

Outline of Global Administrative Law Issues

1. Global administrative law: an important emerging field of legal practice and theory
2. Global interdependencies: economic, communications, environmental and health, empathy (development assistance and human rights). Decentralized national and supranational authorities can not effectively regulate these interdependencies. The consequent growth of global regulation in trade, finance, investment, telecommunications, health and environment, development assistance, and human rights. The targets are not only nations but also increasingly private economic and other actors.
3. Five different types of global regulatory bodies or regimes: (a) treaty-based international regulatory regimes and organizations; (b) transgovernmental networks of national officials responsible for a given sector of regulation; (3) domestic regulatory agencies operating pursuant to global regulatory norms; 4) private standard setting bodies (industry and/or civil society organizations; 5) hybrid public-private standard setting bodies. The regulatory bodies that establish and apply global regulatory norms increasingly have an administrative character.
4. The concept of accountability mechanisms: account holders entitled to receive an accounting by accountees for relevant conduct and impose sanctions or remedies for deficient performance. Two basic types of accountability relations: 1) account holders grant authority or resources to accountors (fiscal, electoral, hierarchal or supervisory accounting); 2) account holders bring legal actions to redress accountee's infringement of their legally protected interests. (Legal accountability). Contrast with decision rules as alternative mechanisms for limiting or controlling power. The role of specified evaluative standards and procedures.
5. Accountability gaps: shifts of regulatory authority from the domestic to the global means that important regulatory decisions are made by administrative bodies not effectively subject to current domestic or international political or legal (administrative law) mechanisms of accountability, Examples: refugee determinations; decisions by the Kyoto Clean Development Mechanism
6. The emerging and potential future development of a global administrative law to address accountability gaps through requirements such as notice and opportunity to be heard; decision based on reasons and evidence; opportunity for review before a court or tribunal. Such arrangements can and are gradually being developed "bottom up" by domestic courts and "top down" by global regimes. Critical role of review mechanisms.
7. Other potential accountability mechanisms for global governance (and analogous challenge of accountability for regulation in national and supranational settings arising from privatization and network strategies). Transparency? Participation? Peer or public reputation? Deliberative consensus (e.g. comitology)? Network governance?
8. Interrelation between institutional and procedural elements of global administrative law and different substantive areas of global regulation
8. Normative and theoretical issues. What is the function of global administrative law? To ensure that global regulatory administrators are faithful to the global regime? To protect the rights of states or affected non-state actors? To help lay foundations for global democratic governance?

Further information on the NYU Global Administrative Law Project: www.iilj.org