would like to reduce the number of its members – as well as some of the systemic difficulties of all UN intergovernmental gatherings – paying more attention to form than substance, repetitive agendas, reaching agreements based on the least common denominator rather than on the relevance of the issue at hand, and a host of others – and it is easy to understand why the Council’s relevance has been questioned so frequently and widely.

Still, the Council has also had its success stories, and has even experienced a modest revival since the mid-1990s. Furthermore, there is much that can be done to enhance its relevance and effectiveness within the broader framework of the United Nations' role in development. It is argued in this issue paper that a key to doing so must be sought in adopting incremental changes, rather than some of the grander schemes that have been proposed over the years, such as creating an "Economic Security Council".

The main thrust of any effort aimed at enhancement is to identify the niches that ECOSOC could occupy due to its comparative advantages. These presumably lie in fostering the policy debate (on international economic cooperation, and on emerging development issues), development advocacy, introduction of greater coherence, coordination and cooperation into the rather disparate parts of what is conventionally known as the United Nations system, and follow-up activities to major UN conferences. This last task, which was again sanctioned by the General Assembly during its 57th session, holds exceptional potential now that the international community has broadly accepted the Millennium Development Goals as a framework, a development which offers a general thrust for UN activities as well as numerous benchmarks which may serve to facilitate monitoring. Something similar can be said of the Monterrey Consensus.

Among the main recommendations contained in this issue paper, the following should be mentioned here. First, the unresolved issues between the jurisdictions of the General Assembly and ECOSOC can be addressed by the simple expedient of reaching a clear understanding between member governments on how tasks are to be distributed between the two organs. Member states should explicitly acknowledge that, in the broadest sense, ECOSOC is acting on behalf of the General Assembly. Second, a much closer relationship can and should be built between ECOSOC and the Security Council, especially in the area of post-conflict peacebuilding and development. The ad hoc groups on Guinea-Bissau and Burundi have done more to bring both Councils together than any other initiative in recent times. Thus, the joint participation of both Councils in the "Peacebuilding Commission" proposed by the High-level Panel on Threats, Challenges and Change is a step in the right direction. Third, a much closer partnership must be built between the UN and the Bretton Woods Institutions as well as with the World Trade Organization. This would give ECOSOC at least indirect access (through the other multilateral institutions) to ministries of finance, trade and development; an indispensable constituency if the Economic and Social Council wishes to have more impact at the national level, especially in developing countries.

Additional proposals formulated in this paper include the following:

- To alter the calendar of meetings and to program each segment in terms of its potential impact.
- To cluster the meetings around substantive functions. The present arrangement of five segments is fairly close to the mark, but could be more sharply defined
 - The high-level segment and the policy dialogues meet most of the standards for the type of policy debate envisioned as one of the main functions of the Council.

- The coordination segment offers the possibility of concentrating on a specific aspect of what is one of the cross-cutting functions of the Council: to foster coordination, cooperation and coherence, system-wide.
- The operational activities segment is also justified, but grossly underutilized, as an opportunity to introduce greater coherence between the United Nations’ analytical, normative and advocacy roles and its operational activities.
- The humanitarian segment has come into its own in the past two or three years as a useful meeting point between development practitioners and humanitarian assistance specialists. Its main thrust should be to link humanitarian and development assistance.
- The general segment has become a “catch-all” segment, which should be further refined. The oversight and management functions of ECOSOC as regards its own subsidiary bodies can be much improved.
- Regional cooperation deserves to be a category of its own.
- To strengthen the Secretariat – in terms of staff numbers and qualifications – as a self-evident requisite for enhancing the relevance and effectiveness of the Council.
- To bring both non-governmental organizations and the business sector more fully into ECOSOC’s work.
- To transfer to the General Assembly the function of electing members of ECOSOC’s subsidiary bodies, so that all member governments can participate in selecting the representatives of subsidiary bodies of both the General Assembly and ECOSOC.
- In the interest of agility in the Council’s deliberations, its current membership of 54 seems excessive; a number of 36 might be more adequate. Such a change would require amending the Charter.

2. Author's Preface

This issue paper was commissioned by the Friedrich-Ebert-Stiftung to stimulate the debate on improving the effectiveness and relevance of the United Nations Economic and Social Council (ECOSOC) in the broader context of globalization. The paper has two intrinsic limitations to which the author wishes to point here. First, the discussion on the role of ECOSOC should ideally be approached in the framework of overall reform of the United Nations system of governance. In other words, reforming ECOSOC is bound to be a rather abstract effort if it is not related to the corresponding reforms of the other organs established by the Charter. Second, the paper is selective and concentrates on the Council proper, only touching occasionally (especially in the last section) on the work of its subsidiary bodies.

In this regard, it should be noted that the issue paper will be circulated shortly after the presentation of the much-awaited Report of the Secretary-General's High-level Panel on Threats, Challenges and Change. In its Report, the High-level Panel recognizes that poverty and deprivation constitute major threats to humanity. It presents development as "the indispensable foundation for a collective security system". Accordingly, the report proposes "a more effective United Nations for the twenty-first century", contemplating, among other aspects, reforms of ECOSOC.* This paper is wholly consistent with the High-level Panel's proposals. It delves more deeply into the matter, in some areas going beyond the scope of the Panel's Report. It is therefore hoped that the paper will also be taken into account as the Panel's Report is debated.

For the uninitiated: ECOSOC is one of the six principal organs of the United Nations (the others are: the General Assembly, the Security Council, the Trusteeship Council, the International Court of Justice and the Secretariat). The Council is mandated to coordinate the work of the 15 UN specialized agencies and of its own subsidiary bodies: 10 functional commissions, five regional commissions and numerous ad hoc and expert bodies. An organizational chart of the UN, including ECOSOC, is presented in Appendix 1.

Any effort to enhance the effectiveness and relevance of ECOSOC must start out with a clear understanding of the organ's weaknesses. To gain better insights for the diagnosis, the author elected to present a historical analysis of the origins of the Council, the relevant Charter provisions, and the long record of reform proposals, the intention being to arrive at a balance of the strengths and weaknesses of the organ. The article then moves on to explore a range of proposals designed to address or at least circumvent the weaknesses.

Gert Rosenthal

* Report of the High-level panel on Threats, Challenges and Change A more secure world: our shared responsibility (New York: A/59/565) 2 December 2004, especially paragraphs 274-281.

3. Historical Background

The Covenant of the League of Nations did not establish any explicit connection between economic stability and the maintenance of international peace

Although the Covenant of the League of Nations contained some provisions dealing with economic and social matters (Articles 23 and 24), these were very limited in scope, dealing mostly with protecting the rights of workers, maintaining freedom of transit and equitable treatment for trade, and placing under the direction of the League all international bureaus already established by general treaties, provided the parties to such treaties consented. The Covenant did not establish any explicit connection between economic stability and the maintenance of international peace, nor did it include bodies designed to deal with economic questions in the “instrumentality” established.¹

On the other hand, the Dumbarton Oaks proposals worked out in 1944 by the four allies from World War II (US, UK, USSR and China) clearly reflected the idea that the United Nations should be involved in economic and social cooperation, albeit within a broader international order which contemplated the International Bank for Reconstruction and Development, the International Monetary Fund and the International Trade Organization (which of course became the much watered-down General Agreement on Trade and Tariffs).² It also recognized the conceptual link between peace, security and economic well-being.³ As to specific machinery, these proposals envisioned the creation of an Economic and Social Council (ECOSOC) as a subsidiary body of the General Assembly. It was during the San Francisco Conference that the idea of ECOSOC as a principal organ was born.⁴

An observer of the last few decades of negotiations at the United Nations would surmise that in San Francisco it was the developing countries (or “underdeveloped countries,” as they were characterized at the time) that insisted on giving the United Nations a greater role in economic affairs, probably against the resistance of the developed countries. However, it is interesting to note that the original authors of the Dumbarton Oaks proposals, and notably the United States, were firmly behind the notion of enhancing the economic and social spheres, not only due to the perceived link between economic stability and the maintenance of peace, but also as a result of their interest in economic reconstruction after the war.⁵ On

1 Although part of the League’s Secretariat evolved into an Economic, Financial and Transit Department by 1922, which eventually evolved into the Economic and Financial Organization of the League. See: Louis W. Pauly, *The League of Nations and the Foreshadowing of the International Monetary Fund* (Princeton, New Jersey: Essays in International Finance, No. 201, December 1996), p. 6. See also: Martin F. Hill, *The Economic and Financial Organization of the League of Nations: A Survey of Twenty-Five Years’ Experience* (Washington, D.C.: The Carnegie Endowment for International Peace, Division of International Law, 1945).

2 As Mahbub ul Haq observes, “in economic and social development, the United Nations continues much as before, with most of the finance and much of the action concentrated on the Bretton Woods institutions.” Mahbub ul Haq, et. al, eds., *The UN and the Bretton Woods Institutions: New Challenges for the Twenty-First Century* (New York: St. Martin’s Press, 1995), p. vii of the Preface. Also see Hans W. Singer, “An Historical Perspective”, in Mahbub ul Haq, et. al, eds., pp. 17-25.

3 “The theory was that since wars usually start over poverty or economic dissatisfaction, the U.N. should make every effort to improve living standards worldwide.” Stephen C. Schlesinger, *Act of Creation* (Boulder: Westview Press, 2003), p. 240.

4 Decision II/3, see *Yearbook of the United Nations 1946-1947*, p. 28.

5 Schlesinger, op. cit. pp. 49-50.

the other hand, the same countries aspired to permanent membership in ECOSOC, an aspiration that was not fulfilled in San Francisco, due to the opposition of most other countries.⁶ It is interesting to speculate whether this thwarted attempt served to dampen the interest of the great powers in the Council, diverting their multilateral efforts instead towards the Bretton Woods Institutions.

After the Charter was signed, a Preparatory Commission of the UN was formed, with an executive committee of 14 members, and provisional arrangements were made for the first sessions of all organs. The Committee prepared draft rules of procedure for all of the organs, including ECOSOC, and these were approved by the General Assembly on 29 January 1946 and adopted, without changes, by ECOSOC during its first session, held in London from January 23 to February 18.⁷ In subsequent sessions (Hunter College, New York, May 25-June 21, and Lake Success, December 10, 1946), most of the recommendations of the Preparatory Committee regarding the Council's main areas of attention had been accepted. Thus, ECOSOC's first forays into specific issues were in the areas of reconstruction (refugees, shortage of food, relief) as well as trade, employment, population, transport, communications, social welfare, statistics, the status of women, health, narcotic drugs and human rights. Indeed, the issues considered during the very first sessions resemble those being considered in more contemporary agendas. Looking at the issues enumerated, one can easily understand the functional development of ECOSOC's subsidiary bodies.⁸

Some authors argue that ECOSOC was established to provide a global policy coordination framework. For example, Childers and Urquhart take the position that the "founding governments (of the United Nations) intended ECOSOC to be the 'economic security council' that is now mooted, fifty years later, as some sort of additional body."⁹ This observation is based on the authors' interpretation of the responsibilities assigned to some of ECOSOC's subsidiary bodies, and particularly to the now defunct Economic and Employment Commission. However, the same authors recognize that "within a few years full employment ceased to be a regular Council agenda item. In the same years the separation of the Bretton Woods Institutions was consolidated. The long process of diverting the United Nations away from macro-economic policy formulation and into development assistance had begun."¹⁰

In fact, though, there is little evidence to support Childers and Urquhart's original interpretation. Instead, as will be shown in the next section, a close reading of the Charter leads to quite the opposite conclusion; i.e., ECOSOC was never intended

Some authors argue that ECOSOC was originally established to provide a global policy coordination framework

6 J. Renninger, *ECOSOC: Options for Reform* (UNITAR Policy and Efficacy Studies No. 4, 1981), p. 3.

7 United Nations, *Rules of Procedure of the Economic and Social Council* (New York, E/5715/Rev. 2, 1992), p. 34.

8 Some of the very first resolutions of the ECOSOC were adopted in February of 1946 to create some of the subsidiary bodies. See, for example, E/20 of 15 February 1946 regarding the establishment of an Economic and Employment Commission. During 1946-1947, the following Commissions held their first sessions: Commission on Narcotic Drugs, Social Commission, Economic and Employment Commission, Statistical Commission, Commission on Human Rights, Transport and Communications Commission, Population Commission, Commission on the Status of Women, and Fiscal Commission. *Yearbook of the United Nations, 1946-1947*, p. 471.

9 Erskine Childers and Brian Urquhart, *Renewing the United Nations System* (Uppsala, Sweden: Dag Hammarskjöld Foundation, 1994) p. 57. This book forms part of a broader collaboration effort between Urquhart and Childers, with a first publication of two reports (published together) in 1992 and a last one in 1996. (See bibliography).

10 *Ibid.*, p. 58.

to be the center of global policy coordination. Rather, and for understandable reasons, the main powers emerging from World War II preferred to concentrate global policy-making in the organizations in which their control was at least proportionate to their relative weight in world affairs. The right to exert a veto in the Security Council provided such a mechanism at the United Nations in the area of peace and security, while in the area of economic policy-making the weighted voting arrangements at the Bretton Woods Institutions made the World Bank and the IMF far more attractive alternatives to the United Nations General Assembly and ECOSOC, where each sovereign state had only one vote.¹¹

As set out in the Charter, the Council was composed of 18 members. Already in 1947, several countries, headed by Argentina, proposed expanding the membership to 24 members in the interest of broader representation. However, the proposal did not prosper at the time.¹² It was not until 1963 that the General Assembly approved Resolution 1991 (XVIII), which amended the Charter to expand membership in the Security Council from eleven to fifteen members and in ECOSOC from 18 to 27 members. This decision, which was ratified by the UN member states, came into effect on 31 August 1965. Subsequently, in 1971, the General Assembly approved Resolution 2847 (XXVI), which expanded ECOSOC membership from twenty-seven to its present fifty-four. This new amendment came into effect on 14 September 1973.

Some authors have also suggested that ECOSOC's influence has waned over the years.¹³ While a complete review of all the official records would entail a monumental research effort,¹⁴ there is abundant evidence to question such an assertion. For example, Walter R. Sharp undertook an in-depth study on the work of ECOSOC during its 36th session in 1963 and its 43rd session in 1967.¹⁵ He explored the various activities of the Council,¹⁶ and reached the conclusion that "it is only too easy to be pessimistic concerning the Council's future utility."¹⁷

There is little doubt that the enthusiasm – even the mystique – of ECOSOC's early years, combined with a manageable membership of 18 members, made the Council's proceedings more agile and less bureaucratic than has been the case in more recent times

On the other hand, there is little doubt that the enthusiasm – even the mystique – of ECOSOC's early years (the late 1940s and early 1950s), combined with a manageable membership of 18 members, made the Council's proceedings more agile and less bureaucratic than has been the case in more recent times. Of course, a similar conclusion could be drawn concerning the General Assembly.

11 For a first-hand account of how the weighted voting system came about, see: Raymond F. Mikesell, *The Bretton Woods Debates: A Memoir* (Princeton University, Essays in International Finance No. 192, March 1994), especially pp. 21-24 and 35-38. A sample: "The lack of candor regarding quotas at Bretton Woods was unfortunate, because it created considerable controversy and mistrust. White and his staff used an arbitrarily determined procedure to produce the recommended quotas and then tried to keep the formula from most of the delegates". Those quotas, according to then Secretary of the Treasury White, "must be based on a formula that recognizes a country's ability to subscribe to the Fund, her needs for use of the Fund, and the responsibility that must be given to her in the management of the Fund." p. 38.

12 *Yearbook of the United Nations*, 1947-48, p. 94.

13 One of the most respected observers of the United Nations' economic and social activities, Sidney Dell, wrote the following: "There was a time when governments regularly sent ministers to meetings of the Economic and Social Council and it worked quite well." Sidney Dell, *The Bertrand Critique*, p. 736.

14 *The Records of the sessions held between 1947 and 1949*, which set down, verbatim, everything that transpired, weighed in at around 900 pages of print for each session.

15 Walter R. Sharp, *The United Nations Economic and Social Council* (New York: Columbia University Press, 1969).

16 The operational context (Chapter 2), as a world policy forum (Chapter 5), its role in interagency coordination (Chapters 6 and 7) and in program planning and appraisal (Chapter 8).

17 *Ibid.*, p. 245.

On the whole, based on different criteria, today's Council is not radically different from the one that existed in the 1950s and 1960s. Those criteria include an evaluation of the agendas, the level of representation,¹⁸ the tone of discussion, as reflected in the official records, the capacity to engage with the specialized agencies, the degree of participation of non-governmental organizations, the quality of coordination of ECOSOC's subsidiary bodies and the content of the decisions and resolutions adopted. In fact, it is only a slight exaggeration to state that it is difficult to distinguish between an agenda of 1950 and an agenda of 1998 if the reader is not informed as to which is which.

The point should not be overstressed, because compared to the growing role played by the Security Council since the late 1980s, the General Assembly and ECOSOC have certainly become less relevant than the framers of the Charter had first envisioned. But it is equally wrong to look back nostalgically to a powerful, influential and agile ECOSOC that offered policy guidance and coordinated its subsidiary bodies and the many fractious parts of the United Nations system, for the official records indicate that such an idealized ECOSOC – alas – never existed. In the early years, as at present, ECOSOC did produce its “success stories”. Yet, as is the case today, ECOSOC was unable in its early years to fulfill the functions that the Charter envisioned for it. In fact, the lack of focus of those functions, as enumerated in the Charter, helps to explain ECOSOC's less than satisfactory performance over the years.

Perhaps for this reason, the monumental commentary on the United Nations Charter edited by Bruno Simma makes some rather unkind references to the Economic and Social Council of both past and present, including an allusion to “the persistent unimportance of ECOSOC” and a section entitled “The Reasons for the Decreasing Importance of ECOSOC”, which argues that as the membership of the UN has increased, and many countries have felt excluded from ECOSOC, “the power [has] shifted from ECOSOC to the GA and its committees.”¹⁹ In his 1995 paper on UN reform Tim Arnold remarks similarly that “the UN's central economic body, ECOSOC, has been largely ineffective, having long ago become just another part of the labyrinthine institutional structure of the United Nations.”²⁰ He cites as one of the basic defects its overlap with the General Assembly, and its inability to oversee the large number of subsidiary bodies under its aegis or to coordinate UN activities in economic and social fields, given its weak or non-existent mandates to do so.²¹

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18 On this matter, Sharp comments on the decision taken by the Council during its 28th session to convene a Ministerial meeting, which was held in the summer of 1960 and turned out to be an “unhappy event”. See Sharp, *op. cit.*, “The Ministerial Session Experiment”, pp. 75-77.

19 Kunig in Bruno Simma, ed., pp. 984, 1009-1010, and 1010, paragraph 53.

20 Tim Arnold, *Reforming the UN: Its Economic Role* (London: The Royal Institute of International Affairs, 1995), p. 26.

21 *Ibid.*, pp. 30-37.

4. The Charter and ECOSOC

Some of the seeds of dissatisfaction with the role of ECOSOC can be traced back to ambiguities and contradictions in the Charter itself

As has already been implied, some of the seeds of dissatisfaction with the role of the United Nations in the economic and social spheres, as well as with the role of ECOSOC in particular, can be traced back to ambiguities and contradictions in the Charter itself. The precursor to the Charter, the Dumbarton Oaks Proposals, clearly placed ECOSOC under the General Assembly. The language of the Charter continues to reflect such an intention – especially Articles 13(1)(b) and 60 – but it at the same time elevates the Council in the UN hierarchy to one of the six principal organs, with some latitude to define its own agenda, functions and working methods.

The dilemma is further compounded by the fact that the relationship of the organs to each other is not clear. “On the one hand, ECOSOC discharges its functions under the authority of the General Assembly (Art. 60), which, accordingly, has the power to adopt resolutions or decisions that bind ECOSOC. On the other hand, as a principal organ of the United Nations (Art. 7(1)), ECOSOC is in general not subject to the authority of any other organ of the United Nations, unless the Charter provides otherwise.”²²

It has also been suggested that ECOSOC has been further weakened by the unresolved issue of its composition (i.e. its lack of universality) as well as by the fact that the General Assembly takes up important economic and social issues before universal bodies (e.g., the Second Committee of the General Assembly or UNCTAD).²³

In addition, while the Charter makes clear that ECOSOC’s decisions and resolutions are not binding on member states, non-member states and even the specialized agencies,²⁴ it is less than clear regarding the scope and content of ECOSOC’s functions and powers, as spelled out in Chapters IX (Articles 55-60) and X (Articles 61-72) and in Articles 15(2), 91, 96(2) and 98.

This is, of course, not the appropriate paper to present detailed commentaries on the origin, meaning and interpretation of each article of the Charter, especially since such detailed analyses are readily available.²⁵ However, four general observations can be made:

²² Lagoni and Landwehr, in Bruno Simma, ed., p. 987, paragraph 4.

²³ Lagoni and Landwehr, in Bruno Simma, ed., p. 984, paragraph 14.

²⁴ In relation to Article 62, Lagoni and Landwehr point out: “As the power to make recommendations does not include the power to make binding rules, the respective resolutions are legally not binding for States. Accordingly, ECOSOC usually employs the term ‘recommends’, but even when it ‘invites’, ‘requests’, or ‘urges’ the doing of anything, the terminology does not indicate any power to adopt a resolution that would bind any State.” And they further state: “...recommendations of ECOSOC are not legally binding for the specialized agencies; rather they give rise to a duty of consultation and co-operation.” Lagoni and Landwehr, in Bruno Simma, ed., pp. 990-991, paras. 13 and 16.

²⁵ See Simma, ed., (2002); and Goodrich, Hambro and Simons, eds., *Charter of the United Nations: Commentary and Documents*, 3rd ed. (New York: Columbia University Press, 1969).

In the first place, Chapter IX, and Article 55 in particular, clearly contemplates an important role for the United Nations in the economic and social spheres and in the promotion of human rights. This article should be read as a further development of the Preamble and Article 1(3). According to Article 60, the responsibility for the discharge of the functions set out in Chapter IX is to be shared by the General Assembly (see also Article 13) and the Economic and Social Council, although the latter is “under the authority of the General Assembly”. Beyond the mechanisms used to fulfill this mandate and govern the distribution of responsibilities between the different organs, these provisions should put to rest, once and for all, the notion that the United Nations should concentrate on the maintenance of peace, disarmament and humanitarian assistance, and leave economic and social matters to other multilateral organizations. As stated above, this was not the intention of the framers of the Charter. This point was again made in the 1990s in the Secretary General’s *Agenda for Peace*,²⁶ in the *Agenda for Development*,²⁷ and in the subsequent General Assembly resolution.²⁸ The High-level Panel on Threats, Challenges and Change also recalls that the founders of the United Nations “understood well, long before the idea of human security gained currency, the indivisibility of security, economic development and human freedom.”²⁹ However, the statement that the United Nations has an important role to play in the economic and social spheres does not, in itself, resolve the issue as to what its precise role is, nor does it say what exactly, within this role, should fall within the purview of ECOSOC. Neither does it shed light on how such a role might be distinguished from that assigned to other multilateral institutions.

These provisions should put to rest, once and for all, the notion that the United Nations should concentrate on the maintenance of peace, disarmament and humanitarian assistance, and leave economic and social matters to other multilateral organizations

Second, Articles 62-66 spell out the functions of ECOSOC in a general manner, leaving some leeway for interpretation on the part of the Council.³⁰ The leeway appears in the subject matter of the issues to be addressed, the nature and scope of the recommendations to be made, and the addressees to whom those recommendations might be directed. At any rate, this article characterizes the Council as a forum for reflection on development issues,³¹ for offering policy guidance (through its recommendations), and for assuming both a normative role (draft conventions) and an advocacy role. It clearly does not bestow on ECOSOC the right to make decisions binding on member states. In this regard, ECOSOC is, of course, quite different from the Security Council.³² The same observations regarding the general nature of the functions of ECOSOC can be made about Articles 63 and 64, which address the matter of the coordination of the specialized agencies through the

26 Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1995).

27 Boutros Boutros-Ghali, *An Agenda for Development* (New York: United Nations, 1997).

28 Resolution 51/240 of June 20, 1997. The very first phrase of the Agenda, which appears in the annex to the resolution, states: “Development is one of the main priorities of the United Nations.”

29 Report of the High-level panel on Threats, Challenges and Change, *A more secure world: our shared responsibility* (New York: United Nations, A/59/565, 2 December 2004), p. 11.

30 For example, Article 62 allows the Council to “make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters”; make “recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned”; “make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all”; “prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence”; and “calling...international conferences on matters falling within its competence.”

31 Although the word “development” does not appear in any of the Articles of Chapter X, it is used explicitly in Article 55(a) in the formulation “improving the standard of living, achieving full employment, and creating the conditions of economic and social progress and development.”

32 Article 25 of the Charter states that “the Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

two-way street of consultations, taking receipt of reports, monitoring the work of the agencies (“obtain reports on the steps taken to give effect to its own recommendations”). This coordinating role is presumably meant to be extended to ECOSOC’s own subsidiary bodies (Article 68) and the other components of the United Nations system in the economic and social spheres. Again, the exact nature and scope of how this coordinating function was to be implemented was left to the Council itself, arguably within the framework of restrictions established by the General Assembly.

The classic function of ECOSOC as the “portal of entry” to the United Nations for non-governmental organizations is spelled out in equally general terms in Article 71

In the third place, the other classic function of ECOSOC as the “portal of entry” to the United Nations for non-governmental organizations is spelled out in equally general terms in Article 71, which allows the Council to “make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence.” The Charter does not shed much light on the perennially controversial issue of how open or restrictive those “suitable arrangements” should be, except for calling for prior “consultation with the Member of the United Nations concerned.” It is clear, however, that the participation of civil society, including non-governmental organizations, in the work of the United Nations has grown significantly in the past decades, as evidenced, for example, at the major global conferences.³³

The fourth and last general observation refers to the links established by the Charter between the different organs, or, more concretely, between ECOSOC and the other organs of the United Nations. There are several allusions to the links between ECOSOC and the General Assembly, including Articles 60, 62, 63, 64, and 66. In some cases, ECOSOC virtually receives instructions from the General Assembly; in others, ECOSOC appears to be formulating recommendations to the General Assembly. In addition, the overlapping mandates contained in Article 13, on the one hand, and 62, on the other, set the stage for considerable overlaps and even duplication in the agendas of the Second and Third Committees of the General Assembly and ECOSOC. As mentioned above, there is also considerable ambiguity in the relation between both organs, since some articles, and notably 60 and 66, clearly place ECOSOC in a subservient role to the General Assembly, while Article 7 does not establish a hierarchical distinction between the intergovernmental organs. It should also be recalled that it has been left to the General Assembly to further develop the functions and powers of ECOSOC in succeeding resolutions.³⁴

As to the links between ECOSOC and the Security Council, Article 65 limits the former’s role to furnishing information to the latter or assisting the Security Council “upon its request.” Until quite recently, Security Council requests for assistance were a rare occurrence.³⁵ Indeed, in practice the relationship between these two

33 This trend will no doubt continue. In this regard, see Panel of Eminent Persons on United Nations-Civil Society Relations, *We the Peoples: Civil Society, the United Nations and Global Governance* (New York: United Nations, A/58/817, 11 June 2004).

34 Notably, in Resolutions 45/177 of 19 December, 1990; 45/264 of 13 May 1991; 46/235 of 13 April 1992; 48/162 of 20 December 1993; 50/227 of 24 May 1996 and 57/270B of 23 June 2003. The last is a potentially significant resolution on the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields.

35 Sydney D. Bailey and Sam Daws, *The Procedures of the UN Security Council*, 3rd Ed. (Oxford: Clarendon Press, 1998), pp. 301-303.

organs has not been devoid of tension, as the Security Council has encroached on ECOSOC's functions under the general premise that post-conflict economic reconstruction falls within the domain of peace-building, which in turn falls under the purview of the Security Council. There have been some "turf battles" in the past. An example was the meeting convened by the Security Council in July of 2000 to examine the spread of AIDS in Africa, arguably a subject closer to ECOSOC's traditional agenda. The potential overlap in jurisdictions was glossed over by the title of the resolution that emerged from the meeting: "On the Responsibility of the Security Council in the Maintenance of International Peace and Security: HIV/AIDS and International Peacekeeping Operations."³⁶

Finally, the Charter also contains brief references to the links between ECOSOC and the Trusteeship Council (Article 91), the International Court of Justice (Article 96(2)) and the Secretariat (Articles 98 and 101), which do not merit further comment here.

³⁶ Resolution 1308 (2000). It is interesting to note that the High-level Panel on Threats, Challenges and Change recommends holding a second meeting of the Security Council on the matter. See: *op. cit.*, paragraph 67, p. 30.

5. The Permanent Quest for Reform

The recurrent efforts to increase ECOSOC's relevance have run the gamut from changes in its rules of procedure, working methods, agenda, redefining its role and enlarging its membership

The temptation to reform ECOSOC to make it more relevant, or to adapt it to changing circumstances, has been evident since the early days of the United Nations. The reform efforts have not been limited to altering the number of members, as alluded to above. For example, already in 1950 ECOSOC considered “a number of matters relating to the question of increasing the effectiveness of the organization and operation of the Council and its commissions” and “examined the question of establishing an ad hoc committee to undertake a comprehensive review of the organization and operation of the Council and all of its commissions.”³⁷ Indeed, as Edward Luck teasingly observes, “reform has become one of the enduring pastimes and primary products of the UN system.”³⁸

The recurring efforts to increase the relevance of the Council have run the gamut from changes in its rules of procedure, working methods, agenda, redefining its role and enlarging its membership. Over the years, different groups of experts and blue-ribbon panels – some sponsored by the United Nations, others working independently – have addressed the matter. In fact, some of the recommendations formulated over time have been partially or fully implemented, but it is equally telling that most of those recommendations have not been put into practice.

It is useful to briefly review some of the efforts undertaken in the past, if for no other reason than to heed Edward Luck's admonition that “those unaware of the history of reform may indeed be condemned to repeat it.”³⁹ This observation can be taken quite literally, since the recurrent emergence of efforts to address similar issues in six to ten year cycles can be explained, in part, by the relatively frequent roll-over of delegates, with the newest batch either ignoring or forgetting the substance of previous efforts at reform.

The first celebrated report on reform, centered on the operational activities of the United Nations, was prepared in 1969 by Sir Robert Jackson, a well-known Australian civil servant.⁴⁰ Notable, among other aspects, for the severe criticism Sir Robert directs at the UN in his letter of transmittal of the Report,⁴¹ the main thrust of the recommendations calls for a strong central coordinating organization, essentially by restructuring UNDP. It is interesting to note that ECOSOC is barely

37 Yearbook of the United Nations, 1950, p. 68.

38 Edward C. Luck, *Reforming the United Nations: Lessons from a History in Progress*, p. 361.

39 *Ibid.*, p. 389.

40 United Nations, *A Study of the Capacity of the UN Development System*, Vol. I (Geneva: United Nations, DP/5, 1969).

41 “The real reason is the great inertia of this elaborate administrative structure which no one, it seems, can change,” p. ii. He goes on to add: “At the headquarters level, there is no real “Headpiece” – no central coordinating Organization – which could exercise effective control....Who controls the machine? So far, the evidence suggests that governments do not, and also that the machine is incapable of intelligently controlling itself. This is not because it lacks intelligent and capable officials, but because it is so organized that managerial direction is impossible. In other words, the machine as a whole has become unmanageable in the strictest use of the word. As a result, it is becoming slower and more unwieldy, like some prehistoric monster” p. iii.

BOX 1: A SELECTED LISTING OF ECOSOC REFORM PROPOSALS

1. Robert Jackson Report, 1969 (indirect reference to strengthening ECOSOC).
2. Report of a Group of Experts on the Structure of the UN System, 1975.
3. GA Resolution 32/197 and its annex, 1977.
4. Report of the "Group of 18", 1986.
5. GA Resolution 41/213, 1986.
6. Report of the Special Commission of ECOSOC (E/1988/75), 1988.
7. UN-USA Report of Panel headed by Elliot Richardson, 1988.
8. Proposal for Economic Security Council in Human Development Report, 1992.
9. Independent Working Group sponsored by the Ford Foundation, 1995.
10. Commission on Global Governance, Our Global Neighborhood, 1995.
11. GA Resolution 50/227 of 1995.
12. The Nordic Reports of 1991 and 1996.
13. The South Centre Report of 1996.
14. Erskine Childers and Brian Urquhart reports of 1991, 1994 and 1996.

mentioned in the first 30 or so pages. However, paragraph 103 does state the following: "The final level is naturally that of governments. Here, the role of ECOSOC must remain paramount and should be progressively strengthened. It is essential for it to be effectively serviced. Again, as the new organization evolved and its links with UNICEF and WFP became closer, consideration should be given to the amalgamation of their governing bodies."⁴² The report offers few concrete proposals, however, on what "progressive strengthening" means and entails.

The next holistic effort at reform can be found in a resolution adopted during the Special Session of the General Assembly, which was devoted to development and international economic cooperation. Among other aspects, the member states asked the Secretary General "to appoint a group of high-level experts to propose structural changes within the United Nations system so as to make it fully capable of dealing with problems of international economic co-operation in a comprehensive manner."⁴³ This mandate, promptly complied with by the Secretary-General, who in fact named the group of high-level experts, led to the preparation of an extensive proposal, which covers a wide-ranging agenda, but which devotes special attention to the revitalization of ECOSOC as one of the keys to global policy-making.⁴⁴ The boldest proposals aimed at consolidating all the funds for technical assistance and pre-investment activities into a new UN Development authority, recommending new responsibilities for ECOSOC in the area of operational activities, and clarifying the responsibilities of ECOSOC vis-à-vis the General Assembly.⁴⁵ The proposal also recommended the creation of the post of Director General.

⁴² Ibid., p. 37. Few proposals are made on how the "progressive strengthening" is supposed to occur.

⁴³ Paragraph 5, resolution 3343 (XXIX) adopted on 17 December, 1974.

⁴⁴ Group of Experts on the Structure of the United Nations System, A New United Nations Structure for Global Economic Co-Operation (New York, E/AC.82/9, 28 May 1975).

⁴⁵ The Group proposed clustering of the agenda of the Second Committee and prior consultation of ECOSOC of said agenda. Ibid., p. 12.

A whole section of the report is dedicated to ECOSOC.⁴⁶ It recommends that:

- “The General Assembly...should reaffirm the Council’s central role with respect to global policy formulation.”
- “The Council should organize its programme on a biennial basis, with its calendar subdivided into frequent subject-oriented sets of short sessions spread throughout the calendar year.”
- “The establishment by the Council of small negotiating groups to deal with key economic issues.”
- “There is a need for higher-level representation.”
- “The executive heads of the specialized agencies and programmes concerned should be urged to participate as actively as possible in the Council’s review of issues.”
- “The Council (should) assume direct responsibility for the work now performed by its existing subsidiary bodies.”

In addition, the report contains recommendations aimed at modifying some of the subsidiary bodies of ECOSOC, reforming the regional economic commissions, and strengthening secretariat support of the Council.⁴⁷

The report was examined during the next two sessions of the General Assembly, and finally acted upon in December of 1977, with a watered-down version of the recommendations, but with a resolution that was nevertheless significant.⁴⁸ Resolution 32/197 addresses the same issues as the report and attempts to clarify the role of ECOSOC (paragraphs 5-15 of the Annex), the regional commissions (paragraphs 19-27), operational activities (paragraphs 28-36) and the area of planning, programming and budgeting (paragraphs 37-49).

As regards ECOSOC, the following main functions are mandated: “(a) to serve as the central forum for the discussion of international economic and social issues of a global or interdisciplinary nature; (b) to monitor and evaluate the implementation of overall strategies, policies and priorities established by the General Assembly in the economic, social and related fields; (c) to ensure the over-all coordination of the activities of the United Nations system in the economic, social and related fields and, to that end, the implementation of the priorities established by the GA for the system as a whole; (d) to carry out comprehensive policy reviews of the operational activities throughout the United Nations System.”⁴⁹ These functions of ECOSOC are still relevant today, but have never been fully implemented for reasons discussed below.

The next major reform effort came about as a result of the Report of the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (the “Group of 18”)

The next major reform effort arose as a result of the Report of the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (the “Group of 18”), which was

⁴⁶ Ibid., pp. 13-19.

⁴⁷ For an assessment of the Report, see Ronald I. Meltzer, “Restructuring the United Nations System: Institutional Reform Efforts in the Context of North-South Relations,” *International Organization*, 32(4) (Autumn 1978), pp. 993-1018.

⁴⁸ Resolution 32/197, “Restructuring of the Economic and Social Sectors of the United Nations System,” December 22, 1977.

⁴⁹ Ibid., Paragraph 6 of the annex to Resolution 32/197.

undertaken in 1986.⁵⁰ While relatively few years had passed since Resolution 32/197 was adopted, the report contains a recommendation that is particularly pertinent for this paper. Recommendation 8 states:

- (1) “A careful and in-depth study of the intergovernmental structure in the economic and social fields should be undertaken by an intergovernmental body to be designated by the General Assembly.”
- (2) “In general terms, the study should include a comparative analysis of agendas, calendars and programmes of work of the General Assembly, the Economic and Social Council and related subsidiary bodies, in particular the United Nations Conference on Trade and Development.”
- (3) “The purpose of the study should be, *inter alia*, to (a) identify measures to rationalize and simplify the intergovernmental structure, avoid duplications and consider consolidating and coordinating overlapping activities and merging existing bodies in order to improve their work and make the structure more responsive to present needs; (b) develop criteria for the establishment and duration of subsidiary bodies; (c) define in precise terms areas of responsibility for the various bodies (d) consider the establishment of a single governing body responsible for the management and control...of operational activities for development.”⁵¹

The General Assembly acted on most of the recommendations of the G-18 in adopting resolution 41/213 in December 1986. It decided that “ECOSOC, assisted as and when required by relevant organs and bodies, in particular the Committee for Programme and Coordination, should carry out the study called for in recommendation 8.”⁵² ECOSOC, for its part, agreed to establish the Special Commission of the Economic and Social Council on the In-depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields.⁵³ This Commission presented its Report in June of 1988.⁵⁴

The draft conclusions and recommendations of the Special Commission⁵⁵ introduce some differences in the responsibilities of ECOSOC in relation to those envisioned in Resolution 32/197, putting more emphasis on coordination and less on policy formulation, but the differences are nuanced.⁵⁶ They may reveal a temptation on the part of some delegations, in their quest for “enhancing the efficiency and effectiveness of the United Nations intergovernmental structure in the economic and social fields,” to seek a clearer distribution of responsibilities between the General Assembly and ECOSOC along functional lines: the first for policy guidance,

Notable among the latter was Resolution 50/227, which, indeed, expressly assigns the policy-guidance role to the General Assembly and puts emphasis on the coordination role of ECOSOC

50 Official Records of the Forty First Session of the General Assembly, Supplement No. 49 (A/41/49), New York, 1986.

51 Ibid., pp. 7-8.

52 Section I, paragraph 1 (e), Resolution 41/213.

53 Decision 1987/112.

54 Report of the Special Commission of the ECOSOC on the In-Depth Study of the United Nations Intergovernmental Structure and Functions in the Economic and Social Fields, (New York: E/1988/75).

55 UN Doc., E/SCN.1/CRP.1, May 1988.

56 Where 32/197 states that one of the main functions ECOSOC should concentrate on is “to serve as the central forum for the discussion of international economic and social issues of a global or interdisciplinary nature,” the Special Commission states: “to serve as the central forum for the substantive co-ordination of international economic and social issues of a global or interdisciplinary nature and for the formulation of policy recommendations thereon addressed to Member States and to the United Nations system as a whole.”

the latter for coordination.⁵⁷ At any rate, the report was submitted to the General Assembly, and over time some of its recommendations have been reflected in subsequent resolutions. Notable among the latter was Resolution 50/227, which, indeed, expressly assigns the policy-guidance role to the General Assembly and puts emphasis on the coordination role of ECOSOC.⁵⁸

At about the same time that the above-mentioned report came out, another blue-ribbon panel was issuing its own report. This group, led by former US Attorney General Elliot Richardson, was tasked with identifying ways of improving the effectiveness of the United Nations.⁵⁹ Maurice Bertrand, one of the members of the panel, provided the main inputs on economic and social matters.⁶⁰ A familiar diagnosis appears in the report when it states that “a comparison of the agendas of ECOSOC, the Second Committee of the General Assembly and the Trade and Development Board shows that very often the same topics are addressed without any real difference of approach.”⁶¹ To address this matter, a “vision for change” is proposed, which includes a definition of common objectives, streamlining of the existing machinery, and a search for a common approach at the intergovernmental level.⁶²

In spite of all the efforts at reform undertaken in the 1970s and 1980s – only some of the more prominent initiatives are mentioned in the preceding pages – Secretary General Javier Pérez de Cuellar felt moved to state in his Report on the Work of the Organization in 1987:

“Today, there is no representative intergovernmental body in the United Nations that is able to provide authoritative guidance to Member States and to the organizations of the United Nations system with regards to priorities of global programmes, the allocation of responsibilities, and the utilization of assistance resources. Most of the specialized agencies and some of the organizations of the United Nations itself have governing bodies that meet at the ministerial level. Yet, the Economic and Social Council, which is charged in the Charter with co-ordination and policy formulation for the economic and social activities of the system, is not constituted by representatives of such authoritative rank. I believe this should be corrected. For optimum effectiveness, the Council might become, in practice, a Council of Ministers for Economic and Social Affairs which would have the authority to review the medium-term plans or equivalent documents of all the organizations of the United Nations system. ... This concept, if followed, would obviously lead to

57 In presenting the draft conclusions and recommendations of the Special Commission, the Chairman (Ambassador Abdel Halim Badawi of Egypt) said: “Since the bulk of the restructuring process centers on the Council and its subsidiary bodies, this section is the most detailed. Paragraph 9 elaborates the responsibilities of the Council, not the present Council, but an enhanced and a more effective Council with universal membership. Again, those functions are drawn from the Charter, from relevant General Assembly and Council resolutions and from the new responsibilities to be entrusted to the Council as expressed by various groups and delegations.” UN Doc., E/1988/75, p. 108. However, in his concluding statement made on 11 May 1988, the Chairman also recalled how “residual fear, suspicion, mistrust and resentment spilling over from the forty-first session of the General Assembly tarnished the atmosphere of the Commission at the outset” (p. 129).

58 See especially paragraphs 18 and 38 of the annex to Resolution 50/227.

59 UNA-USA, *A Successor Vision: The United Nations of Tomorrow*. See especially the Chapter by Maurice Bertrand.

60 Maurice Bertrand started his career in the French civil service and subsequently spent many years in the United Nations System, first and foremost serving in the Joint Inspection Unit. He wrote extensively on reform in the economic and social spheres (see bibliography). He was one of the first proponents, in his 1985 JIU report, of an Economic Security Council to act as a UN forum to deal with economic problems.

61 UN-USA, *op. cit.*, pp. 138-140.

62 *Ibid.*, pp. 150-153.

a radical change in the functioning of the Economic and Social Council, but I believe it might be more consonant with the original intent of the Charter than the way in which the Council has functioned until now.”⁶³

There is nothing in the records suggesting any decision on the part of the inter-governmental bodies to follow up on the Secretary-General’s observation. However, a new wave of reform proposals arose in the 1990s, most of them produced by outside independent bodies. At least six are worth noting briefly.

First, in the Human Development Report of 1992, Mahbub ul Haq proposed the creation of a Development Security Council to design a global policy framework in all key economic and social areas, provide a policy coordination framework and prepare a global budget of development resource flows. According to this proposal, the Council would be made up of 22 members (11 permanent, 11 on the basis of rotational election), and it would have its own secretariat. This proposed Council would presumably replace ECOSOC, which was deemed “too large and unwieldy”.⁶⁴

A second report was produced in 1995 by an independent working group sponsored by the Ford Foundation and co-chaired by Moeen Qureshi and Richard von Weizsäcker.⁶⁵ The working group observed that “over time, the membership of ECOSOC has become too large to be effective. It has never been able to perform its coordinating role....There has been no lack of proposed remedies, but none has improved matters.”⁶⁶ In consequence, the proposal entailed the suppression of ECOSOC and the creation of two smaller and more authoritative bodies: the Economic Council and the Social Council.

Third, approximately at the same time that the Ford Foundation Report came out, the Commission on Global Governance, co-chaired by Ingvar Carlsson and Shridath Ramphal, published *Our Global Neighborhood*.⁶⁷ After describing global trends, the Commission makes a strong case for multilateralism to address both global security and what it calls “global economic governance.” A whole chapter is devoted to reforming the United Nations, with a special section dedicated to the Economic and Social Sectors in general and the Economic and Social Council in particular.⁶⁸ The members of the Commission state that “the UN, and in particular ECOSOC, has fallen far short of its envisaged role of co-ordination and overall direction in the economic and social fields. This is partly because this role is still being contested nearly fifty years after San Francisco, despite the clear intent of the Charter.”⁶⁹

Under the heading “the time has come to retire ECOSOC”, the Commission indicates, “We believe that reform today should go beyond institutional tinkering and start at the top of the system. That is where we have focused our attention and why we have proposed an Economic Security Council that would, by offering leadership

A report produced in 1995 by an independent working group entailed the suppression of ECOSOC and the creation of two smaller and more authoritative bodies: the Economic Council and the Social Council

63 Report of the Secretary-General on the Work of the Organization, Supplement No. 1, (A/42/1), 1987, p. 125.

64 UNDP, Human Development Report 1992 (New York: United Nations, 1992), p. 82.

65 The Independent Working Group on the Future of the United Nations, *Agenda for Change: New Tasks for the United Nations* (New York: Ford Foundation, 1995).

66 *Ibid.*, p. 292.

67 Commission on Global Governance, *Our Global Neighborhood* (London: Oxford University Press, 1995).

68 See Chapter 5, pp. 236-302, especially pp. 263-285 and 275-279.

69 *Ibid.*, p. 275.

The Commission's recommendation is to create a new Economic Security Council and, in effect, to universalize ECOSOC so that it can be merged with the second and third committees of the General Assembly

on economic and social matters, provide guidance for the whole UN system on policy in these fields.”⁷⁰ “Many countries have expressed concern about the effectiveness of these bodies. Overlapping mandates leading to repetitive debates, lengthy agendas and voluminous documentation are among the major complaints....Recent efforts to reform ECOSOC have resulted in some improvements....The efforts to date have been, however, more like a salvage operation. What is needed is a new vessel better designed and equipped to carry economic and social issues towards practical goals.”⁷¹ The Commission’s recommendation, therefore, is to create a new Economic Security Council and, in effect, to universalize ECOSOC so that it can be merged with the second and third committees of the General Assembly. The proposed Economic Security Council is perceived as a “global forum that can provide leadership in economic, social and environmental fields....While not having authority to make legally binding decisions, it would gain influence through competence and relevance, and acquire the standing in relation to international economic matters that the Security Council has in peace and security matters.”⁷² The Commission ends its analysis with this lapidary statement: “Fifty years is long enough to know what works and what does not work within any system. ECOSOC has not worked.”⁷³

Fourth, in 1991 the Nordic Countries published the report entitled “UN Reform Issues in the Economic and Social Sectors: A Nordic Perspective”.⁷⁴ This was followed by a second report, issued in 1996,⁷⁵ which built on the recommendations of the first report as well as on measures adopted in the intervening five years in the area of reform of the economic and social sectors.⁷⁶ As can be seen, the first report pre-dated the Commission on Global Governance (which, in fact, cites the Nordic Reports); the second report followed it. And certainly the second report treats ECOSOC more kindly than the Commission on Global Governance did.

Thus, far from proposing ECOSOC’s extinction, the second Nordic Report proposes strengthening ECOSOC’s role as a coordinator (of the various parts of the system and of its subsidiary bodies) and suggests a significant role for it in the coordinated follow-up of global conferences. It also suggests convening ECOSOC whenever necessary to address “urgent development in the economic, social and related fields that may require guidance and coordination by the Council”.⁷⁷ However, for the sake of a better division of labor between the various governing bodies, the Report suggests concentrating the role of policy-making and guidance in the General Assembly.⁷⁸

A fifth report offers a developing country perspective. In 1996, the South Centre prepared the report entitled “For a Strong and Democratic United Nations: A South Perspective on UN Reform”.⁷⁹ As might have been expected, the report argues for a

70 Ibid., pp.267-268.

71 Ibid., p. 276.

72 Ibid., p. 155.

73 Ibid., p. 278.

74 The United Nations in Development: Reform Issues in the Economic and Social Fields, A Nordic Perspective (Stockholm: Almqvist & Wiksell International, 1991).

75 The United Nations in Development, 18 December 1996.

76 The Introduction to the second report mentions GA resolutions 45/264, 48/162 and 50/227 as important achievements.

77 Ibid., p. 11.

78 Ibid., pp. 32-35.

79 The South Centre, For A Strong and Democratic United Nations (Geneva: The South Centre, 1996).

strong economic role for the United Nations. “The United Nations must be allowed to assume the full range of powers and functions provided for it in the UN Charter, enabling all members of the world community to participate and to defend their interest in the field of socio-economic affairs. ...In particular, ECOSOC and UNCTAD require protection against forced erosion from within, as well as from demands for their outright abolition. Their stature at the inter-governmental and secretariat levels must be enhanced through a series of concrete measures aimed at boosting their policy-making, negotiating and research functions.”⁸⁰

Finally, the list of holistic reform proposals would be incomplete without reference to Erskine Childers and Brian Urquhart’s series of studies published between 1991 and 1994.⁸¹ These authors, both astute and highly respected observers of the United Nations, support the notion of enhancing ECOSOC as a forum for policy-making and orientation. Childers and Urquhart also support ECOSOC’s high-level theme meetings. They argue that “the lack of engagement of agencies in the work of the UN as centerpiece of the system is perennially reinforced by the fact that Ministers of Agriculture only talk to each other in Rome, Ministers of Health in Geneva, Ministers of Industry in Vienna, Ministers of Finance in Washington, Ministers of Foreign Affairs in New York, and so on.”⁸² They go on to propose that the General Assembly should recommend to ECOSOC (under Article 66(1)) that it include in its agenda each year a high-level theme meeting at which the delegations to the Council should be led by their governments’ ministers of the relevant sector.⁸³

As will be noted, the six reports mentioned above, all prepared within a timespan of four years (1992-1996) offer very differing prescriptions for the Council. The first three reports recommend, in effect, the Council’s elimination. The fourth report recommends Council specialization in coordination (leaving policy guidance to the General Assembly), while the last two argue in favor of strengthening the Council in the areas of policy guidance and coordination.

But the long history of reform of ECOSOC consists of more than grand, overarching proposals. Over the years numerous efforts have been undertaken to streamline and improve ECOSOC’s working methods, introduce greater coherence in the activities of the different intergovernmental bodies, and adapt the Council’s agenda to changing circumstances. For example, the scope of ECOSOC’s subsidiary bodies has changed – albeit slowly – over the years to reflect emerging and waning issues.⁸⁴ The organization of the Council’s work has also improved as different agendas have focused on the high-level, coordination, operational-activities and humanitarian segments. In general, the preparation of the different segments, and especially the high-level segment, has improved over time. Another point that should be noted in the area of working methods is that over the years the Joint Inspection Unit has periodically issued reports of its own aimed at improving the efficiency and effectiveness of ECOSOC.⁸⁵

80 *Ibid.*, pp. 226-227.

81 Especially Childers and Urquhart, *Renewing the United Nations System* (Upsala, Sweden: Dag Hammarskjöld Foundation, 1994).

82 *Ibid.* p. 63.

83 *Ibid.*, p. 63.

84 See, for example, A/RES/50/227, A/RES/51/240, A/RES/52/12B, ECOSOC Resolutions 1997/61, 1998/46, 1999/51 and 2001/27.

85 See, for example, Maurice Bertrand, *Reporting to the Economic and Social Council* (Geneva: Joint Inspection Unit, JIU/RE-P/8-4/7, 1984).

Since 1998, the joint spring meeting of ECOSOC and the Bretton Woods Institutions has been the centerpiece of an increasingly productive dialogue

In addition, there have been important innovations. Since 1998, the joint spring meeting of ECOSOC and the Bretton Woods Institutions has been the centerpiece of an increasingly productive dialogue. This dialogue took on a whole new meaning as it became part of the follow-up process of the International Conference on Financing for Development.⁸⁶ In the same vein, the creation of ad hoc groups on African countries emerging from conflict – one on Guinea-Bissau, another on Burundi – has served as a link to improve relations with the Security Council.⁸⁷ However, it must be said that in spite of these positive trends the Council is still constrained by an excessive formality that appears to dominate its working methods (e.g., prepared speeches, disproportionate attention paid to the elaboration of draft decisions and resolutions, and insufficient dialogue among delegates and between delegates and the secretariat).

The Secretariat has also pursued its own version of revitalization and/or reform in the past few years, after Secretary General Kofi Annan launched his reform effort in 1997.⁸⁸ The measures put in place deal almost exclusively with the Secretariat and the administrations of the programs and specialized agencies, and virtually ignore the intergovernmental machinery.⁸⁹ They are basically aimed at streamlining the United Nations' activities in economic and social affairs, thus building a more coherent, coordinated system of action on the part of the different bodies. Some of the relevant measures highlighted for the purposes of this paper include: creating the post of Deputy Secretary-General; establishing a United Nations Development Group, a Senior Management Group and Four Executive Committees; forging a more meaningful level of interaction at the level of the Chief Executives Board (formerly the Administrative Committee on Coordination (ACC)); and enhancing coordination at the country level and in the area of budgeting and programming.⁹⁰ At the very least, these steps create an environment favorable to ECOSOC's success in carrying out its own responsibilities in seeking greater coherence, coordination and cooperation among the specialized agencies, the programs and its own subsidiary bodies.

Finally, in 2003-2004 additional initiatives were undertaken to review ECOSOC's relevance. These included the circulation of a letter by the President of the Council to ECOSOC members on 10 September 2003; a workshop organized by UN-USA in May 2004 to deal with ECOSOC reform; and an informal panel discussion organized by the President of ECOSOC on May 7, 2004 to deal with the same subject.⁹¹

On the whole, however, it is striking how little the reform proposals have impacted on the Council. Even when there have been specific mandates (for example, GA Resolution 32/197), these have been largely ignored. The next section explores some of the reasons for this state of affairs.

86 Report of the International Conference on Financing for Development, United Nations, A/Conf.198/11, Monterrey Consensus, Art. 69 (a) and (b), p. 16.

87 ECOSOC Resolution 2002/1 of 15 July 2002, 2002/304 of 25 October 2002 and 2003/16 of 21 July 2003.

88 See, among others, Report of the Secretary-General, *Renewing the United Nations: A Programme for Reform* (New York: United Nations, A/51/950), 25 July 1997; and Report of the Secretary General, *Strengthening of the United Nations: An Agenda for Further Change* (New York: United Nations, A/57/387), 9 September 2002.

89 Report A/57/387 only contains some general remarks on how important it would be to strengthen the General Assembly (paragraph 15) and the Economic and Social Council (paragraph 19), as well as some recommendations regarding the programming and budgeting process (see following footnote).

90 The Secretary-General's proposal to have the Fifth Committee absorb the functions of the Committee for Programme and Coordination (Action 22, paragraphs 166 and 167, A/57/387, p. 28) was ultimately turned down by the General Assembly.

91 Gert Rosenthal, *Proposal to Strengthen the Role of ECOSOC* (New York, September 10, 2003); UNA-USA, *How Can ECOSOC Reform Help Achieve the Millennium Development Goals?* (New York: UNUSA, June 14, 2004); and President's reflections on the reform of the Economic and Social Council on the basis of the informal panel discussion held in New York on 7 May 2004. Document circulated among all ECOSOC members on 27 July,

6. The Weaknesses (and Strengths) of ECOSOC

There are some common threads running through most of the reform proposals mentioned in the preceding paragraphs: they all attempt to address real or perceived weaknesses of ECOSOC. Those perceptions have changed little over the fifty-year period covered by the various reform proposals, a fact which suggests that some core issues are strongly resistant to reform. Although any attempt to categorize weaknesses involves some arbitrary criteria, a list of six sets of issues comes to mind.

6.1 The temptation to go beyond the Charter's mandate

In the first place, there seems to be a recurrent temptation to provide ECOSOC with powers that the Charter does not entrust it with. Many delegates and academics argue for an ECOSOC that would "lead the way" in setting the global macroeconomic policy-making agenda. As stated above, Childers and Urqhart's argue that in the Charter, "the intent could scarcely be clearer." They go on to say that "the United Nations and its principal organs should formulate global policies on trade, exchange and employment in the international community, to be *implemented* by the relevant specialized agencies."⁹² Walter Sharp also remarked in 1967 that "since ECOSOC, under the authority of the General Assembly, was to be responsible 'for the discharge of the functions of the Organization' pertaining to international economic and social cooperation, it followed that it should, along with the Assembly, work out arrangements for parliamentary discussion of broad economic and social issues, preliminary to recommending appropriate action through the Organization, not excluding appeals to member governments to adopt, or modify, national policies so as to bring them into harmony with the recognized needs of the world economy."⁹³

However, in the real world neither the United Nations, nor much less ECOSOC, has "led the way" in terms of policy-making. How can we explain this result? Probably the single most important reason can be found in the Charter, which gives the General Assembly and ECOSOC the authority to take initiatives, but does not extend said authority to make their recommendations and decisions binding on member governments or on other multilateral organizations. In addition, where matters of trade and finance are concerned, the advanced industrialized countries have historically preferred avoiding forums in which each country has one vote, and have instead favored such weighted-voting settings as the Bretton Woods Institutions. Furthermore, national economic policy-makers are, by and large, not part of the United Nations' natural constituency.⁹⁴

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⁹² Ibid., p. 58.

⁹³ Sharp, op. cit., pp. 72-73.

⁹⁴ On the other hand, some of ECOSOC's subsidiary bodies, such as the Commission on Statistics, have been a natural meeting place of practitioners dedicated to gathering, interpreting and disseminating statistics and economic indicators.

For all of these reasons, those who want the United Nations to “lead” in economic policy-making are bound to be frustrated, since they have neither the mandate, the power nor the primary constituency to “lead the way” in action.⁹⁵ This, of course, does not mean that the United Nations cannot “lead the way” in ideas; but limited capacity in the sphere of action has been the single main source of frustration regarding the United Nations’ (and ECOSOC’s) perceived weakness and, in turn, calls for reform.

Even the slightly more realistic expectation of converting ECOSOC into an effective forum to introduce coherence and coordination into the work of a highly disparate and decentralized United Nations System is, again, thwarted by the very same Charter that mandates this function. Indeed, the framers of the Charter explicitly intended the structure of the organization to be decentralized.⁹⁶ Sixty years after the signing of the Charter, decentralization is deeply embedded in the culture of the United Nations and the specialized agencies.

As to the other part of the equation, which holds that a decentralized structure requires coordination (one of the functions of ECOSOC at the intergovernmental level, and the Chief Executives Board for Coordination at the level of management), the perceived weakness over time is that ECOSOC could never implement this responsibility in a truly effective manner. Without forgetting the undeniable benefits of decentralization, which have given the United Nations system a very broad reach and an extensive and varied constituency,⁹⁷ it must also be recognized that decentralization has meant that the many parts of the system have their own intergovernmental machinery, their own constituency, their own institutional agendas and even their own bureaucratic culture. On one level, the specialized agencies, and even ECOSOC’s subsidiary bodies, tend to give intellectual support to the idea of coordination under the banner of the United Nations; on another level, they fiercely resist subordinating their own agenda to the “greater good” of the organization.

6.2 A lack of focus in the Council’s functions and responsibilities

A second weakness of ECOSOC revealed over the years is the relative lack of focus of its responsibilities and functions. Indeed, there has been tension between two primary responsibilities: one, offering policy guidance; and two, introducing greater cooperation, coordination and coherence to the UN system in the economic and social spheres. Again, there is no compelling reason why the Council cannot fulfill both responsibilities in a complementary manner – as indeed is mandated by the

95 The High-level Panel on Threats, Challenges and Change put it very nicely when it said: “...decision-making on international economic matters, particularly in the areas of finance and trade, has long left the United Nations and no amount of institutional reform will bring it back...” (A/59/565) op. cit., paragraph 274, p. 72.

96 “The Charter decided in favour of a decentralized but co-ordinated structure in providing for a network of relationship agreements between the UN and important global organizations. This created a system of international organizations that is often called the ‘UN family’. The decentralization is the result of the acknowledgements by the forces that were responsible of the failure of the attempts of the League to consolidate its system. It is a proof of the will to avoid these earlier mistakes.” Meng in *The Charter of the United Nations: A Commentary* (Bruno Simma, ed.), p. 953, paragraph 37.

97 “The concept of decentralization has turned out to provide positive results despite the natural difficulties of co-ordination. Its advantages compared with a centralized system of activities within the UN are evident. It avoids the emergence of a giant but inflexible organizational structure and it also separates technical questions and problems of general policy, thus enhancing effectiveness.” Meng in Simma, ed., p. 954, para. 43.

Charter. In practice, however, the tacit dispute regarding whether the primary responsibility lies in one or the other area has, over the years, contributed to the impression of an organ that has lost clarity of purpose regarding its core functions. It is interesting, for example, to contrast the 1975 Group of Experts on the Structure of the United Nations system, which called for “reaffirming the Council’s central role with respect to global policy formulation and implementation,”⁹⁸ with the recommendation of the Nordic UN Reform Project “to concentrate policy-making in the General Assembly.”⁹⁹ The General Assembly itself evolved from a position of recognizing ECOSOC as “the central forum for the discussion of international economic and social issues of a global or interdisciplinary nature” (Resolution 32/197 of December 1977) to one indicating that it was the GA that “is the highest inter-governmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields” (Resolution 50/227 of May 1996). Indeed, the struggle to achieve a better division of labor among the inter-governmental bodies, and the failure to find a satisfactory response to this dilemma, appears at the root of virtually all the reform proposals.

6.3 Overlapping mandates with the other principal organs

This leads to a third weakness, which, again, stems from the Charter itself: the ambiguity as to how responsibilities in carrying out Articles 1(3) and 55 are to be distributed between the General Assembly and ECOSOC, and how to reconcile the fact that the latter discharges its functions “under the authority of the GA” (Art. 60) while still being one of the principal organs of the UN (Art. 7(1)). Many of the reform reports and studies wrestle with this issue, which spills over into the matter of membership. If ECOSOC had universal membership, it would be even harder to distinguish it from the Second Committee of the General Assembly. In fact, the relation between ECOSOC and the second and third committees arises in each and every report as well as in several General Assembly resolutions, with a phalanx of recommendations on how to avoid overlaps and duplication between the different bodies. None of the decisions taken so far appears to have been effective.

The relation between ECOSOC and the second and third committees arises in each and every report as well as in several General Assembly resolutions

6.4 Weak links with operational activities

The fourth weakness, in contrast to those previously listed, does not stem from any provision in the UN Charter. ECOSOC lacks significant control over its operational activities. It could be argued, for example, that if the Council could put more technical assistance funding behind its recommendations in order to facilitate policy-making at the national level, it would provide some leverage or incentive to complement advocacy with action.

Indeed, many of the reform efforts, beginning with the above-mentioned Jackson Report, propose placing the operational activities under the oversight of ECOSOC. But here again, in practice the links between the Council and the programs are quite weak. To begin with, the programs are subsidiary bodies of the General Assembly. In addition, while the programs submit formal reports to the Council

⁹⁸ UN Doc., E/AC.62/9, p. 13.

⁹⁹ The United Nations in Development, p. 11.

and take note of the recommendations they periodically receive, they have their own intergovernmental bodies in the form of their respective Executive Boards. For all of these reasons, and in spite of improvements achieved over the years (especially since the creation of the United Nations Development Group), there still seems to be a relative “disconnect” between ECOSOC and the operational programs, and in particular with the United Nations Development Program.

6.5 Deficient working methods

Another part of the problem is systemic in nature for the United Nations: the need to build consensus around the “least common denominator”

The fifth category of perceived weakness of ECOSOC is, at the same time, the least resistant to change. It falls within the realm of working methods, organization, agenda-setting and interaction with its subsidiary bodies. All reform proposals have delved into these matters, and, precisely because they are less resistant to change (there are no Charter-imposed impediments), this is the area where the most progress has been achieved. A host of General Assembly resolutions fall under this category.¹⁰⁰ The decisions taken in 1990 to organize yearly high-level segments and to organize the Council’s work around thematic segments certainly were steps in the right direction, although it can be argued that much more can be done. Indeed, anyone who has participated in ECOSOC meetings can testify that sometimes form is as important as substance, and that formal procedures still constitute a significant part of the style of interaction between members of the Council. This is especially pertinent to the coordinating of the subsidiary bodies and specialized agencies. All parties “go through the motions” of rendering reports, presenting statements, and even listening to a brief discussion, but these exercises rarely translate out into a meaningful dialogue, and even less often develop into effective coordination on the Council’s part. Another part of the problem is systemic in nature for the United Nations: the need to build consensus around the “least common denominator”, which quite often is the case for the resolutions approved in all intergovernmental forums, including ECOSOC.

6.6 The disconnect with economic cabinets at the national level

The sixth and final category should perhaps not be labeled as a weakness, it stems from the relative inability of ECOSOC’s natural constituency to gain direct influence on policy-making at the national level. There are two dimensions to this aspect. One has already been mentioned: the United Nations’ natural constituency at the national level is found in the ministries of foreign affairs. But, in the social and especially economic spheres, the main domestic actors – ministries of finance, ministries of trade, central banks – tend to gravitate to other international organizations, notably the Bretton Woods Institutions and the World Trade Organization. Some areas of the United Nations have been successful in interacting with the latter domestic actors (e.g. some of the regional economic commissions and the United Nations Conference on Trade and Development). But by and large, ECOSOC’s convening power on these domestic actors has historically been weak.¹⁰¹ It is no

100 GA Resolutions 45/177, 45/264, 46/235, 48/162 and 50/227, especially part IV of the Annex.

101 The same cannot be said for the United Nations as a whole. The organization has in fact shown its impressive capacity to convene member states at the highest level of representation for summits and major global conferences in the economic and social sphere.

accident, therefore, that many of the reform proposals fret about the level of representation of governments in ECOSOC, and try to devise ways and means to attract more senior economic policy-makers to the Council's meetings.¹⁰²

The other dimension centers around individuals who typically cover ECOSOC gatherings on a regular basis. They tend to be civil servants assigned to the New York missions of member states. Some have an economic background and are usually assigned to the ministries of foreign affairs of their respective countries. Most others are career diplomats. Even the most talented among them tend to have a world-view on international economic issues that is often at odds with that of their own ministries of finance and trade. This, in turn, has often lent a certain air of artificiality to the debates in the Council. Exaggerating somewhat, just to make the point, many member states perceive the United Nations and its organs as places where each country or grouping can articulate its vision and its demands regarding international economic issues in maximalist terms, while conducting the "serious" negotiations at other multilateral institutions.

6.7 Strengths

Up to this point, the discussion in this section has been about real or perceived weaknesses. The emphasis on weaknesses is deliberate, and its aim is to understand "what needs to be fixed". But it also must be said that the Council has demonstrated enough strengths over its lifetime to continue functioning, and to even have experienced a moderate reactivation since the mid-1990s. In fact, compelling arguments have been made over the years, and even quite recently, in defense of ECOSOC, its subsidiary bodies, and the usefulness of their work.¹⁰³

102 For example, Resolution 1768 (LIV) of 18 May 1973 states, "considers that the desired strengthening of the central role of the Council in the United Nations system of economic, social and humanitarian activities could be assisted if Member States were represented at the highest possible political, diplomatic or expert level, including, when appropriate, the ministerial level" (para. 18).

103 "Our goal is the effective implementation of the outcomes of the major UN conferences and summits, in particular the Millennium Declaration...ECOSOC provides us with a mechanism to that end: a central role in the oversight and coordination of UN work in the economic, social and environmental fields, including operational activities for development." Statement by Mr. Colin Wrafter, on behalf of the European Union, New York, 7 May 2004.

7. The Issues: Implications for Strengthening and Reform

In reaction to the criticism – exaggerated criticism, it could well be argued, in terms of the Council’s actual performance and output over the years – numerous reform proposals have been put forth

The single most important problem stems from the “disconnect” between ECOSOC’s natural constituency (foreign ministries and New York-based delegations) and economic policy-makers at the national level who feel more comfortable in the multilateral setting offered by the international financial institutions

As mentioned repeatedly in the previous pages, the most striking thing about ECOSOC during its lifetime is how often it has been maligned for its lack of relevance and/or effectiveness in numerous in-house and independent reports. In reaction to the criticism – exaggerated criticism, it could well be argued, in terms of the Council’s actual performance and output over the years – numerous reform proposals have been put forth, which range from abolishing this organ to simple, incremental steps to improve its working methods.

The main reasons for the relentless criticism and the reiterative calls for reform are rooted in deep structural difficulties. Some of these difficulties spring from the Charter, and some are based on the realities of policy-making at the domestic level of member states. Among the former, the most serious problems stem from the ambiguity in ECOSOC’s functions, vis-à-vis the General Assembly (and, to a lesser degree, also the Security Council), as well as the non-binding nature of the Council’s decisions. Among the latter, the single most important problem stems from the “disconnect” between ECOSOC’s natural constituency (foreign ministries and New York-based delegations) and economic policy-makers at the national level who feel more comfortable in the multilateral setting offered by the international financial institutions.

These structural obstacles to increasing ECOSOC’s relevance are so deeply rooted that member states would be well advised to assimilate them as parameters that condition the quest for a more relevant organ. In other words, rather than seeking a strategy to overcome these structural obstacles, what should be pursued, at least in an initial stage, is a strategy that takes these parameters as “givens” and seeks relevance within their confines. In its most elemental sense, this translates into a more realistic approach to what ECOSOC can do, and, conversely, what it should not be called upon to do.

To be sure, those inclined to more radical approaches to UN reform will find this strategy too conservative, and even timid. However, the long history of failed attempts at sweeping reforms adds credence to the proposed approach. Further, such an approach does not preclude a more ambitious or far-reaching reform, should the debate around the Report of the Secretary General’s High-level Panel on Threats, Challenges and Change lead to a major overhaul of the United Nations’ system of governance.

What follows is an examination of the main issues that need to be addressed to improve the relevance and effectiveness of the Council, in the context of the suggested incremental-steps approach.

7.1 Relations with the other organs, and particularly with the General Assembly

The ambiguous relationship between ECOSOC and the other principal organs concerning the issue of each organ's core functions and responsibilities has without doubt weakened the Economic and Social Council in the past. On the one side we have the General Assembly encroaching on the Council's role of fostering the policy debate; on the other we have the Security Council encroaching on the Council's role concerning the development aspects of post-conflict peace-building. All this leaves ECOSOC occupying an ill-defined "no-man's land" where its most important single mandate is fostering coordination and cooperation of the fractious parts of the United Nations System that resist being the objects of such coordination and cooperation.

The relationship between ECOSOC and the General Assembly is the first matter that deserves consideration. It is indispensable to clarify "who does what", precisely in order to eliminate the overlaps and duplication that have adversely affected the functioning of both bodies. There are two interrelated sets of underlying tensions that must be addressed to overcome this state of affairs. The first stems from the need to reconcile ECOSOC's status as an organ in its own right with the provision that, at least in the realm of international economic and social cooperation (Chapter IX of the Charter), it acts "under the authority of the General Assembly" (Article 60). The second is a function of the limited membership of ECOSOC in relation to the universal membership of the General Assembly. These two matters are closely interrelated.

As to the first matter, it would be a positive development if the broader membership accepted the notion that the two organs complement one another. The General Assembly should acknowledge that it delegates to the Council certain functions – such as policy debate, an advocacy role, initiatives on norm-setting, introduction of greater coherence and better coordination into the work of the different bodies that belong to the system – which the Council is to perform on behalf of all

ECOSOC, for its part, should acknowledge its de facto subsidiary status to the General Assembly.¹⁰⁴ Such an understanding requires no revisions of the Charter; on the contrary, it is consistent with it. However, acknowledging a status of the Council subsidiary to the General Assembly would require a new attitude among member states. For the General Assembly, it call for overcoming the reluctance at having designated a non-universal body to undertake tasks on behalf of the broader membership. It should be made clear, in this regard, that the latter would be the final arbiter on the matters that the Council brings before the General Assembly. For the Council, this would mean renouncing some of the prerogatives that the Charter bestows on it as one of the organs (albeit, at least for matters related to Chapter IX, "under the authority of the General Assembly"). In sum, if such a mutually reinforcing understanding were to be reached by both organs, the work program of the General Assembly – and especially of its second and third committees – and of ECOSOC could be revised drastically to better reflect the complementary functions of both organs.

ECOSOC should acknowledge its de facto subsidiary status to the General Assembly

¹⁰⁴ In this, there would be some parallelism with the General Assembly's conferring on the Security Council the primary (albeit not exclusive) responsibility for the maintenance of international peace and security, and agreeing that carrying out this duty the Security Council acts on behalf of all the membership (Article 23).

Any institutional responses aimed at highlighting post-conflict peace-building should contain features that allow the Security Council and the Economic and Social Council to work together, each in its respective sphere of influence

Something similar can be said for the relationship between ECOSOC and the Security Council, in the one specific area where both organs' mandates mesh: post-conflict peace-building and economic reconstruction. Article 65 of the Charter is formulated broadly enough to encourage greater cooperation between the two bodies. As stated above, the creation of ad hoc groups on African countries emerging from conflict has proved to be a specific instrument towards such an end.

The Report of the High-level Panel on Threats, Challenges and Change formulates some specific proposals in this regard. In the first place, there is the proposal on the creation of a new subsidiary body of ECOSOC: a Committee on the Social and Economic Aspects of Security Threats¹⁰⁵ In the second place, the creation of a new subsidiary body of the Security Council, but with some participation of ECOSOC, has also been proposed. Indeed, the establishment of a Peacebuilding Commission is one of the bolder proposals of the Panel's Report.¹⁰⁶ The former body's proposed mandate would be analytical and geared to fostering better understanding about the economic and social threats to peace. The latter's mandate would be more proactive, to organize assistance in post-conflict peace building and to consider both general policy issues and country-by-country strategies. These proposals certainly move in the right direction. It could be argued that the Peacebuilding Commission, as envisioned by the Panel, does not have enough ECOSOC participation.¹⁰⁷ But the main point to be made is that any institutional responses aimed at highlighting post-conflict peace-building should contain features that allow the Security Council and the Economic and Social Council to work together, each in its respective sphere of influence.

In summary, while some delegations will find the prescription of a change of attitude that would allow the three principal inter-governmental organs to mutually reinforce each other's work somewhat naïve, it would nevertheless resolve the single most important question surrounding ECOSOC; i.e. clarification of its role within the constellation of the principal organs of the United Nations.

7.2 The size and composition of the Council

Another source of tension in the relationship between the General Assembly and ECOSOC stems from ECOSOC's limited membership in comparison to the universal membership of the General Assembly. Historically, and especially since the late 1960s, non-members have been somewhat reluctant to delegate policy debates to the more exclusive membership of ECOSOC,¹⁰⁸ where they would be unable to intervene at any given time.¹⁰⁹

105 Report of High-level Panel, op. cit., paragraph 276, p. 72.

106 Ibid., paragraphs 261-265, pp. 69-70.

107 The Panel proposes among the guidelines for the Commission that it "should be reasonably small" (paragraph 265 (a), p. 69).

108 This attitude reflects a more systemic phenomenon: the resistance to delegate the initial work to build consensus around any particular subject in large bodies to small working groups or committees. While it is recognized that it is more agile to work in small groupings than in large ones, and also that all delegations would have their chance to intervene when the smaller group reports back to the plenary, the prevalent view has been that it is difficult for the plenary to undo what was agreed to at the level of the smaller grouping, and that therefore to be absent from those smaller groupings can erode any particular excluded country's influence in the outcome of the matter at hand. In the terminology of UN delegates, universal groups are "transparent", while smaller groupings lack transparency.

109 However, if the principle of rotation in the membership of ECOSOC is respected, those countries that wish to participate in its deliberations could reasonably expect to do so for three-year periods at least once every decade.

It is precisely the delegations that hold this view that would prefer to convert ECOSOC into a universal body. Unable to achieve such a goal, and given that the size of the Council is sanctioned by the Charter, unrepresented delegations strive for membership in the body, under the understanding that being excluded entails even greater costs. At the same time, they seek to transfer some functions – for example, offering policy guidance – away from the non-universal body (ECOSOC) and towards the universal body (the General Assembly), thus either deliberately or inadvertently weakening the Council.

However, even the most hardened defender of “transparency” would have to admit that it is rather difficult, if not impossible, to have a meaningful policy debate among 191 members. In fact, it is difficult enough to have a meaningful policy debate among 54 members: an argument that has often been put forth in favor of creating a smaller “Economic Security Council”. Be that as it may, the current number of members of the Council is large enough to accommodate all the differing points of view that characterize the UN’s universal membership. Meanwhile, with slightly more than a quarter of total membership, it is small enough to engage in a significant interactive debate, at least compared to the General Assembly.

Thus, in the light of the fact that ECOSOC does indeed act under the authority of the General Assembly, it would be possible to envision a functional distribution of responsibilities. Under this formulation, ECOSOC would engage in in-depth policy debates – on emerging development issues as well as on issues related to international economic and social cooperation – while the General Assembly, informed on the results of such debates, would adopt decisions and formulate recommendations to member states.

An understanding of this kind would not serve to solve the recurrent question of whether 54 members is an appropriate size for the membership of ECOSOC. The foregoing paragraphs suggest that it should be considered a maximum, since a move to convert the Council into a universal body would only compound the difficulty of sorting out “who does what” between the General Assembly and the Council. On the other hand, a more manageable number – for example, 36 members, as in the case of the Executive Boards of UNDP/UNFPA, UNICEF and the World Food Program – might render it more agile in its debate and oversight functions, although the reduction from 54 to 36 members would predictably encounter strong resistance on the part of numerous member states.

ECOSOC could engage in in-depth policy debates, while the General Assembly, informed on the results of such debates, would adopt decisions and formulate recommendations to member states

7.3 Functions and responsibilities

During its long lifetime, the United Nations has been quite accomplished in promoting the development debate, identifying emerging issues, and offering guidelines for policy-makers. It has historically been viewed as an impartial and objective meeting place where different positions and approaches can be contrasted, and implications of alternative policy prescriptions can be analyzed. It could even be argued that the non-binding nature of its decisions and resolutions has been an asset in furthering the policy debate, and has contributed to the organization’s considerable achievements in the development of ideas, in its advocacy role and

ECOSOC has continued to pursue its own role in contributing to development thinking and advocacy

in its ability to shape public awareness, if not in their implementation.¹¹⁰ Of course, not all of the development debate has take place under the aegis of ECOSOC and its subsidiary bodies (although the contribution of the regional economic commissions, subsidiary bodies of ECOSOC, has been noteworthy).¹¹¹ Other forums, such as the United Nations Conference on Trade and Development, and especially the General Assembly, have played an equally important role, as has the artifice of Global Conferences, either under the aegis of the General Assembly or as self-standing events.

Notwithstanding the trend since the late 1980s to put greater emphasis on the General Assembly as the main forum for the economic policy debate, ECOSOC has continued to pursue its own role in contributing to development thinking and advocacy, in part through the expedient of organizing discussions during the high-level segment established through Resolution 45/264.¹¹² This function should be encouraged and strengthened. First, as already stated, it is easier to have a meaningful debate among 54 delegations than 191. Second, members of ECOSOC tend to have specialists in their missions who typically have a professional background in economics, even though they come from to ministries of foreign affairs. And, third, in the collaborative distribution of responsibilities proposed above between the General Assembly and ECOSOC, the latter would be the natural setting for the policy debate.

A second important function that the Charter and numerous General Assembly resolutions assign to ECOSOC consists of introducing coordination, cooperation and coherence between the various parts of a highly decentralized system. This function has never been seriously questioned, although the Council's record in compliance has been the source of much of the dissatisfaction that has been manifested over the years.¹¹³ This function has four distinct expressions:

- coordination of ECOSOC's subsidiary bodies and especially the functional commissions (organized thematically) and regional commissions (organized geographically);
- coordination of the specialized agencies;
- coordination of the programs that form part of the operational arm of the United Nations, including the comprehensive policy reviews of operational activities; and,
- coordination with the Bretton Woods Institutions and the World Trade Organization.

Each one of these expressions is uniquely different and requires different approaches. Each will be discussed below. The main point to be made here is that ensuring the overall coordination of the activities of the United Nations system in

110 Richard Jolly et. al., *UN Contributions to Development Thinking and Practice* (Bloomington: Indiana University Press, 2004).

111 Yves Berthelot et. al., *Unity and Diversity in Development Ideas* (Bloomington: Indiana University Press, 2004).

112 Paragraph 5(d)(i) of the annex to resolution 45/264 of 13 May 1991 alludes to "the high-level segment devoted to the consideration of one or more major economic and/or social policy themes." This was furthermore ratified in resolutions 48/162 and 50/227.

113 As recently as the last substantive session, Mr. Masood Ahmed, Director General for Policy and International of the United Kingdom's Department for International Development, observed in a statement at the high-level segment on June 28, 2004: "I know ECOSOC mainly by reputation. Outside New York, and perhaps even inside, that reputation is far from perfect. Hence the continued debate about ECOSOC reform."

the economic, social and related fields, and ensuring the implementation of the priorities established by the General Assembly for the system as a whole, are and will continue to be core functions of ECOSOC. Obviously, the Council will have to improve its performance in these areas.

A third generic function of the Council that continues to be relevant falls in the area of monitoring and evaluating the implementation of overall strategies, policies and priorities established by the General Assembly in economic and social affairs. This, of course, includes the coordinated and integrated follow-up of major United Nations conferences, a task that ECOSOC will have to share with the General Assembly.¹¹⁴

On the other hand, the Council was not conceived to be, nor is it equipped to become, a forum for global policy coordination, along the lines of such proposals as the “Development Security Council”, or the proposal of the High-level Panel on Threats, Challenges and Change to transform the G20 Group of finance ministers into a summit.¹¹⁵ This is not to say that the world does not need such a forum composed of both developed and developing countries and with technical support from the United Nations and other multilateral financial institutions. Yet should such a forum be created, it would surely complement, but not substitute, an Economic and Social Council designed to fulfill the core functions outlined in previous paragraphs.

The Council was not conceived to be, nor is it equipped to become, a forum for global policy coordination

7.4 Partnerships with the Bretton Woods Institutions and the WTO

Probably the single most important development in United Nations activities in the economic and social spheres in recent times has been the preparation, the celebration, and the follow-up to the International Conference on Financing for Development, held in Monterrey, Mexico, in March 2002. Successful due to its level of participation (over 50 heads of state and more than 200 ministers of foreign relations, finance and trade), heavy involvement on the part of other official stakeholders, the NGO community and the business sector, and, mainly, for a far-reaching output document (The Monterrey Consensus), the event had the added benefit of bringing the United Nations, the Bretton Woods Institutions and the World Trade Organization closer together.

The Council had been meeting annually with the Bretton Woods Institutions since 1998 to hold a half-day exchange of views. While useful, the meetings proved to be more formal than practical. However, they did set the stage for stronger cooperation between the Secretariat of the United Nations and the management of the Bank and Fund. The preparatory work for the conference put this incipient cooperation on a much sounder footing, rooted as it was in a more concrete activity. The conference itself proposed creating the foundation for a stronger cooperative effort between the different institutions, based on a pooling of comparative advantages. What the United Nations brought to the partnership was its relatively

¹¹⁴ See, for example, Resolution 57/270B.

¹¹⁵ Report of the High-level Panel, *op. cit.*, paragraph 280, p. 73. “There still remains a need for a body that brings together the key developed and developing countries to address the critical interlinkages between trade, finance and environment, the handling of pandemic diseases and economic and social development.”

The Monterrey Consensus institutionalized the spring meetings between ECOSOC and the Bretton Woods Institutions as part of the follow-up process

untarnished image (at least in terms of impartiality and non-conditionality in its development assistance), and its great convening power (multiplied in this case by the efforts of the host government of the conference). The Bretton Woods Institutions, for their part, were able to attract some of the domestic actors responsible for economic policy-making.

The Monterrey Consensus institutionalized the spring meetings between ECOSOC and the Bretton Woods Institutions as part of the follow-up process. It thereby also offered the basis for a closer relationship between the UN Secretariat and the management of the World Bank and the International Monetary Fund on the one hand and the staff of the World Trade Organization on the other. Thus, the historical inability of the United Nations to attract domestic economic policy-makers can now indirectly be achieved through a closer partnership arrangement with these institutions. The importance of getting this partnership arrangement right cannot be overstressed, a fact which goes for both the intergovernmental level (permanent representatives at New York and executive directors in Washington) and the level of staff. Interaction should not be limited to the half-day or full-day spring meeting, and the meeting should be carefully prepared in a joint manner by all parties concerned.

7.5 The Subsidiary Bodies (as seen from the Council's vantage point)

Several issues related to the subsidiary bodies of ECOSOC are worth mentioning. The single most important one, of course, is how to improve coordination, cooperation and coherence in their collective work. The second issue pertains to the creation and eventual suppression of functional commissions in response to substantive priorities of the organization.¹¹⁶ The third issue, which deserves a category of its own, is concerned with regional cooperation, the regional commissions, and what their role should be. Finally, there is the matter of the election of the members of the subsidiary bodies.

In practice, ECOSOC simply has not devoted enough time to assimilating reports of subsidiary bodies and offering informed reactions

As to the first issue, to the degree that coordination and cooperation between the functional commissions is necessary,¹¹⁷ some formal instruments are already in place. The commissions report on their work to ECOSOC, and the Council can approve those reports or, as a sanction, repudiate parts or the totality of reports and the decisions and recommendations contained in them.¹¹⁸ The Council can also offer guidelines to its subsidiary bodies through meetings, consultations, and even decisions and resolutions that are binding on those bodies. But historically these mechanisms have not been very effective, basically due to flaws in working methods. In practice, ECOSOC simply has not devoted enough time to assimilating reports of subsidiary bodies and offering informed reactions. Many who have attended ECOSOC meetings in which the presidents of the functional commissions were

¹¹⁶ Rule 24 of the Rules of Procedure states that the Council may establish and define the composition and the terms of reference of functional commissions, regional commissions, sessional committees of the whole and other sessional bodies, and standing and ad hoc committees.

¹¹⁷ In the case of some specialized commissions, one could take the position that their work is relatively independent of any overall framework. This would conceivably be the case of the Statistical Commission.

¹¹⁸ Members of the Council frequently face the dilemma between respecting the decisions and resolutions of their specialized subsidiary bodies against their responsibility to overrule those decisions and resolutions if they run counter to the Council's policies.

present, a practice that has only been instituted in the past few years, have come away with the feeling that the dialogue between ECOSOC members and representatives of the commissions is generally superficial and devoid of substance.

For that reason, the President of the Council during 2003 circulated a memorandum aimed at improving working methods. The president's overall assessment of that year's substantive session was summarized in one central paradox: "On the one hand, the meeting was too long to keep our undivided attention and motivation during the full four weeks of its duration. On the other hand, it was too short to do justice to each and every item on our agenda....this paradox is due to the fact that the Council historically concentrates the bulk of its substantive activities in one, relatively long but uninterrupted session."¹¹⁹ On the particular matter being discussed in this section, the following observation was made: "although the outcome of the general segment was...broadly satisfactory, the format proved to be...difficult, and, in my judgment, fell short of ECOSOC's unique role as the central mechanism for oversight and guidance of the activities of its subsidiary bodies."¹²⁰

To deal with this matter, the president proposed streamlining the agenda between the different segments to better reflect the different functions of ECOSOC. The intention of such a regrouping was to limit the number of items covered by the General Segment so that considerable time could be devoted to improving ECOSOC's oversight functions.

On the second issue, ECOSOC has a broad constellation of functional commissions, standing committees, ad hoc bodies and expert bodies. They rarely change over time (exceptions are the Commission on Sustainable Development established in 1992 and the Permanent Forum on Indigenous Issues created in 2000).¹²¹ This raises the question of whether all the subsidiary bodies are relevant to the UN's contemporary agenda, or whether some new bodies should be considered to deal with emerging issues, such as international migration or the social and economic aspects of security threats, as proposed by the High-level Panel on Threats, Challenges and Change.¹²² This matter is not probed further here, but it is raised for future reflection.

The same can be said of the third issue – the link between the regional commissions and the work of the Economic and Social Council – which is worthy of an issue paper in itself. However, what can be stated is that the regional dimension warrants a segment of its own (it is currently considered under the General Segment). Again, at present the consideration of the reports of the regional commissions and the "dialogue" between members of ECOSOC and the executive secretaries of the commissions are usually formal, perfunctory and disjointed. The segment or subsegment on regional cooperation should revolve around the regional dimension of global issues and the global dimension of regional issues.

119 Memorandum circulated by the President of the Economic and Social Council to the members of the Council, 10 September 2003.

120 *Ibid.*, paragraph 4.

121 UN Docs., GA Resolution 47/191; ECOSOC Resolution 2000/22.

122 See footnote 105, above.

Finally, there is the matter of the Council electing the members of its subsidiary bodies, and even of some of the subsidiary bodies of the General Assembly in the economic, social, and related fields, such as the executive boards of UNDP/UNFPA and UNICEF. This practice has had some perverse consequences, because many countries are motivated to join ECOSOC to enhance their leverage in the bargaining for candidatures that has become a common practice in the United Nations.¹²³ In other words, being a member of ECOSOC provides a privileged position in terms of participating in numerous elections in which non-members do not participate. Thus, one way of “leveling the playing field” in the realm of electoral politics would be to concentrate all elections for subsidiary bodies of both the General Assembly and ECOSOC in the General Assembly. In this way, ECOSOC would be composed of countries that have no ulterior motive for wanting to be a member. It would also be consistent with the practice of opening membership in the subsidiary bodies to all members of the United Nations, and not only those that belong to ECOSOC.¹²⁴

No Charter amendment would be involved should ECOSOC renounce the right to elect the members of its own subsidiary bodies. The Charter only empowers the Council to create subsidiary bodies (Article 68), but it is the rules of procedure of the Council, adopted by the General Assembly, that establishes, through Rule 25, that “unless the Council decides otherwise, the members of any body or organ of limited membership, other than those subsidiary to a regional commission, shall be elected by the Council.”

7.6 The specialized agencies and programs

Most of the reflections presented above referring to ECOSOC’s role in coordinating its subsidiary bodies are equally relevant when applied to the specialized agencies. More time and effort should be dedicated to promoting a meaningful interaction between ECOSOC members and representatives of the agencies, or, recalling the language of the Charter, “entering into arrangements” with them. Further thought should be given to consultations between ECOSOC and the governing bodies of the specialized agencies. The same can be said of establishing more systematic communication between the United Nation’s Chief Executive Board (formerly the ACC) and ECOSOC.¹²⁵

It would be desirable to create space in ECOSOC’s agenda to consider in greater depth the lessons learned from United Nations field operations

By far the most effective coordination that can take place between the different specialized agencies and programs in fact takes place at the country level. The actions taken by the Secretary-General since 1997, in his reform process, certainly represent steps in the right direction, and have even generated some notable success stories. It should be pointed out, however, that ECOSOC is virtually absent from these efforts, except for the perfunctory consideration of reports that are periodically submitted to it. It would be desirable to create space in the Council’s agenda to consider in greater depth the lessons learned from United Nations field operations, both in the areas of development and humanitarian assistance.

123 Typically, a country that aspires, say, to join the Security Council, seeks support from other colleagues, who, in turn, offer their support in exchange for receiving corresponding support in achieving their own aspirations for election to intergovernmental bodies.

124 This recommendation would of course not apply to the Commission on Human Rights if the latter becomes a universal body, as recommended by the High-level Panel on Threats, Challenges and Change. See: Report, *op. cit.*, paragraphs 282-291, pp. 74-75.

125 Created by ECOSOC through Resolution 13 (III).

Finally, the High-level Panel on Threats, Challenges and Change contains a recommendation that would enhance the role of the Council in the arena of operational activities, suggesting that ECOSOC “can provide a regular venue for engaging the development community at the highest level, in effect transforming itself into a “development cooperation forum”.¹²⁶ More concretely, the Panel believes that ECOSOC “should provide guidance on development cooperation to the governing boards of the United Nations funds, programmes and agencies.”¹²⁷ This recommendation is certainly worthy of consideration on the part of member states.

7.7 The participation of non-governmental organizations in the work of the Council

The Economic and Social Council has historically been the “portal of entry” of non-governmental organizations, and of the business sector as well, to the work of the United Nations in the economic and social spheres. The contribution of civil society and the business sector to the debate has unquestionably been useful and constructive. However, there has been much deliberation in the past regarding the scope of non-governmental participation in the organization’s activities, as well as over the modalities, guidelines, decisions and practices that inform such participation. One particularly contentious issue has been the accreditation process for non-governmental organizations. Fortunately, there is a proposal on the table concerning guidelines and practices regarding civil society’s relations with the United Nations – prominently including, of course, the Economic and Social Council –¹²⁸ and for that reason the subject is not dealt with in this paper.¹²⁹ However, the paper would be incomplete without at least a mention of the subject and the look at the matter of non-governmental organizations and the business sector in the recommendations contained in the following section.

ECOSOC has historically been the “portal of entry” of non-governmental organizations, and of the business sector as well, to the work of the United Nations in the economic and social spheres

7.8 Strengthening the Secretariat

The capacity of the Secretariat to adequately prepare meetings, monitor their results, and nurture them with technically competent inputs can make a huge difference in the functioning of the Council as well as its subsidiary bodies. While self-evident, this consideration runs counter to budgetary restrictions and is faced with a host of problems which hinder recruitment of professional staff at the United Nations. Any effort to increase the relevance and effectiveness of ECOSOC will have to consider the need to strengthen the Secretariat, in terms of both the number of posts assigned to it for this purpose and the need for staff profiles to match the considerable demands to which they are subjected. Some further organizational changes in the Secretariat might also be warranted, although this matter is well beyond the scope of this issue paper.

126 Report of High-level Panel, op. cit., paragraph 273, p. 72.

127 Ibid., paragraph 273 (d), p. 73.

128 Civil Society is widely understood as including NGOs, parliamentarians, mass organizations and academia, but not the business sector.

129 Panel of Eminent Persons on United Nations-Civil Society Relations, Op. cit.

7.9 Defining the role of the Bureau

In the past, there has been a discussion regarding the role and even the composition of the Bureau. That discussion was reshaped by the preparatory process of the Conference on Financing for Development, which had an expanded bureau of 15 members. Thus, in the follow-up process, some delegations proposed reviving the idea of a bureau expanded to represent ECOSOC in the dialogue with the inter-governmental counterparts of the Bretton Woods Institutions and the World Trade Organization. Others continued to argue in favor of a traditional bureau made up of five members, but with enhanced authority to engage their counterparts.

At the time of writing this paper, this issue had not been resolved, perhaps because the traditional figure of a bureau of five members, whose role is more to organize and facilitate the work program of the Council than to represent it on substantive matters, has been time-tested and proven to be effective.¹³⁰ This does not, however, preclude a president from taking initiatives and exercising leadership within the rather narrow boundaries set by the Rules of Procedure.¹³¹

7.10 Working methods

As to the working methods of ECOSOC, by the simple expedient of rescheduling the calendar of meetings and dedicating more time and attention to their preparation, the Council could be much more influential. It appears that the main justification for crowding the bulk of the substantive session into a four-week “tour de force” in July is the availability of that particular four-week time period in the UN’s crowded calendar of events, rather than a rational allocation of the time needed to get the job done.

It would make more sense to separate some of the segments of the meeting with an eye to tailoring each segment to criteria other than the availability of conference facilities. Thus, the Council might wish to separate the high-level segment from the rest as a function of availability of high-level representatives from capitals; the oversight and management aspect might be linked to the accessibility to the reports of all subsidiary bodies; consultation with the regional commissions might be conditioned on the availability of the executive secretaries of those commissions, and so forth. The main point to be made is that a higher quantitative and qualitative yield in terms of outputs could be achieved in roughly the same number of working days, somewhat better distributed over time rather than concentrated in a single lengthy gathering.

Another issue to be considered is whether the biennial change of venue (between New York and Geneva) favors efficiency and effectiveness

Another issue to be considered is whether the biennial change of venue (between New York and Geneva) favors efficiency and effectiveness. While there may be compelling reasons to maintain this time-honored tradition, it should also be recognized that it involves high costs for both the Secretariat and the New York-based missions (in fact, many of the smaller missions cannot afford to field delegations from New York, and therefore ask their Geneva-based missions to cover the meetings, which often, in the end, means that delegates are not fully familiar with the issues being discussed).

¹³⁰ The High-level Panel on Threats, Challenges and Change indirectly raises this issue, also when it recommends establishing “a small executive committee, comprising members from each regional group in order to provide orientation and direction to (ECOSOC’s) work”. Op. cit., paragraph 278 (b).

¹³¹ Rules 18 to 22.

8 Conclusions and Recommendations

There is much that can be done to enhance the relevance and effectiveness of the Economic and Social Council of the United Nations. A key to doing so consists in avoiding the pitfalls of the past, i.e. the attempts that have been made to address deep structural obstacles to change, obstacles which have simply served to impede major results. This necessarily casts the need for a strengthening and/or reform of the Council in the category of minor, incremental changes, rather than stressing the need to adopt some of the grander schemes that have been proposed over the years, perhaps along the line of replacing the existing arrangement with a smaller Economic Security Council that would coordinate economic policy-making at the international level.

The main thrust of any effort toward enhancement must be to discover the niches that ECOSOC could occupy, based on its comparative advantages. These presumably lie in fostering the policy debate (on international economic cooperation, and on emerging development issues), development advocacy, creation of greater coherence, coordination and cooperation with the rather disparate parts of what is conventionally known as the United Nations system, and follow-up activities to major UN conferences. This last task, which was again sanctioned by the General Assembly during its 57th session, holds exceptional potential now that the international community has broadly accepted the Millennium Development Goals as a framework or road-map offering a general thrust for UN activities and numerous benchmarks that facilitate monitoring. Something similar can be said for the Monterrey Consensus, which should be treated as a complement to the Millennium Declaration.

The main thrust of any effort toward enhancement must be to discover the niches that ECOSOC could occupy, based on its comparative advantages

There are two fairly straightforward but potentially effective solutions to deal with the most important secular impediments to change. The unresolved issues between the jurisdiction of the General Assembly and ECOSOC can be addressed by the simple expedient of reaching a clear understanding between member governments on how tasks are to be distributed between the two organs. There have been previous attempts to codify such an understanding, most recently in General Assembly Resolutions 50/227 and 57/270B. But above and beyond this codification, a change of attitude on the part of member states is required. These should explicitly acknowledge that, in the broadest sense, ECOSOC is acting on behalf of the General Assembly. Thus, paradoxically, the strengthening of ECOSOC entails a recognition that the Council acts under the authority of the General Assembly, and therefore should report back to the General Assembly on the results of its deliberations and actions. In the same vein, joint efforts of the Economic and Social Council and the Security Council, recently shaped basically with an eye to the topic of African countries emerging from conflict and efforts at peace-building and development, can be greatly enhanced. The proposals of the High-level Panel on Threats, Challenges and Change on creating an ECOSOC Committee on the Social and Economic Aspects of Security Threats and a Security Council Peacebuilding Commission are steps that point in the right direction.¹³²

132 See footnotes 105 and 106, above.

The second unresolved issue involved in the disconnect between national actors that gravitate around the UN system and national actors dedicated to economic policy-making can be addressed through much stronger partnership arrangements between the United Nations, the Bretton Woods Institutions and the World Trade Organization. These partnership arrangements would entail joint and systematic work on the part of secretariat-management as well as consultations and dialogue among the intergovernmental bodies. A step in the right direction has been taken in the preparation and holding of the 2003 and 2004 joint spring meetings of ECOSOC and the Bretton Woods Institutions, but this clearly is not enough. Those meetings should be the basis for a more systematic cooperation, especially at the secretariat-management level, one in which the comparative advantages of each multilateral institution is brought to bear on the task of making such partnerships productive for all parties concerned, and especially for the member states.

In summary, the main elements of an enhanced ECOSOC include improving links between ECOSOC and the other main intergovernmental organs; enhancing cooperation between the United Nations (embodied by its organs) with other multilateral organizations; and creating a more focused profile of the Council's functions and responsibilities.

However, concerted efforts to achieve these three overriding goals need to be complemented through other measures. These include the following:

- Alter the calendar of meetings, and program each segment in terms of its potential impact. There is no compelling argument in favor of holding one four-week substantive session (except, perhaps, the availability of conference halls and translators in the UN's busy calendar of meetings).
- Cluster the meetings around substantive functions. The present arrangement of five segments is fairly close to the mark, but it could be more sharply defined.
 - The high-level segment and the policy dialogues meet most of the standards for the type of policy debate envisioned as one of the main functions of the Council. The selection of themes is crucial to the success of ECOSOC. These themes should respond to the criteria of relevance, and not, as often happens, reflect compromises that leave no one happy. Timing of the segment should be a function of the availability of high-level representatives from capitals.
 - The coordination segment offers the possibility to concentrate on a specific aspect of what is one of the cross-cutting functions of the Council: to foster coordination, cooperation and coherence, system-wide. This segment would perhaps offer the possibility to concentrate more on coordination of UN activities at the national level.
 - The operational activities segment is also justified, but grossly underutilized as an opportunity to create greater coherence between the United Nations' analytical, normative and advocacy roles and its operational activities.
 - The humanitarian segment has come into its own in the past two or three years as a useful meeting point between development practitioners and humanitarian assistance specialists. Its main thrust should be to forge links between humanitarian and development assistance. Again, there is a strong component of "on the ground" coordination.

- The general segment has become a “catch-all” segment, and it should be further refined. Certainly regional cooperation deserves a category of its own, while the oversight and management functions of ECOSOC on its own subsidiary bodies can be much improved.
- The strengthening of the Secretariat – in terms of the number and qualifications of its staff – is another self-evident requisite for enhancing the relevance and effectiveness of the Council.
- The inclusion of civil society and also the business sector in the work of the United Nations has been an increasingly important asset for the Council. The recent trend toward heightened participation should be encouraged, by bringing non-governmental organizations and the business sector more fully into ECOSOC’s work. Many of the proposals contained in the report issued recently by Panel of Eminent Persons on United Nations-Civil Society Relations are worthy of support.¹³³
- The function of electing members of ECOSOC’s subsidiary bodies should be transferred to the General Assembly, so that all member governments can participate in selecting the representatives of subsidiary bodies of both the General Assembly and ECOSOC.
- The idea of converting ECOSOC into a universal body does not appear to have much merit. Rather, in the interest of agility in the Council’s deliberations, its current membership of 54 would seem excessive; a number of 36 might be more adequate. Needless to say, such a change would call for amendment of the Charter.

All of these recommendations are fully consistent with the proposals contained in the Report of the Secretary General’s High-level Panel on Threats, Challenges and Change, which has been amply cited in preceding pages.¹³⁴ The author of this paper endorses the Panel’s affirmation that: “ECOSOC can provide normative and analytical leadership in a time of much debate about the causes of, and interconnections between, the many threats we face.”¹³⁵ The three general recommendations of the panel point in the same direction as the proposals contained in this issue paper, although they tend to concentrate on the institutional aspects. Those three recommendations are: first, to establish a Committee on the Social and Economic Aspects of Security Threats; second, to provide an arena in which states measure their commitments to achieving key development objectives; and third, to provide a regular venue for engaging the development community (the “development cooperation forum”).¹³⁶ The Panel’s proposal to establish a Group of 20 or Group of 25 countries to improve economic policy coordination at the global level should not be envisioned as a substitute, but rather as a complement, to an enhanced Economic and Social Council in the mold proposed in this paper.

133 Report of the Panel of Eminent Persons on United Nations-Civil Society Relations, “We the peoples: civil society, the United Nations and global governance” (New York, A/58/817, 11 June 2004).

134 Report of the High-Level Panel, *Op. cit.*, especially paragraphs 274-279.

135 *Ibid.*, paragraph 276, p. 72.

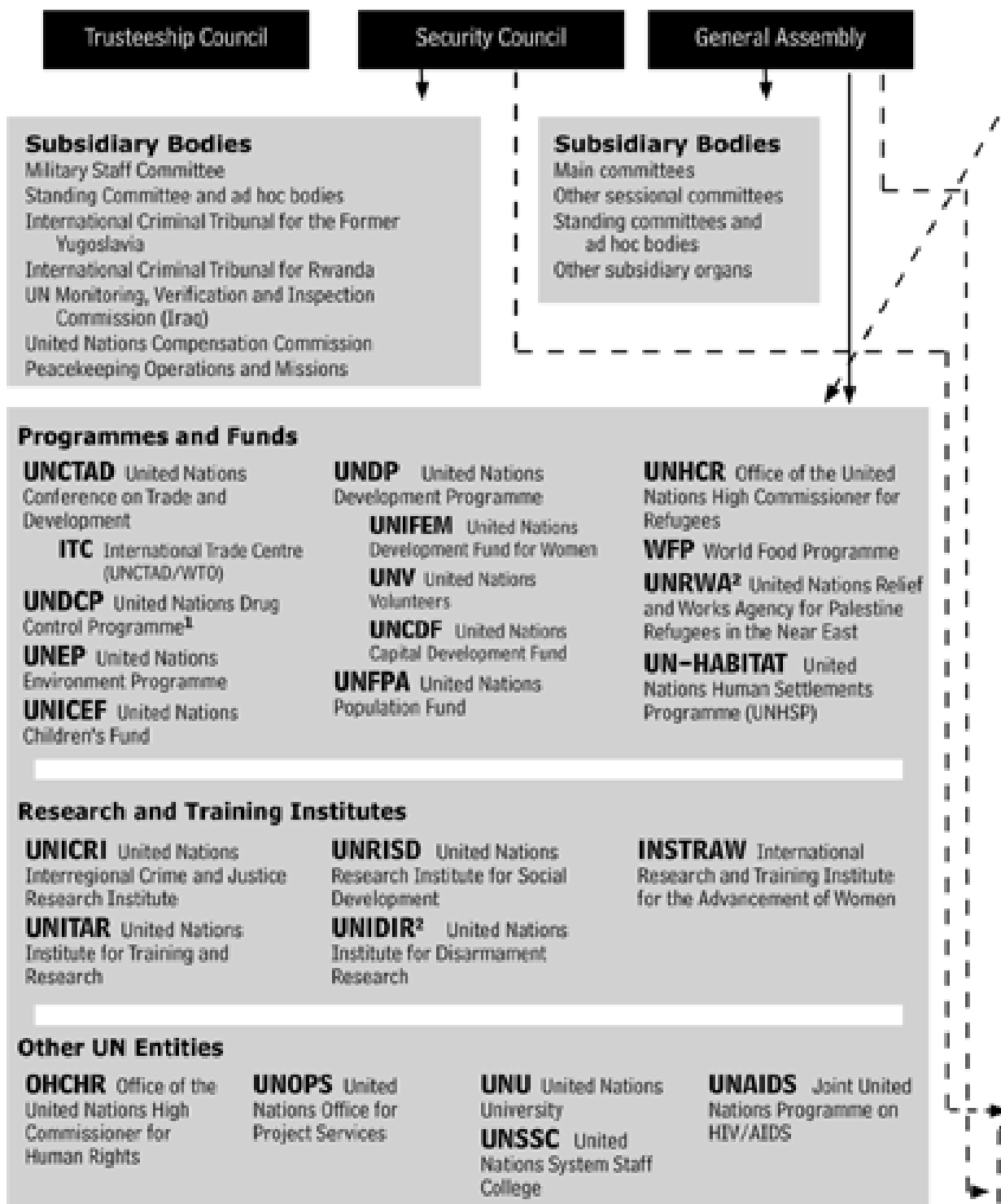
136 *Ibid.*, paragraphs 276, 277 and 278, pp. 72-73.

9.



The United

PRINCIPAL



Notes: Solid lines from a Principal Organ indicate a direct reporting relationship; dashes indicate a non-subsidiary relationship. ¹The UN Drug Control Programme is part of the UN Office on Drugs and Crime. ²UNRWA and UNIDIR report only to the GA. ³The World Trade Organization and World Tourism Organization use the same acronym. ⁴IAEA reports to the Security Council and the General Assembly (GA). ⁵The CTBTO Prep.Com and OPCW report to the GA. ⁶Specialized agencies are autonomous organizations working with the UN and each other through the coordinating machinery of the ECOSOC at the intergovernmental level, and through the Chief Executives Board for coordination (CEB) at the inter-secretariat level.

Nations system

ORGANS

Economic and Social Council

International Court of Justice

Secretariat

Functional Commissions

Commissions on:
Human Rights
Narcotic Drugs
Crime Prevention and Criminal Justice
Science and Technology for Development
Sustainable Development
Status of Women
Population and Development
Commission for Social Development
Statistical Commission

Regional Commissions

Economic Commission for Africa (ECA)
Economic Commission for Europe (ECE)
Economic Commission for Latin America and the Caribbean (ECLAC)
Economic and Social Commission for Asia and the Pacific (ESCAP)
Economic and Social Commission for Western Asia (ESCWA)

Other Bodies

Permanent Forum on Indigenous Issues (PFII)
United Nations Forum on Forests
Sessional and standing committees
Expert, ad hoc and related bodies

Related Organizations

WTO³ World Trade Organization
IAEA⁴ International Atomic Energy Agency
CTBTO PREP.COM⁵ PrepCom for the Nuclear-Test-Ban-Treaty Organization
OPCW⁶ Organization for the Prohibition of Chemical Weapons

Specialized Agencies⁴

ILO International Labour Organization
FAO Food and Agriculture Organization of the United Nations
UNESCO United Nations Educational, Scientific and Cultural Organization
WHO World Health Organization
WORLD BANK GROUP
IBRD International Bank for Reconstruction and Development
IDA International Development Association
IFC International Finance Corporation
MIGA Multilateral Investment Guarantee Agency
ICSID International Centre for Settlement of Investment Disputes
IMF International Monetary Fund
ICAO International Civil Aviation Organization
IMO International Maritime Organization
ITU International Telecommunication Union
UPU Universal Postal Union
WMO World Meteorological Organization
WIPO World Intellectual Property Organization
IFAD International Fund for Agricultural Development
UNIDO United Nations Industrial Development Organization
WTO³ World Tourism Organization

Departments and Offices

OSG Office of the Secretary-General
OIOS Office of Internal Oversight Services
OLA Office of Legal Affairs
DPA Department of Political Affairs
DDA Department for Disarmament Affairs
DPKO Department of Peacekeeping Operations
OCHA Office for the Coordination of Humanitarian Affairs
DESA Department of Economic and Social Affairs
DGACM Department for General Assembly and Conference Management
DPI Department of Public Information
DM Department of Management
OHRRLLS Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
UNSECOORD Office of the United Nations Security Coordinator
UNODC United Nations Office on Drugs and Crime
UNOG UN Office at Geneva
UNOV UN Office at Vienna
UNON UN Office at Nairobi

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