An International Civil Servant Agenda for Public Administration

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Abstract: The emergent global administrative order includes more than 800 international and regional organizations. If the modern state’s rise encouraged a new importance for public administration, then today new importance must be given to global administration agendas focused upon international civil servants. The application of public administration’s three approaches (political, managerial, and judicial) to global administration raises important questions about international civil servant accountabilities and legitimacies. Each approach reflects sovereign-level civil servant placement within an ordered state and its separated powers. In contrast, the emergent global administrative order is neither ordered nor coexistent with such separations. The paper offers public administration potential engagement opportunities within global administration and international civil servant studies.

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Despite a world with 800+ active international and regional organizations (UIA 2013), public administration and management scholars have largely overlooked international organization (IO) administration study. In 1926, Leonard White wrote that the modern state (and its growth) “accorded administration a new importance” (Moynihan 2009, 814; White 1926, 9). A proliferation of international and regional organizations will accord global administration a new importance. In doing so, scholars must hedge against haphazard applications of heretofore domestic (sovereign-level) administrative theories to international and regional organizations. Modern public administration research is grounded in a relatively ordered sovereign-level governance system with balanced or separated powers (e.g. Rosenbloom, 1983). In contrast, our emergent global administrative order has no equivalent governance structure or separation of powers. In IO and emergent global administration studies, such differences must be recognized. Failure to do so will limit explanatory power.

This paper contributes to studies of our emergent global administrative order in four ways. By utilizing IO data largely overlooked by public administration, this paper finds both organizational proliferation and a discipline relatively unengaged with IO diversity, depth, and international civil servant (ICS) importance. Second, this paper reviews the constructivist effort to “look inside” IOs to explain its behavior. Application of the traditional three approaches to public administration (Rosenbloom, 1983) highlights constructivist weaknesses. Specified examples raise questions about ICS accountabilities and legitimacies. The conclusion discusses how public administration might further engage ICS and IO administration studies.

Establishing Topic Importance: IO Types and Public Administration’s Limited Engagement

Our global system contains one federation of IOs, 36 universal membership and 35 intercontinental membership organizations, 182 regionally-defined membership organizations, and 549 organizations having a special form. This does not include national organizations with international objectives, non-governmental organizations, think-tanks, or dissolved IOs (UIA 2013). Of the reported IO types, the first three are typical IOs. The fourth may be analytically separate given its regional nature although for this paper, international and regional organizations are treated similarly.

**International Organization Types:** IO examples include sector-focused IOs (International Atomic and Energy Agency), multilateral development banks (Caribbean Development Bank), regional or sub-regional IOs (Arctic Council; Southern African Customs Union), IOs focused on an agricultural product (Asian and Pacific Coconut Community) or public function (Interpol). IOs also adjudicate international laws or investments (International Court of Justice, International Centre for Settlement of Investment Disputes). Of the 254 organizations within the first four categories, only a few receive academic attention: United Nations (UN), European Union (EU), World Bank, International Monetary Fund (IMF), and the World Trade Organization (WTO).

Beyond the typical international governmental organizations, global administrative law scholars identified another four IO categories. The first is “administration based on collective action by transnational networks of cooperative agreements between national regulatory officials” (Kingsbury *et al.* 2005, 20). One example is the Basel Committee within the Bank of International Settlements. Its 27 members are not states but rather Central Bankers. They attend meetings not as government representatives (since Central Bankers are independent of appointing governments) but on behalf of their Central Bank. The second is “distributed administration conducted by national regulators under treaty, network, or other cooperative
regimes” (Kingsbury et al. 2005, 20). One example is a national-level regulatory agency which implements a treaty signed by its state. For the Kyoto Protocol, the domestic distributed administrators are the national-level environmental or regulatory agencies.

The third and fourth types are “administration by hybrid intergovernmental – private arrangements” and “administration by private institutions with regulatory functions” (Kingsbury et al. 2005, 20). An example of the former is the Internet Corporation for Assigned Names and Numbers. Although largely run by non-governmental representatives, task importance created government-driven pressures to facilitate government advisory spaces. The result is a 146-member Government Advisory Council. The International Standardisation Organization exemplifies the fourth type. Its members are not states but the standardization bodies of 163 countries. The bodies may be governmental (Bureau of Standards in Jamaica) or non-governmental (American National Standards Institute).

Among 411 IOs which reported staff numbers, there are 264,298 international civil servants. The largest ten IOs (by staff) employ 122,231 staff (46.2% of total). Eight are UN stabilization missions. By 2010, the UN mission in the Democratic Republic of Congo had the most staff with 22,738 troops. The two largest non-peacekeeping IOs are the World Food Programme and the International Bank for Reconstruction and Development (part of World Bank). IOs near the mean staff number (643) include Interpol and the WTO.


The six even-numbered years between 2002 and 2012 were sampled. All issues (including special issues) were reviewed. Abstracts were scoured for international or regional organization foci. Peripheral organizational references and/or articles which only drew upon international or regional organizational data were excluded. If the abstracts were unclear, articles were read for inclusion/exclusion. Editor’s Notes, book reviews, and non-traditional scholarly articles were omitted. This convenience sample had 3,038 articles.1

Only 57 articles (1.88%) had an IO or regional organization focus. Of the reviewed Governance articles, 8.9% had an IO focus. This was followed by Public Administration (5.7%) and Public Administration and Development (3.7%). Forty-three of 57 articles (75.4%) focused on the EU. Although the EU’s 39 agencies are just 15.3% of 254 IOs (or 4.8% of 803 IOs), the EU is home to the world’s third-largest population and its largest economy. Yet, perhaps surprisingly, of the 43 EU-focused articles in the non-probabilistic sample, only one briefly compared the EU with other regional bodies (Bartle 2006) while another non-EU article compared two IOs (Larmour 2002).

The EU-focused articles are subsets of multidisciplinary EU literatures encompassing political science, international relations, political economy, economics, and the sciences of health, education, environment, among others. Nearly all EU articles in this sample were written by
Europe-based scholars. Topics included the changing role of the European Council, networked governance and trans-governmental collaboration, NGO impact on EU policy creation, public-private regulatory partnerships, personnel reform, and relationships between the EU and counterterrorism, telecoms, electricity, or health care. Others studied interactions between EU legislation and domestic politics, administration and regulation, European integration administration or multilevel governance.

No articles linked non-constitutionalization and ill-defined power separation to ICS legitimacy and accountability concerns. It is not unimportant that international organizations have Charters or Articles of Agreement or for the International Court of Justice to be referenced within the UN Charter. IOs with legal characters and structured links of IOs either to each other or to broadly institutionalized orders. Sovereign-level Ministries or Departments are not state-independent actors. They are linked under constitutional orders specific to each state. It is less important for this paper whether current tightly-linked sovereign-level legal orders will or will not lead to institutionalized global administrative orders than how delinked charters and articles of agreements lessen sovereign-equivalent checks on IOs and international civil servants.

Sovereign-level civil servants are legitimized via constitutional orders capable of checking their authority. International civil servants are infrequently checked by sovereign-equivalent judicial or legislative systems. Even where ICSs work within regional organizations with supranational judicial or legislative bodies, civil servant authorities remain largely unchecked. The European Parliament is the world’s first transnational elected parliament. But its powers to check European Commission (EC) civil servants remain limited. This differs from its member-state parliamentary abilities to check their own sovereign-level civil servants. African Union or Arab League civil servants remain unchecked by the indirect representation and limited authorities of Pan-African and Arab Parliaments. Each example excludes international civil servants working outside UN- or region-based systems with no equivalent quasi-legislative or judicial check.

So while the EU’s institutions are important actors, their relative uniqueness heightens the comparative challenge. An emerging global administrative order creates opportunities to observe how sovereign-level assumptions about civil servant placement within the state’s constitutional order do not apply at supranational levels. Failure to observe such differences risks losing explanatory power. The next sections notes that many accomplished ICS scholars utilize a constructivist approach. Critical review of constructivist forays into ICS studies reveals a public administration opportunity to deepen its study. The tool used to highlight such opportunities is our traditional three approaches to public administration study (political, managerial, and legal). Highlighted research gaps cautions scholars on simple application of sovereign-level administrative theories and concepts to our emergent global administrative order.

The Constructivist Approach and Creating Public Administration Spaces

Public administration may have largely overlooked non-EU international and regional administration but international relations have not. Not only do international relations’ cosmopolitan, rational-institutionalist and neoliberal institutionalist explain IO behaviors but each approach coexists with realist, neorealist, liberal, Marxist, and feminist theories on IOs and their placement within international relations (Griffiths et al. 2009). But this paper is focused upon another key international relations contribution: constructivism. Identified constructivist weaknesses create space for public administration to deepen its IO engagement and to create a disciplinary foothold within global administrative studies.
The Constructivist Approach: Constructivists view IO formation as given and explore IO culture and IO member-state interaction. Constructivist scholars perceive that (a) what we know is shared by one’s group or social networks; and (b) since networks change over time, “what we know” also changes (Kratochwil 2000). This view challenged international relations to engage in self-critical endeavors, to understand states as social structures (Wendt 1994), and to “reconstruct” the field of international relations (Onuf 1989).

A key constructivist challenge is realist theory and its emphasis on state power and its accumulation (e.g. Mearsheimer 1995). Constructivists ask why, if state power was absolute, IOs might act independently of their member-state ‘owners’? If IOs in the Cold War were circumscribable by superpower disagreements, then the post-Cold War era has witnessed IOs newly unhampered by such global conflict. On the assumption that IO independence vis-à-vis its member-states is actually “new” (and overlooking the possibility that not all IOs and international civil servants were immobilized by the Cold War), constructivist scholars focus on explaining this ‘new’ IO ‘independence’.

By studying an IO’s inside for clues about IO and member-state interactions, constructivist scholars express wariness about the non-neutrality of international civil servants. In the World Bank’s case, international civil servants encourage a culture of “organized hypocrisy” through failures to act as apolitical servants exclusively respondent to Bank member-states. Bank civil servants are found to circumvent, rearrange, or reframe member-state demands (Weaver 2008). Similar ‘problems’ are discoverable in other IOs (Barnett and Finnemore 2004). Alternative constructivist-related approaches include scholars who engage organizational culture (Weaver and Leiteritz 2005), principal-agent theory (Nielsen and Tierney 2003; Nielsen et al. 2006), and institutional approaches to evaluate IO autonomy (Finnemore and Sikkink 2001).

From public administration perspectives, what joins constructivist scholars are (a) a reliance upon Parsonian organizational sociology (e.g. Barnett and Finnemore 2004); (b) a tendency to treat IOs as “unitary actors, with one set of views and approaches” (Xu and Weller 2008, 35); and (c) the infrequent incorporation of public administration’s intellectual history (Barnett and Finnemore 2004; Nielsen et al. 2006; Weaver 2008).

Carving out Public Administration Spaces: Constructivist wariness misunderstands two observations. Each observation creates space for public administration to add value to an emergent global administrative order. The first is a constructivist assumption that ICS neutrality is possible and where civil servants are not neutral that such behaviors diminish member-state power. This observation misreads the “executive-like” check of member-states on international civil servants. As noted by Carl Friedrich in 1940, we cannot forget that sovereign-level executives are a check on bureaucratic power. But this check is also not a club. The second observation relates to the first. Civil servant professionalism is a responsibility. Discretion is irremovable from bureaucratic life. Bureaucratic life creates discretionary opportunities. Civil servants cannot ignore their small ‘p’ politics. The nature of expertise requires the responsible use of civil servant discretion (Friedrich 1940). This also applies to international civil servants.

To be clear, international civil servants … have many of the same opportunities as their domestic counterparts: their power of routine, power to sift, power to initiate, power to shape the direction of debate. Technical expertise and bureaucratic skill underpin their influence. The final decisions may not be theirs: the creativity surely is. Their power to influence does not like a ‘secret’ decision-making process or conspiracy. Nor is it shaped only by the formal organizational arrangement prescribed by the treaties and responsibilities granted to ICS by their
creators. At best, their power is derived from shared values of multilateral cooperation, their expertise, competence and continuity, and their capacity to shape the institutions and behavior of the states involved. At worst, it may be dictated by interest in personal careers or institutional self-protection and self-promotion. In no case is it negligible (Xu and Weller 2008).

For constructivists, ICS ‘failures’ to act neutrally and therefore influence member-state IO Boards which is troubling. Constructivists have discovered jumbled internal cultures, competing internal and external stakeholders, and multiple processes and personalities. Even if “neutrality is often, probably always impossible,” constructivists suggest “there is often no neutral stance one could take in many of the situations IOs confront, yet IOs need to find one in order to maintain the claim that they are impartial and are acting in a depoliticized manner” (Barnett and Finnemore 2004, 21). This misunderstands the relationship between civil servant professionalism and discretion while overlooking how global administrative structures inadvertently empower ICSs beyond usual sovereign-level constraints. It is the structural weaknesses of this emergent order rather than the international civil servants themselves which must raise accountability and legitimacy concerns.

Cementing the Public Administration Contribution: If, as the public administration literature suggests, civil servant neutrality is impossible, then we cannot neglect the accountability concerns which arise when bureaucrats hold policy advising and implementing powers. Administrator responsiveness must be secured through appropriate mechanisms (Finer 1941). Unelected, expertise-holding, and policy-influencing civil servants are checked by balanced or separated powers. Indirectly accountable to the electorates which hire their political masters, sovereign-level civil servants inhibit political spaces. This small ‘p’ bureaucratic or representative politics is normatively acceptable because civil servants are located within ordered states with separated or balanced powers. Sovereign-level administrative studies are built upon an assumption of (a) a structurally ordered nation-state; and (b) a separation or balance of powers. Each assumption legitimizes bureaucrats as policy expertise providers and organizational mission implementers.

The emergent global administrative order is different. It is neither a state nor a government. IOs sit within a semi-anarchic system of sovereign states. The international system lacks governmental structures comparable to the sovereign states which created it. Without an ordered administrative system, the oversight protections and balances of power which influence sovereign-level state, administrator, and citizen interactions are absent at the global level. It is not, as the constructivists argue, that ICSs fail to be neutral but that expected international civil servant politics are situated within environments different to their sovereign-level contemporaries. Concern should be raised about ICS activities without neglecting how international civil servants, like their sovereign-level counterparts, cannot and perhaps should not be neutral. Rather our focus must be upon how a largely unaccountable global administrative order creates unique ICS accountability and legitimacy concerns.

Showcasing the Public Administration Contribution: Current global administrative structures create unique opportunities for public administration. There may be no global equivalent to traditional sovereign-level approaches for administrative study. There is no equivalent global executive, legislative, or judicial branch. If determining a sovereign state’s values, instruments, and procedures is difficult, the task is even harder at the global level. If we cannot copy-and-paste sovereign-level public administration theories and concepts to IOs, then how shall we consider a global administrative arena?
This paper utilizes a public administration approach known to have global relevance as a tool for showcasing our potential disciplinary contribution. Each approach (political, managerial, and judicial) highlight gaps in this emergent global administrative order. Each gap creates space for public administration reflection, legitimacy or accountability discussions, and potential solutions. By framing global administrative order studies in this way, our discipline may limit lost explanatory power when heretofore sovereign-level administrative ideas are uncritically applied to the supranational level.

Three Approaches to Public Administration and our Emergent Global Administrative Order

This paper’s use of the three approaches (political, managerial, and judicial) for public administration study can be defended. It may be true that the Rosenbloom (1983) country of focus is the United States. But even if the article was not written with global audiences in mind, his observations are rightfully given comparative importance. The wish to study power, politics, policy, and administration are not American inventions but rather desires to understand human relations.

If, as Dwight Waldo asserted, it is “undesirable” and “impossible to narrow the concerns of public administration to one of them” (Brown and Stillman 1985, 463-464; Rosenbloom 2013, 382), then scholars may use each approach to explain sovereign and global administrative differences. Whether the focus is upon values, concepts, approaches, or theories, we risk weak explanatory power if research is “not well-anchored structurally, functionally, or institutionally in government or governance” (Rosenbloom 2013, 384). Much of what we think we know in sovereign-level public administration implicitly or explicitly reflects the three approaches to public administration. If such structures do not exist, are weak, disembodied, or false at the global level, what are the implications for an IO administration agenda? Or implications for administrative research in leadership, personnel management, collaborative governance, and budgeting, to name a few?

In the increasingly narrow space between IOs and sovereign-level administration (a narrowed global-sovereign dichotomy), we find IOs not situated in structurally-similar governance orders to sovereign states. How much this structure alter sovereign-level administration? Are there implications for domestic civil servants and state-specific governance structures? Or upon the values which uphold (democratic) sovereign-level systems? How might representativeness, legitimacy, and accountability restructure global-to-sovereign interactions? The next three sections will use each approach for public administration study to explore differences.

Political Approach to Public Administration and IO Study: The political approach reflects values of “representativeness, political responsiveness, and accountability through elected officials to the citizenry” and each value is considered “crucial to the maintenance of constitutional democracy” (Rosenbloom 1983, 221). In contrast, the global administrative order is a loose system of sovereign states which is neither constitutionized nor democratic. We have no international constitution, no shared democratic norms, and no prefect method to set or achieve global goals. Few IO administrative functions are institutionally-centered. Given a functionally plural system without a shared annual budget or strategic plan, global administration becomes a difficult political and geostrategic affair.

There is no global legislative body. There is a one member-state, one-vote UN General Assembly. But this General Assembly is a deliberating body not for the international system but for IOs within the UN system. The majority of IOs are not part of the UN system. Even if an IO
is part of the UN system (e.g. IMF; World Bank), the IO is often less beholden to the General Assembly and the Secretary-General than its own Board. Contrary to democratic domestic arenas, most IO member-state representatives are not directly elected (the European Parliament is an exception). Member-states need not be democratic, accountable or legitimate to its citizenry to appoint UN representatives.

Moreover, just because the UN General Assembly passed a resolution deriding North Korea’s human rights record (Resolution 66/174) or the UN Security Council passed toughened sanctions in 2012 (Resolution 2094), no single inspection body can unequivocally confirm member-state compliance. In contrast, sovereign-level ministries in democratic countries infrequently overlook legislative mandates. Sovereign-level legislative branches are assumed to be politically responsive to its electorate (general) and the citizen (specific). Checks and balances ensure compliance.

Just as key members of the U.S. Congress may hold disproportionate power, so might member-states. When powerful states disagree about global administrative values, stasis, contradiction, and a modicum of disarray are frequent outcomes. In Cold War politics, Security Council vetoes ensured Council ineffectiveness. Today the US and China may hold behind-the-scenes negotiations to strengthen UN sanctions against North Korea even as ongoing disagreements over Syria symbolize broader global value disagreements. Despite multiple diplomatic negotiations, a UN Report (written by international civil servants) suggested the Assad regime used chemical weapons against its own people (UN 2013). Even with global (or is it rhetorical) acceptance of international human rights norms and a post-Rwanda “Responsibility to Protect” or R2P (UN 2005, 31-32) neither ensures UN-sanctioned interventions.

If the Treaty of Westphalia posited that sovereignty was a right, then R2P states that sovereignty is no longer a right but a responsibility. R2P strengthens Chapter VII (Articles 39-42) of the Charter of the United Nations. But at the Security Council, a veto by any of the permanent five members stops action. The Council is neither representative nor democratic. Vetoes re-administrate which global values are upheld. The General Assembly’s inability to moderate this version of international executive authority further weakens any claims to its representativeness or accountability.

For Rosenbloom (1983), the “basic concept behind pluralism within public administration is that since the administrative branch is a policy-making center of government, it must be structured to enable faction to counteract faction by providing political representation to a comprehensive variety of the organized political, economic, and social interests that are found in the society at large” (222). At the global level, few IOs fully represent global society. Representation exists beyond member-states. It also includes which civil servant nationalities are employed. Nascent scholarship has established Nordic hiring biases within the UN Secretariat (Novosad and Werker 2014) and questioned economist, South Asian, and/or native English-speaker influence within the World Bank or the IMF (Kapur et al. 1997; Stern and Ferreira 1993; Woods 2003). Neither example references the representative bureaucracy literature or tests whether one’s passive traits (citizenship, ethnicity, language, education, and gender) actively influence IO outputs. This frequently studied passive-to-active transmission within sovereign-level administrative and legislative literatures remains in its infancy at the global level.

The political approach also “identifies the individual’s interests as being similar or identical to those of others considered to be within the same group of category” (Rosenbloom 1983, 222). At the global level, one’s category might reflect multiple citizenships or encompass refugees, asylum-seekers or those who are stateless. Once categorized, we often disagree about
what happens when citizens are harmed by failing to address translation issues between agreements to observe international norms and sovereign-state policies. The R2P requires concept and threshold clarity. In a de-centered global administrative arena, indirect political accountability (lengthened by a global administrative order inclusive of non-democratic members states) and insufficient agreement upon shared global values leads to fewer global citizen rights, overlooks malfeasant activities, and defaults to the lowest common denominator.

Managerial Approach to Public Administration and IO Study: In applying the managerial approach to an emergent global administrative order, we might ask whether international civil servants reflect a sovereign-level politics-administration dichotomy, whether an IO and its bureaucracy should function in ‘business-like’ fashions, and if IOs value efficiency or effectiveness more than equity. Despite prior (and largely descriptive) studies of IO reform (inter alia Gould and Kelman 1970; Jordan 1991), we do not know if there is, or should be, an ICS version of the politics-administration dichotomy. If there is no America-similar “constitutional order of checks and balances, federalism, and protections of the Bill of Rights” (Frederickson 1989, 34) for the global arena, how shall ICS accountability be approached? If we have no defined international norm of appropriate civil servant behavior, practice, and process across 200+ sovereign states, then our global disagreements should not surprise.

Just as states embrace pluralism, so might IOs. Yet if we struggle to maintain “neatly symmetrical, frictionless organization structure” (Rosenbloom 1983, 221; Seidman 1970) within domestic arenas, imagine the relative chaos at the global level. While many IOs have recruitment procedures, budget processes, and policy mandates, they need not be open, transparent, accountable, or similar to other IOs. This contrasts with sovereign-level administrative bodies in democratic countries in which recruitment procedures are routinized across government agencies, where budgets are publicly discussed, and where policy design and implementation are reviewed and debated.

Rather than exploring how managerial processes frame policy outputs, we often study how Bank policies may create unsatisfactory development outcomes (e.g. Brinkerhoff 1994). This is useful. Such approaches are complementary to studies exploring an IO’s organizational heart and how stakeholder pressures alter policy directions (Author, 2010). Many other IO-related managerial discussions remain unstudied. World Bank scholars have just begun to unpack why the Bank may not implement internal evaluation reports (e.g. WorldBank 1992), how former Bank President Wolfensohn struggled to create a Comprehensive Development Framework, and why former Bank President Wolfowitz attempted an end-run around the Bank’s Board (Author, 2010).

Some IOs have increased their transparency and accountability. The IMF and the World Bank faced a decade of NGO-led protest against their lending policies and practices (Nelson 2000). In response, each organization attempted to modify its voting structures, policy procedures, lending instruments, engagements with civil society, and its internal accountability mechanisms. The World Bank now solicits NGO feedback and regularly meets with NGOs in advance of its annual meetings. Many IOs publish their governance structure, member-state vote or budget shares, rules of procedures, and/or annual reports. The World Bank often leads other IOs in its willingness to publicly debate internal operational and bureaucratic procedures (Author, 2010); even if such practices leave the Bank vulnerable to protest (BIC 2014). Most IOs lack similar transparencies or engaged public debates.

On the evaluative side, the World Bank has more than four decades of internal evaluation experience (WorldBank 2003b) even if during the early 2000s, the Bank flirted with a now-
The difficulty of measuring results among sovereign client-states an IO cannot control partially led to the Secretariat’s demise. Even if sovereign-level “performance measures efforts too often displace important democratic and legal values” (Wright 2010, S312), performance measurement faces different challenges at the global level. Performance measurement and IO organizational design are not divorced from politics, administrative behavior, organizational processes, and culture. This holds true whether the discussed IO is a global player or a regional player with global reach (Kassim 2004). Task difficulty increases when IO managerial structures are indirectly accountable to both nation-states and a global citizenry.

Legal Approach to Public Administration and IO Study: The legal approach to public administration emerges from constitutional law, administration judicialization, and administrative law. But at the global level, we have no shared constitution. The emergent global administrative order is less judicialized than a sovereign-level equivalent. IOs are founded by Charters or Articles of Agreement. The EU has no Constitution but was created via multiple treaties. The global governing arena also has “hard laws” and “soft laws” (Abbott and Snidal 2000). Hard law may include treaties, conventions, and charters. They are negotiated at state, regional, and global levels. They can be interpreted and applied by sovereign states and international institutions. “Soft laws” or international customs are the output of what states do and say, not the text of a legal document. Over time “soft law” may harden.

Global administrative law views global governance shifts toward broader IOs, new treaties, and competing global norms as an inevitable progression toward a deepened international order. Global administrative law “begins from the twin ideas that much global governance can be understood as administration, and that such administration is often organized and shaped by principles of an administrative law character” (Kingsbury 2005, 2). Administration is no longer the domain of sovereign state civil servants. Administration is a multilevel act in which international regulations and norms influence domestic institutions (Kingsbury et al. 2005). Public power is increasingly exercised through international governance mechanisms institutionalized by legally-binding Charters or Articles of Agreement among member-states. Global public power is no longer exclusively obtainable by military force or treaty. Norm globalization is strengthened via institutions whose sovereign reach requires scholarly attention.

We may question whether nascent global public powers are compromised without concurrent deepening of modern international judicial efforts. The Permanent Court of International Justice and the short-lived Nuremberg and Tokyo Trials preceded today’s International Criminal Court, International Court of Justice, and conflict-specific tribunals like the International Criminal Tribunal for Rwanda. But we have no international judicial system which uses and interprets law similar to a democratic state’s judicial system. Most criminal and civil matters remain within state domain. Global rules are not created via mechanisms which resemble a domestic agency’s transparent and participatory rule-making procedures or through institutionalized legislative processes but rather via the negotiating power, capabilities, and interests of member-states. Global citizen input is indirect, at best. Enforcement mechanisms are not monetary fines or incarceration. If the issue is trade-related, a state may jeopardize its international reputation if its trade bureaucracies, policies, and its corporate actors disobey WTO decisions. In other cases, state failures are overlooked, diminished, or ignored. Formal IO censure of its member-states is rare.
Discussions about rights and privileges (Rosenbloom 1983) remain general at the global level. While the ICJ and ICC provide some due process, incomplete international judicialization creates a “wild west” administrative arena with piecemeal oversight. ICS norms, immunities from member-state influence, and protections against unfair dismissals or inappropriate supervisory behaviors remain understudied. This is despite a World Bank Administrative Tribunal entering its 35th year or an ILO Administrative Tribunal. The latter handles employment-related disputes for international civil servants from 59 IOs. Despite no formal links among employment-related Tribunals, decisions within one administrative tribunal do inform other administrative tribunals (Gorman 2010). Examples include decisions on ICS pay and tax exemptions,5 questions over member-state interference in ICS neutrality,6 enforcement of member-state ICS immunities7 and protections from threatening supervisors.8 Tribunal impact on ICSs and broader IO accountability and legitimacy concerns is understudied.

Ideas like “administrative competence” (Rosenbloom 1983) lack translation to the global level. International civil servants infrequently spend an entire career focused on a particular member-state. The idea that an ICS should have “administrative competence” about each member-state constitution, culture, and histories is difficult to ensure. If such competencies are difficult to prove within sovereign states, the global level is more difficult. Similar standards (with judicial review opportunities) and objective reasonableness tests (Lee 2004) remain unavailable for international civil servants.

In domestic administrative law, there are core institutions which structure and legitimize administrative policies, processes, and outputs. There are no similar institutions at the global level. Instead “global administration consists mostly of administrative bodies with the power to make recommendations but not binding rules, or of regulatory networks or other intergovernmental cooperative arrangements with informal decision-making procedures” (Kingsbury et al. 2005, 53). While global administrative law scholars do “not remotely suggest the existence of a general global administration… nor are there real global equivalents of other structures within which national administrations are nested,” (Kingsbury and Casini 2010, 9) there are other mechanisms which sound familiar. They include IOs focused on “transparency in rule-making; due process (in certain cases including notice, hearings, and reason-giving requirements) in decisions that directly affect private parties; review mechanism to correct errors and ensure rationality and legality; and in addition to review, a variety of other mechanisms to promote accountability” (Kingsbury and Casini 2010, 9).

Very few IOs have whistleblowing standards or clarity about where to seek redress (e.g. Vaughn 2005). Certainly civil society pressure has encouraged globally-prominent IOs to improve internal due processes (GAP 2014). But such activities cannot be framed as “procedures designed to protect individuals from malicious, arbitrary, capricious, or unconstitutional harm at the hands of government” (Rosenbloom 1983, 223) since IOs are not entwined with an international constitution or normally responsive to (global) citizen groups.

While the UN’s Oil-for-Food scandal led to the UN’s first external independent review of a program, not all reforms are implemented (Volcker 2005). In other cases, reforms were implemented. Early 1990s environmental and resettlement controversies over World Bank investment into India’s Sardar Sarovar dam led to the Bank’s first external project review (Morse and Berger 1992). Although the subsequent withdrawal of Bank funds did not stop India from building its dam, post-review outcomes included new environmental, resettlement, and indigenous lending standards.
Other ICS failures remain unresolved. In 2013, a class action law suit was filed against the UN at the U.S. District Court in New York’s Southern District by a Boston-based NGO seeking compensation on behalf of 8,300 Haitian cholera victims and 650,000 survivors. A South Asian strain of cholera was introduced by an infected UN peacekeeper following the 2010 earthquake. The plaintiff argues the UN was negligent. The UN claims legal immunity via Articles 104 and 105 of the UN Charter and the Convention on Privileges and Immunities of the United Nations. Oral arguments were heard in October 2014. However, as noted by Krister Thelin, a former judge with the UN’s International Criminal Tribunal in Yugoslavia, the UN’s diplomatic immunity argument has “rings of double standards” as it is “unacceptable that an organization which fights for human rights can refuse people their right to access justice” (Andersson 2014, 11).

In the case of UN peacekeepers who sexually exploited young girls and women during peacekeeping missions in the Democratic Republic of the Congo or who trafficked women and children in Bosnia, public exposure forced the UN to update its Staff Regulations and Staff Rules in 2002. The update disallowed staff from participating in such acts. While this is progress, the “major drawback” is that “it is not legally binding on uniformed personnel, as they fall under the jurisdiction of their own governments” (Ndulo 2009, 149). If the peacekeeper’s home government has weak or nonexistent laws against such crimes and/or is unwilling to prosecute a citizen for a crime committed outside of its jurisdiction (and while working for the UN), then there are no trials.

Civil society action helped create institutions like the World Bank’s Inspection Panel. The Panel reviews World Bank compliance with its operational policies. The Panel cannot investigate “all harm” and instead, only harm that “result[s] from an alleged violation of the Banks policies or procedures” (WorldBank 2003a, 7). But little is known about whether other IOs have similar procedures or how they differ. The World Bank is likely a leader among IOs. In democratically-accountable sovereign states with sufficient judicial mechanisms, an individual can expect to have his or her day in court. At the global level, citizens have few rights to a (global) ‘day in court’ if IOs violate rights. While the ICC can prosecute a limited group of crimes, neither IOs nor its leaders or an ICS may be tried. Even if they were tried, ICS and IO immunities are rarely waived.

Without reliable global structures which model sovereign-level separation of powers and the legitimacies provided to civil servants when reflecting such powers, we risk drawing upon democratically-informed models of public administration to explain IOs which are not parallel representations. Not only do IO member-states disagree about the importance of democracy (as a system) but we disagree about the importance of transparency, accountability, and review mechanisms. It is arguable that our emergent administrative order might benefit from either greater participatory democracy or delegated or instrumental accountability even if as one global administrative law scholar warned, we must be careful to not “risk losing a key part of the reasons for pursuing accountability in the first place” (Marks 2006, 998-999).

Administrative law has the potential to “act – in however limited a way – as a tool of resistance and change in the international system” (Chimni 2006, 800). The transplantation of administrative law may suffer from the “informalities of global administration… the diffusion of decision-making in a multi-level system… and the private element of global administration” (Kingsbury et al. 2005, 53-54). Where legally-binding decisions are made, enforcement problems create poor justice outcomes. There are no Federalist Papers or Administrative Procedures Acts for the international system. Nonetheless, there are IO-created rules, policies,
procedures, and mechanisms which mimic domestic administrative law structures even if the global versions lack the structural and participatory legitimacies found within democratic states.

An IO Research Agenda for the Public Administration Discipline

It is past time for public administration to revisit prior IO administrative efforts (via Woodrow Wilson; Mary Parker Follet), to apply a century-plus of learning to IO administrative studies, and to engage global administration and its sovereign-level administrative links. Understanding IO types, processes, and outputs may help determine sovereign-level structural differences. This need not repeat earlier structural-functionalism but rather refocus upon explaining IO growth, increased IO administrative complexity, and policy process deepening. Differences may arise by IO sector, staff size, or geographical reach. Staffing choices, organizational cultures, and legal mandates may influence IO outcomes.

This endeavor will benefit from an array of EU literature. Its depth makes summarization difficult (e.g. Bauer and Knill 2007; Hix and Hoyland 2011; Peterson and Bomberg 1999; Wallace et al. 2010). The EU’s multilevel governance, its subsidiarity principles, and its legalistic or corporatist structures may inform other IO understandings. There is an increasingly deep EC literature focused on bureaucratic actors, accountabilities, leadership, and culture (e.g. Christensen 1997; Ciri 1997). This includes not only internal EC administrative understandings but also its impact on member-state administrations (e.g. Trondal 2007) and EC ability to implement internal reforms (Bauer 2008; Kassim 2008). There is no similarly extensive engagement with the world’s other international and regional organizations.

Nonetheless, caution is needed. Scholars have begun to explore the EU’s comparative value and the difficulty of comparison (Beeson and Stone 2013). It is not that comparison cannot be done. But comparative scholarship is assisted by understanding where sovereign-level and emergent global administrative structures differ and its impact on ICS behaviors. What we think we know about sovereign-level civil servants and bureaucracies may not be applicable to international and regional organizations. If sovereign-level civil servants are ensconced within separated or balanced of powers, international civil servants and their organizations are not. Simple application to an emergent global administrative order weakens explanatory power without consideration of their differences. If comparative public administration studies help public administration avoid the claim of a “hollow” administrative science (Dahl 1947, 8), then similar comparative efforts will assist IO administrative studies.

Public administration scholars are fond of debating whether public administration is an art or a science (West 2005), whether business practices should infiltrate public administration (Kaboolian 1998), if bargains shape politician and civil servant relations (Hood and Lodge 2006) and how public law, legislative arenas, and the administrative sphere shape policy outputs (Rosenbloom 2000). Yet each theory, concept, and debate is infrequently applied to IOs. Comparative scholarship on non-EU IO decision-making may be underway but such work is an exception, not a norm.

Like sovereign-level public bureaucracies, IOs have organizational histories, structures, and cultures. Demands are placed on its leadership, human resource management, budgeting, strategic planning, and implementation efforts (e.g. Author, forthcoming; Boin and Christensen 2008). International civil servants have unique motivations, representativeness concerns, and training specializations. We have not systematically studied IO budgeting processes, stakeholder interactions, ethical dilemmas, and procurement procedures. Accountability, legitimacy, and transparency matter at the global level (Koppell 2010) even if we do not know whether
buzzwords like collaborative governance, emotional labor, public service motivation, social equity, or representative bureaucracy translate outside of the Western world. Scholars are even further behind in studying their translation to international and regional organizations.

Value disagreements within sovereign-level administration have global administrative parallels. Whether the values discussed are big ideas like democracy and human rights or the seemingly smaller disagreements about the judicialization of administrative law, much may be learned. If as scholars we debate the role of efficiency, effectiveness, equity, representation, responsiveness, due process, discretion, and customer orientation within sovereign-level administrative studies, how shall we legislate, manage, or judicialize such debates at the global level? If citizenship is linked to sovereignty, and if citizens are a group to whom administrators respond, a primary concern will be to define global citizenship, its respondents, and their legitimacy.

As the 20th century progressed, the dichotomy or separation between state sovereignty and IO has narrowed. This emergent global administrative order questions prior scholarship prioritization of sovereign administrative arenas (Skogstad 2000). IOs and global norms influence domestic agencies and structures. International development scholars have long studied the impact of World Bank or IMF conditionalities upon developing country states while overlooking the narrower focus: IO civil servant impact (as a group) on sovereign state civil servants. Little is known about how inter- and intra-organizational dynamics, cultural differences, power differentials, or personality conflicts shape IO or IO-state outputs. Interaction is infrequently a global-to-sovereign dynamic.

Conclusion

IOs influence a member-state administrative life, help create (and administer) global norms, serve as an important implementing partner for international disputes, and shape an emergent international order. Scholars need not shy away from applying sovereign-level theories and concepts to IO administration. The opportunities for engaged IO administration scholarship are significant. But as researchers hopefully cognizant that what works in America or in the West need not (and perhaps, should not) work elsewhere, scholars must recall how established intellectual histories reflective of democratic, accountable, and legitimate sovereign-level governance may not readily apply to the global level.

In a 2013 reflection of his 1983 article, Rosenbloom noted how well-known frameworks (new public management, collaborative governance, among others) lack explanatory power if “they are not well-anchored structurally, functionally, or institutionally in government or governance” (Rosenbloom 2013, 384). Such cautions also apply to ICS research. If, as Rosenbloom (1983) argued, “the separation of powers... reaches to the core of leading theories of public administration” (225), then we must reconsider theory if the emergent global administrative order ill-reflects such separations. If an oversight within constructivist literature on IO administration is its limited view of public administration’s intellectual history, then administrative scholars should understand the risk of poor explanatory power if we narrowly apply sovereign-focused theories to IOs. Failing to anchor research in a shared understanding of a rudderless, complex, and at times, unstructured global administrative order risks losing not only a generation of research but also encourages the diminishment of public administration’s comparative and international capabilities.

We should act with a sense of urgency, remind ourselves of a disciplinary legitimacy to study IO administration, and reengage this global administrative agenda. We must “hack away”
at this “early stage in the study of and reporting in a new field” (Gaus 1958, 233; Moynihan 2009, 815). If scholars may be so bold to update Alexander Hamilton’s Federalist No. 27 for this global administrative arena, then if the people (global citizenry) are to have faith in international administration, then the faith will be “proportioned to the goodness or badness of its administration”. Assuming researchers act with the requisite cautions, public administration will help shape this emergent global administrative order.

References


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1 Convenience samples face bias if the sample under- or over-represents a population. Even-numbered year articles will not substantially differ from other years.

2 The use of Rosenbloom (1983) implies no commentary about institutionalist approach (e.g. Hall and Taylor 1996; North 1990) usefulness or its IO-related outputs (e.g. Finnemore and Sikkink 2001). Rosenbloom (1983)
complements institutionalist approaches. However, it is arguable that the Rosenbloom (1983) framework is more effective in highlighting how sovereign-level civil servant placement within ordered states can check and legitimize sovereign-level civil servants. This observation hits at the heart of sovereign-level and global administration difference.

3 Sovereign-level equivalent: State with a non-elected legislature in which the majority of its administrative apparatus were beyond legislative control.

4 Partial exception: Court of Justice of the European Union.


6 See Bustani v. OPCW (2003), Rosescu v. IAEA (1980), Hepworth v. Secretary-General of the UN (2010), and Diop v. Secretary-General of the UN (2012).


9 Patrick Weller and Yi-Chong Xu of Griffith University are engaged in a multi-year effort funded by the Australian Research Council to explore decision-making within seven IOs.
Civil service, the body of government officials who are employed in civil occupations that are neither political nor judicial. In most countries the term refers to employees selected and promoted on the basis of a merit and seniority system, which may include examinations. Dependency on a superior’s favour led civil servants to ally themselves with liberal public opinion, which was critical of the waste and corruption involved in political patronage. Civil servants are “appointed” by decision of an authorized public institution in accordance with the civil service law. A decision by a representative of the State to “appoint” a civil servant must conform with established rules that structure the hiring process. Once appointed, there are many constraints on dismissal. The International Labour Organization Department for Government and Labour Law and Administration (GLLAD) has expertise in civil service legislative reform, legal training and labour administration. The ILO Sectoral Activities Programme on the public service tracks changes in public sector employment. For many decades, international aid programmes have invested in civil service reform to change this reality. The track record of these reform programs has unfortunately been poor. Civil servants who are recruited or promoted through political or personal connections (for instance through support from friends and family) engage more frequently in corruption on the job, and perform more poorly. Our survey suggests that the politicization and personalization of civil service management decisions is far from uncommon. In the ten countries surveyed, 41% of civil servants got their first job at least in part thanks to personal connections; for 34% of civil servants, they helped them get promoted and for 22% they mattered for their pay rises.