PREFACE

The IIAS Supranational Administration Working Group, formerly the Permanent Working Group on International Administration and Civil Service, has been active for more than 25 years. The group has met on average once a year and of course over the years its participants have changed – in fact, it now appears that there are few of the original group left and the present writer is pleased to be counted among them. The aim of the group has, however, remained constant: to bring together a number of experts, mostly senior and active international civil servants, but also some retired staff and academics, to analyse topics of common interest to international organisations. It is evident that international organisations have much in common even if they differ in size, purpose and the available means at their disposal. Over the years, the group has benefited greatly from this free and informal exchange of information and ideas. Initially and for the first twenty years, the group was under the stimulating leadership of Alain Plantey, Membre de l’Académie des Sciences Morales et Politiques (France), who was a leading force in the IIAS. Generally, the results of discussions have remained discreet and confidential among the members of the group, but on two occasions the group published the members’ reflections together with relevant documentation.¹

This might be considered a meagre result in a “publish or perish” environment, but this would not do justice to the work done. It should be remembered that the results of some of the group’s work can be found in other publications. More importantly, most discussions have been – and continue to be – concerned with confidential matters or even issues that are unresolved, thereby making a common position difficult, a publication unthinkable. However, the overall result today is that the IIAS has created a group which is well-established with a broad membership from all over the world, including universal and regional organisations alike. The group is quite unique.

In the early 1980s the group discussed, amongst other topics, dispute resolution mechanisms in international organisations, paying particular attention to pre-litigation procedures.² Being convinced that much had changed

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² As acknowledged, both the information and the views exchanged were used in Chris de
in the interval, the group chose, in the second half of the 1990s, to have another look at this issue.

The group met for a first meeting in Brussels, in October 1997. The topic of the meeting was “Internal Justice Reform”. Major efforts had been made in several organisations in this respect. The United Nations (UN) had initiated such a reform only to be blocked by budgetary considerations in the General Assembly;\(^3\) it was only some years later that the Ombudsman’s Office was established in the UN. The World Bank was more successful; it managed a major overhaul of its internal justice system.

However, what struck the group most was that many organisations had created specific procedures in the 1980s and 1990s to tackle, in particular but not exclusively, the problem of (sexual) harassment. These new complaint procedures were in general introduced in parallel to existing pre-litigation procedures, adding to the confusion of how to proceed; how to ensure that one’s voice is heard. Even more strikingly, these procedures often went hand in hand with new codes of conduct, the purpose of which was to provide guidelines for correct conduct with a view, amongst others, to avoiding (pre-)litigation. Staff received detailed and positive guidelines on how to behave; this was quite different from receiving a sudden message that a particular conduct was in violation of (non-defined) professional obligations. Thus, a step forward.

Several organisations went so far as to create (or strengthen) the function of an ethics officer. This officer generally had the almost impossible dual task of explaining and guiding staff collectively or individually through the codes of conduct, on the one hand, and of enforcing the code and (the rest of) the law of the organisation, on the other. In short, counsel lor and prosecutor at the same time.

In this respect it should also be remembered that in the 1980s and 1990s there was a call from some quarters, more than from others, for strict(er) implementation. Anti-corruption and anti-fraud initiatives were introduced or improved. In consequence, special oversight and control bodies were set up; other bodies received increased/improved powers and additional instructions.

In a positive sense these new codes of conduct (and some were still in the process of being drafted and colleagues benefited from exchanges in our group!) were instrumental in avoiding disputes, since staff knew more

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\(^3\) As will be explained infra, a new exercise is underway at the moment of writing this book. One can only hope that this undertaking will not again meet the same budgetary considerations. Accountability, investigation, and dispute resolution do have a price.

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clearly what was expected of them. On the other hand, the enforcement mechanisms raised new questions concerning procedures and due process.

In November 1999 a major conference on dispute resolution (CEDRIO) was organised by the World Bank. A large number of our members attended. During the conference alternative dispute resolution methods (ombudsman, mediation, arbitration, etc.) were discussed in detail. Also during the conference attention was given to the major new developments concerning codes of conduct for the (new) European Commissioners. The fall of the previous Commission had caused more than a stir in Europe and in the world of international administration. Then, in 2000, another major event was the publication of a white paper on administrative reform by the new European Commission.

The topic was presented and discussed in the margin of the First Regional International Conference of the IIAS, held in Bologna in June 2000.

When the group met again in 2001 – it had only met briefly in 2000 in the margin of the conference celebrating the 20th anniversary of the World Bank’s Administrative Tribunal – it identified many new regulatory initiatives concerning the behaviour of senior staff (such as financial disclosure). It also acknowledged the first negative outcomes before international administrative tribunals; these related to “solid” fraud or corruption cases that were lost by international organisations because of a lack of due process. The group then began to wonder what the real purpose of these codes was: to avoid disputes or create new law (through soft law) with new implementation and enforcement mechanisms that could not always pass rule-of-law standards.

In 2002 the group held a unique meeting in Paris. For the first time the administrative lawyers had an open debate with the investigators/prosecutors. It was clear that all were working towards making their organisations better, e.g. more transparent, corruption free, respecting the highest standards – including those of due process, showing to the world that every Dollar/Euro spent was well spent; in other words, international organisations were becoming increasingly accountable.

This book is a reflection of these exchanges of views and information. It brings to light the issues and questions that were – and are – at stake. These are the questions that we have been struggling with and will continue to examine, including the need to respect basic rules of due process when things go wrong. Nonetheless the primary goal remains the same: dispute avoidance through better education and information.

As noted, many relevant texts have been published in recent years and it looks as if we have not yet seen the end of it. These have all been honest efforts to improve the situation in various organisations. It is also clear that the members of the group have not been alone in taking note
of several (press) reports about particular events in one or the other organisation. It is quite evident that much is left to be done.

This book simply provides an indication of the ideas exchanged and experiences shared by a group of people who, because of their employment by and commitment to international administration, have been – and most of them still are – taking part in a more general process of change in the public service, national and international alike. Accountability and transparency have now become the rule. Only recently have international organisations been looking for common values. It is not clear what triggered the process. Was it the call for empowerment of the (international) public service? Was it an anti-corruption drive, as we have witnessed almost simultaneously in some of the major contributor countries? Has it resulted from the movement of citizens and the press calling for greater transparency, a new approach, “introducing” the concept of governance? It may be a mixture of all the above as well as a number of other factors. Nonetheless the fact remains that at the end of the previous century and at the beginning of the current one most international organisations were entangled in complicated internal debates, drafting codes of conduct and designing new and more dynamic mechanisms of control – and the procedures that go with it.

The purpose of this collective reflection is to take stock of what has happened in international administration in recent years. Although new developments continually arise, it is clear that the major “outburst” is over. This book brings together the thoughts, reflections and comments made by some, and sometimes by all members of the group. The book does not aim to cover each and every development in each organisation.

The most recent years have been very difficult for a number of our organisations. Negative (press) reports have come out and, unfortunately, most of them are correct. It shows that a lot remains to be done and we hope that this book can contribute to the discussion.

We are very grateful for the members’ frank contributions and for their participation in the exchange we had in the meetings. Obviously, only those who took the risk of writing contributions for this book are responsible for what is written here, not the organisations for which they work. It must be emphasised, however, that this book could not have been published without the contributions of other members of the group. This is indeed a collective exercise.

We stopped collecting information for inclusion in the book in the beginning of May 2005.

Chris de Cooker