

# European Administration

## INTRODUCTORY STUDIES: STATE- INTERNATIONAL ORGANISATION – PUBLIC ADMINISTRATION

The European Administration course (20 teaching hours) is divided to 5 blocks (chapters).

A chapter is designed for **4x45 minutes** of studying!

Advices for your individual work:

1. Read the reading material! You may use the additional slideshow to see a graphical version of your reading! By clicking on the hyperlinks, you can get some additional information, or you can refresh your basic knowledge!
2. Try to test your knowledge with the help of the exercises! They help you to process the material in depth and the terms and significant definitions help you to catch up quickly with the mainstream of the material!
3. Do the test of multiple choices for a final check upon your newly gained knowledge!
4. If you have further plan to deepen your knowledge on the issue, the collected literature helps you to step on that path!



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## READING MATERIAL N° 1

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## INTRODUCTORY STUDIES: STATE- INTERNATIONAL ORGANISATION – PUBLIC ADMINISTRATION

### 1. PUBLIC ADMINISTRATION AND THE STATE

#### 1.1. What is public administration?

Public administration is as old as human civilization. Administer is an English word, which is originated from the Latin word 'ad' and 'ministrare'. It means to serve/ to manage; **administration** stands for an activity of different motion, choices, and organization of how they should be done to achieve a certain aim. **Public administration** is the same, just the aims to be achieved are common aims of the society decided by the commons and achieved by the commons with the leadership of a group elected by the commons.

*Administrative law and public administrative law are often used as synonyms although, in strictu sensu, they are not the same. The 'administration' is a word with Latin origins meaning 'to serve', or 'to manage affairs'. In this sense, administration means management of the affairs of an organization. Public administration means governmental administration, it is the accomplishment of politically determined objectives but basically public administrative law deals with the decision-making of the administrative units of government. Administration and management are often used as synonyms although they are not the same: administration refers to a process of effectively influence an entire organization by formulation of plans, framing policies and setting objectives (decisive function) at top level, while management states for a skill of getting the work done from others, thus put plans and*

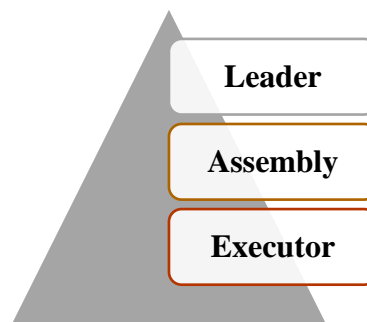
| *policies into actions at lower level (executive function). Administration, therefore, englobes management.* |

In history, the common aims, the notion of 'common' and the leader who had the right to decide on the priorities/aims (*public goals*) and on how to achieve these common aims has been constantly changing, so as the *organisation* which was settled to realise the background of execution, the *staff* who performed the tasks towards the common and the *material* and *procedural rules* that prescribed how it shall be carried out.



## 1.2. A brief introduction to the history of public administration

Since people live in communities and get together to do something together to achieve an aim,<sup>1</sup> public administration exists. In primitive communal society, *in the time of cavemen*, this common aim that get people together was connected to survival: to hunt together, to defend their community, to gather berries together, etc. Performing these common activities was a very basic form of public administration. A more developed form of organisation appeared when the people started to be divided (*the division of society*) according to their mission in the common activity:



- there were those, who were wise enough to draw up plans and alternatives (*assembly*);
- there were a few/only one (*leader*), who could decide upon common aims and could choose among the priorities and plans elaborated by the wider (and wiser) group of people and

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<sup>1</sup> You can read more in: Peter Kobraak: The Logic of Caveman Management. *Public Administration Quarterly*, Vol. 15, No. 4. Winter, 1992, pp. 476-495.

- the largest number of the society was those who realised the common aims according to the wishes and executor (*executors*), who finally performed the activity to achieve the aim by following the orders of the leaders.

This separation of the classes of people was the result of a long development procedure and does not always mean a clear and impermeable line between the segments, but the ancient societies were built upon these levels.

*For example, in Egypt: there was a leader (pharaoh) who was the ultimate source of decisions, priorities, there were a few people who helped him/her in this task (advisors, tax collectors, treasurers, army leaders of high rank), but most of the society was the executor, who in fact, did the job to achieve the aim. In a very simplified schedule: the pharaoh decided to build a pyramid, according to the highest advisors, he decided how and when to build it, his pages collected the money and organised the work according to the pharaoh's wishes and the workers put one stone on the other.*

In history, rules were supported not only by their loyal nobles but by *professional advisors* who were the master of a certain issue (writing, financial knowledge) and often gained knowledge in other parts of the world and brought home the know-how (architecture medical issues, agricultural or military science, etc.). These positions around the rulers are the ancestors of the ministerial positions of today and the roots of professional administration and civil service.

*Professionalism has always been important for the civil service. In ancient China, imperial exam based on merit was designed to select the best administrative officials for the state's bureaucracy. The Caroling Charles the Great sent his loyalist to learn abroad and also erected a public servant school in Aachen. In the 17-18th century the Habsburg Maria Theresia and her son, II Joseph were famous for building up a professional State administration and invest in professional training. In addition, the clergy was always nearby and for centuries, clergymen were the ultimate sources of literacy, knowledge of sciences and education.*

Sometimes people revolted against the ultimate rulers and expresses their negative sentiments against the practice that they have no world in deciding upon the common aims, which usually brought them nothing but suffering (wars, more taxes) and they are always just the ones who suffer from the decisions of the few rich ones at the top of society, and the executor of their wishes. The major common aims of these times were the defending of the territory, gaining new territories and everything the leader level of the society invented in the glory of the ruler (they lived in castles and ate fancy food, while most of the people were starving and lived poorly). In history, the strength of rulers always changed, and it depended on the supportive nobles and the relationship with the clergy. In case of weak rules, the nobles had a great influence on decision-making, and vice versa: a strong rule could be independent of everyone (absolutism).

The major change happened in the [\*Enlightenment Age\*](#). Great thinkers appeared and started to spread the idea that the source of power is the people and not the ruler. The people have the right to decide upon the decisions they execute, and they have the right to elect the one who leads them. The great famine put an emphasis on people's rebellion and the [\*Great French Revolution of 1789\*](#) opened a brand new chapter in the [\*history of public administration\*](#) that leads to the birth of the real public administrative law.

### 1.3. The new chapter after the end of absolutism and the birth of public administrative law

Strong rulers were independent and could do whatever they wanted. Although in history, they often had to get support to be able to stay in their position and let others have a say in decision-making and ensure them a better place in society than before. (Do you remember the [\*Magna Charta of 1215\*](#)? It was a document of such guarantees)

For a long time in history, there was one person who decided what the common aims and tasks are and how it would be organised, administration depended on the ruler and the law that governed it was also in the hands of the highest level of society.

With the abolishment of absolutism and the revolutions of Europe ([\*People's Spring or Spring of Nations\*](#)), people gained more power than ever: they are no more ridden lower part of society but active factors ([\*democracy\*](#)). The concept of [\*separation of powers\*](#) is linked to this change in society. People cannot practice their power directly, so they elect a group of people whom they feel to be competent and trustworthy to represent them and their interests (*assembly or parliament*), and a leader (*government*) was either erected or the former monarch was prescribed but with restricted powers by the assembly. The government is then responsible for executing the decisions of the 'commons' represented by the assembly. To avoid the unfair practice of power, the *judicial branch* was settled to serve justice. Then, this decision-making body was responsible for the build-up of the organisation to serve the realisation of common aims. Therefore, the people could basically but indirectly decide upon their faith, the common aims, and their realisation. The elected representants could be changed in case of insufficiency as they shall perform their task according to predefined norms without the possibility of autocracy which was the previous regime's main feature. As for the functioning of public administration, it shall also be created according to predefined laws and regulation and shall perform its duties as it is prescribed by law. Law shall govern the society and not tyranny. ([\*rule of law\*](#)).

The traditional nature of public administration has been changing very rapidly in modern times. It is the consequence of the changing role of economy, society, culture and the new requirements of public administration. At the beginning of the 21st century, the public administration is expected to be not only capable of providing former basic functions (law and order) but it is expected to play some new roles. The number of common goals has increased with different areas to serve the well-being of society. Public administration has grown to be the biggest system of society with many tasks from the classical state functions (internal -external defence, economic tasks) to welfare state functions (education, cultural, medical and social benefits etc.). Today, the way that a State serves these interests (choosing of priorities) depends on its economic background and traditions.

*There are States where education is a public task and free of charge from primary school to higher education, you pay for these from your taxes; there are states where you shall pay for higher education. Or, there are states where medical care is paid by taxes and available for all who pay the contribution while other states maintain only a basic level of service from taxes and people are entitled to decide which private assurance system they choose and be part of it to get complex medical care, etc. If they do not like the system, at next elections, they can vote for that party which promises better system and in case of winning, they can establish a new type of social benefits system as a leader who chooses the priorities.*

Public institutions (central, territorial and local organs) are also expected to play an initiative, regulative, and controlling role as well. In this way, the subsystem will be able to help the competitiveness of the economy, the improvement of society and the well-being of citizens.

#### 1.4. Public administration and public administrative law in a democratic society nowadays

There is no uniform and generally accepted definition; it depends on the examination's point of view.

**Public administration** is the realisation of common tasks (preparation of tasks and execution of tasks defined and regulated by the legislative) in a society by a specific organisation of authorities acting by public power (they have the right to enforce their decisions), unique civil service staff, and via special procedures governed by law. Public administration is the law in action; created and bound by an instrument of the law.

The **subordination of public administration to the law** is a requirement deriving from the rule of law.

*The requirement of the subordination of the administrative activities to law means that public power possessing administrative bodies with public power, intervening into social relationships, may make their decisions within the organizational framework of law, governed by procedural law, and within the framework set by substantive law regulated by law in a foreseeable manner.*

The **main task** of public administration, in general, is:

- *the preparation of legislation*: that is how the preferences of the government (leader) are ensured; alternatives are elaborated,
- *execution of legislation*: it ensures the realisation of the decisions taken by the legislator to formulate the society and the behaviours and by continuously verifying the success of their mission, they can prepare a new draft for legislation for better serving public aims in case of problems.

To perform these tasks, it is entitled to carry out **different types of activities**:

- it may establish *organs* and regulate its functioning to carry out tasks;
- it may produce *executive legal norms* (below legal acts of the parliament);
- it may act within *public power* (administrative authorities).

The first two is the prerogative of the highest level of administrative organs, while the latter features the territorial and local administrative level which are closer to the ultimate subjects of law, the individuals.

The convenience of the activity and functioning of public administration is supervised and controlled by *judiciary*. It means that the legislative activity of public administration is supervised by competent State organs (mostly by constitutional courts) and the functioning and decisions issued by administrative authorities is subject to judicial review to ensure the conformity with legal norms (i.e. an individual has the right to submit claim to court for a review of the individual decision of an administrative authority if the individual feels that the administration breached the law – material and/or procedural – while it formulated its decision pro or against the individual). In many States, there are alternative mechanisms, too, to fight against maladministration to

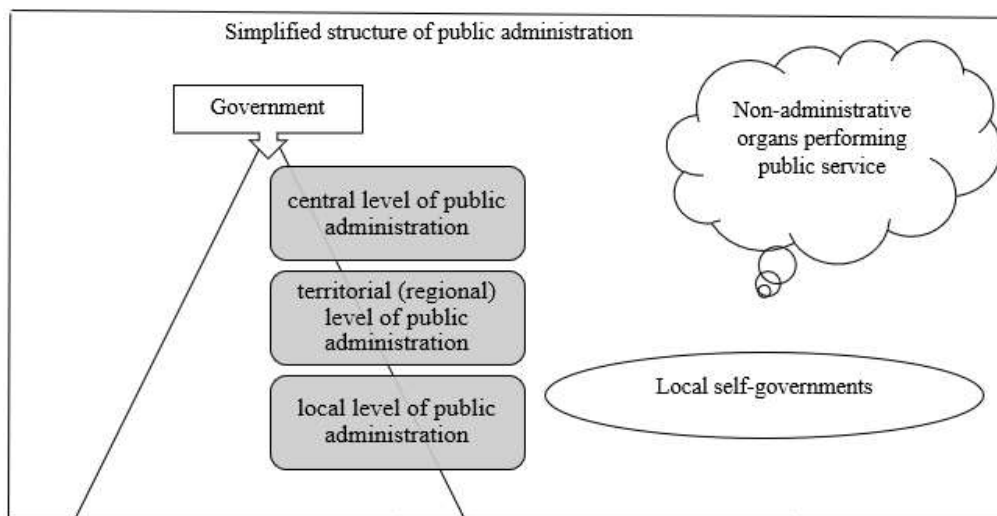
disencumber courts in simpler cases and to help administrative power to follow a proper practice (i.e. the role of ombudsman; different conciliatory or mediation mechanisms).

The **structure of public administration** depends on historical traditions and current political choices of a State. State administration is hierarchical (thus via direction of the upper level to down level organs, the government can ensure uniform application of law in every part of the country) and subdivided from central level (ministries, top-level organs of different tasks) to territorial (regional) and local level, these latter levels ensure task performance as deconcentrated units of a higher-level organ.

In most of the States, the local community has the right to handle their common tasks autonomously, without the interference of the government (*local self-governments*). Their rights and level of autonomy also depend on the state 's tradition. There are also *non-administrative organs* which perform common tasks and contribute to it in different forms, however, they are not administrative organs (either not State-established organs, or they are established for different purposes and only a part of their activity is public service) It is also a choice of the State what is regulated under such category and what their status is. The relationship of such organs with the public administration and the government is also upon legislation and the interference of government into the freedom of these organs usually depends on the level of state financial support.

*A well-known example for a non-state actor to be vested with administrative authority is the pilot of an airplane. The State cannot employ an official person on each airplane that flies under its flag, however, crimes can be also committed on board. Mostly those ones which endanger the safety of the flight require immediate interruption, thus the pilot is vested with the power of police to restrict the personal freedom of the criminal until he/she can handle the person to the police once the plane lands. The same power belongs to the captain of a ship. These people are employees of airline companies or ship companies according to the general law of the work, they are not public servants but occasionally they practice public service and perform authority power.*

*Another example in many countries are the State maintained hospitals. The State has certain obligation to ensure public health although hospitals are not classical state organs even if they are mostly financed by the national budget. They are rather public institutions of non-profit service providers.*





**Public administrative law** in a broad sense covers all legal norms that are related to public administration; therefore, the norms for

- the organisation of organs and authorities of public administration (organisational or structural law)
- the civil service (civil service law)
- the details of common goals (material law)
- the procedure that leads to the realisation of common tasks including procedural rights and obligations of the parties (procedural law)

are different parts of public administrative law making it the biggest part of public law.

## 2. PUBLIC ADMINISTRATION AND THE INTERNATIONAL ORGANISATIONS

### 2.1. The birth of international organisations

There are factors or happenings that influence the State from outside State borders. Dealing with such challenges cannot be ensured by purely individual internal solutions; collaboration and discussion are needed to agree upon those factors which determine the common aim and the task of domestic public administration. Settling the common aim is often shifted to a level above States into an international sphere.

*There are circumstances that cannot be individually dealt with and supposes collaboration with: warlike crisis, environmental disasters, climate change, etc.*

Communication and establishment of a relationship between different people, nations along interests was a constant feature of maturing civilizations, but the modern, institutionalised form of cooperation upon common interests is the product of the 20<sup>th</sup> century. **International organisations** are structured forms of idea-exchange between more than two participants upon a formal agreement and often with formal common bodies (secretaries, assembly and/or smaller decision-making body) to establish together a commonly accepted sum of interests in the form of decision or a convention/agreement to which States can join by signature.

*The institution of the consul was known to the Greeks and the Romans and its essential task was to watch over the commercial interests of the citizens in the territory of another polis. The representation of State interest in the form of ad hoc ambassadors and then in an institutionalised form of diplomacy was created after the State concept was established. By the 15<sup>th</sup> century, the exchange of representatives has started to dominate in argumentation of common aims of different parties (States) and the formulation of political, commercial and military alliances along with the maintenance of friendly relations. As early birds, ad hoc conferences (like the 1815 Vienna Conference) was convoked for the solution of the political problems arising from international intercourse, but in the nineteenth century, an impassive development of associations or unions, international in character, between groups other than governments. This was followed by similar developments between governments themselves in the administrative rather than the political field. The roots of simple international organisations date back to but the ancestor of nowadays type in the 19<sup>th</sup> century. The most obvious area in which international cooperation gained place was that of transport and communication and they were called administrative unions. This term was used until the middle of the 20th century for special-purpose governmental associations set up in the second half of the 19th century. The purposes of these unions were the international*

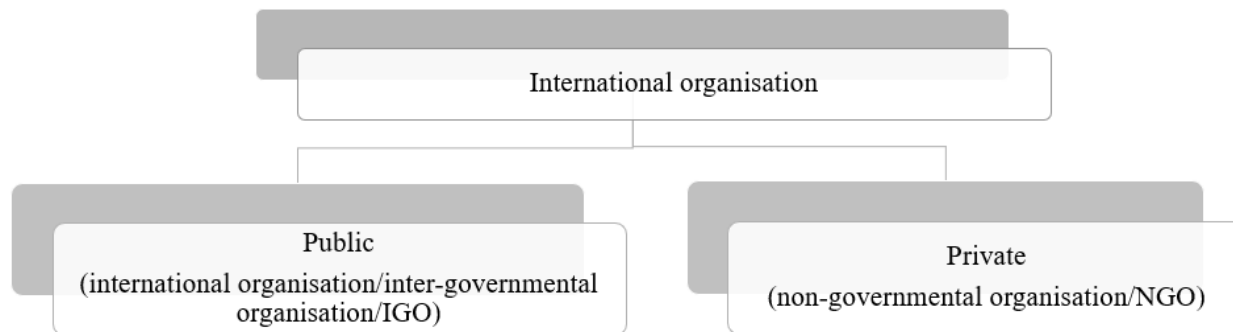


*regulation of postal services, railroad transportation, telegraph communications, and radio and the international protection of copyright in science, technology, literature, art, public health, and other fields. One of the first international administrative unions was the International Telegraph Union set up in 1865. All the international administrative unions shared several features. They were based on multilateral conventions, treaties, or agreements having the usual permanent character—that is, intended for a considerable length of operation—and they all had permanent bodies (bureaus or commissions). The functions of the bureaus were, as a rule, limited to purely informational tasks—to collect and to publish appropriate materials, to provide references, and also to serve as intermediaries between member States. The bureau of the International Union of Railroad Transport was an exception; it could, on the expressed wish of one of the parties, settle misunderstandings between international railroad administrations. In the 20th century, the number of international administrative unions has increased greatly. When the League of Nations was set up, the imperialistic circles which held leading positions in the league attempted to use the international administrative unions to dominate international relations. But these attempts were strongly resisted by many participants in the international administrative unions because a great number of them were not members of the league. The majority of international administrative unions of that period remained independent organizations and merely exchanged information with the Secretariat of the League of Nations. The term “international administrative unions” went out of use in the middle of the 20th century. The present-day international organizations with similar roles (there are more than 200 of them) are called international organizations on special questions, and some of them are specialized institutions of the UN.*



## 2.2. Types of international organisations and public administration

There are two basic types of international organisations and the role of public administration varies accordingly.



Speaking about international organisations in general, the term covers *inter-governmental international organisations (IGO)*. These are public establishments which may be formulated along with different principles as there is no universal rule for their creation thus have more or less the following characteristics:

- *establishment by some kind of international agreement among states (under the classical rules of international law that governs the relationship among them);*
- *establishment under international law (that regulates international relations of States);*
- *possession of what may be called a constitution (also international law in nature);*
- *possession of organs which function relatively independently from its members (functioning according to the international law source that created them);*
- *generally, but not always an exclusive membership of states or governments, but at any rate predominant membership of states or governments (given the fact that only officials in charge of States are empowered to represent their government and participate in assuming obligation on behalf of it; the activity of private parties are beyond State power and the legal capacity of participating international organisations depends on the creating States, see later);*
- *possible possession of international legal personality (distinct from that of their member states – it depends on the creator States what competencies they vest in the organisation)*

Typical IGOs are *United Nations (UN)*, *Organization for Security and Co-operation in Europe (OSCE)*, *Council of Europe (COE)*, *Organisation for Economic Co-operation and Development (OECD)*, *North Atlantic Treaty Organisation (NATO)* or the *Arctic Council* which is also open for NSA participants.

Some international organizations now accept non-states as full members, while others ensure only observant or consultant role for them.

*The International Union for Conservation of Nature (IUCN) is a membership Union uniquely composed of both government and civil society organisations. It provides public, private and non-governmental organisations with the knowledge and tools that enable human progress, economic development and nature conservation to take place together.*

*Non-governmental organisations (NGOs) or private international organisations are not established under international law, nor have exclusive or predominant state or governmental membership, they are usually associations of any other non-state actors (NSAs); for example Greenpeace, World Wildlife Fund International, Amnesty International, or Médecins Sans Frontières.*

*Being an NGO does not mean powerless l'art pour l'art work. It is often an NGO that draw attention to violations of international law (treaties, conventions) by States. More generally,*

*NGOs participate in monitoring activities, either directly or indirectly, and may trigger mechanisms of compliance or enforcement. Their capacity to gather information, provide expertise and mobilize public opinion makes NGOs powerful actors in the implementation of international law, even in situations of armed conflict, but NGOs are more often relied on in environmental and human rights issues.*

In history, the two types emerged, developed and co-existed parallelly.

*On the necessity of river shipping, several river commissions were established to manage the Elbe (1821), the Douro (1835) the Po (1849) and, after the end of the Crimean War, the European Commission for the Danube in 1856. Regulation of other modes of transport and communication quickly followed: in 1865 the international Telegraphic Union was established, followed in 1874 by the universal postal Union and in 1890 by the international Union of Railway Freight Transportation. Today both unions fall under the umbrella of the United Nations system of organizations which is an international organisation of States. In other areas, in 1903 the International Office of Public Health was created, and in the field of economics the establishment of the Metric Union (1875), the International Copyright Union (1886), the International Sugar Union (1902) and the International Institute for Agriculture (1905) may be mentioned as early forerunners of present-day international organization. Meantime, organizations started to be established by private citizens, in order to deal with international issues. In 1840, the world Anti-Slavery Convention was established, and in 1863 a Swiss philanthropist, Henry Dunant, created the Red Cross in 1863, for example.*

Based on the founders and parties, there are different international organisations. The founders determine the **legal status** and the **competences** of the organisation.

(a) the simplest and most common way is when an international organisation arises from the agreement of **States**.

*The most known example is the United Nations Organisation which expresses this nature by the name.*

(b) there are organisations to which **sub-State organs** may also join to establish international bodies;

*National bodies for the regulation of financial markets are associated in the above-mentioned IOSCO; national insurance regulating bodies come together in the IAIS; the International Competition Network (ICN - 2001) brings together national competition authorities; the Financial Stability Forum (FSI), promoted by the finance ministries and central banks of the G7 countries, brings together finance ministers and heads of the central banks.*

(c) there are organisations that are made up neither by States, nor by lower level, sub-state entities, but **by other organizations**, acting alone or together;

*For instance, the Commission on Phytosanitary Measures (1992) was established by the FAO; the International Centre for Settlement of Investment Disputes (1966) was established by the World Bank.*

(d) **different organizations get together** to establish another organization.

*The Financial Stability Institute (FSI) was set up in 1999 by the Bank for International Settlements and the Basel Committee on Banking Supervision. The Codex Alimentarius Commission (1963) was established by the FAO and the World Health Organization (WHO -*

1948). The World Trade Organization (WTO - 1994) and the United Nations Conference on Trade and Development (UNCTAD - 1964) together established the International Trade Committee.

### 2.3. Public administration and international organisations

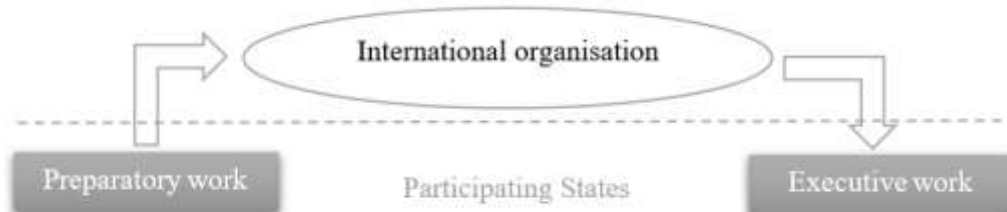
The law of international organizations can be described as special in kind: it is always *lex specialis*, a law proper to each organization, as there are no general implications or universal international organisation law. Public administration in connection with international organisations shall be interpreted by two major directions:

#### 2.3.1. Administration of international organisation

Public administration of international organisations is supposed to mean the executive of the establishment which is not equivocal to the notion that exists in States' public administration. In case of almost all international organisations, the executive power stays in the hands of the participating States and the public administration and public administrative law of an international organisation can be interpreted only in a narrow sense: the organisational and procedural aspects of the created bodies for maintenance of the work of the organisation and its staff. Neither international administrative law, under the terms of domestic one, exists, nor public administrative law of international organisations can be interpreted in the same way as in States.

*States are recognized actors of international relations. According to its constitutional norms, each State has an internal, domestic order which describes the balance of power to serve the people. Therefore, in international relations, only those State organs (and official) can represent the State and assume obligations on behalf of the State who are empowered to do so by basic domestic norms. Consequently, they are accountable for their acts. It follows, that when States establish international organisation as a forum for common interest exchange, it is upon the will of States what competencies they give for the international organisation, how detailed regulation they ensure for its organisation and functioning and how they wish to ensure an independent administration for it.*

In most of the cases, in classical international organisations, the preparatory work and the executive functions stay in the hands of the State, and its public administration. Thus, the public administration of an international organisation is basically served by domestic administration of the participating States. These are normative rules on the formulation and representation of State interest and then, after the common interest is created, ensuring its execution. The incorporation of common achievements into domestic legal order is mainly the duty of the legislator, although once the international obligation is a part of domestic law, the task and duties of the public administration as executive power (organisation, normative tasks, decision-making) are the same.



### 2.3.2. Influence of international organisation of the public administration of the State

International organizations are created upon interests of States, and the results of common work may be manifested in different forms with different legal effect: political declarations, decisions of its organs (under various names like opinion, recommendation, ) and normative texts that are open for signature of States (treaty, convention) so they can assume the commonly accepted solutions for a problem as obligation. Being party to an inter-governmental organization may be a pressure to accept its achievements as obligation; however, the rules of international law still ensure the freedom of choice. A State [signs and ratifies](#) it or not or chose to follow a recommendation or not. This is the classical *Westphalian model* of international relations.

Currently, the international legal order is based on the Westphalian model of sovereignty: States as a subject of international law, by their representatives, take part in the formulation of international agreements to fight common problems. States are entitled to assume obligations to delimit themselves and by doing so, they impose them on the territory and the people under their sovereignty in conformity with their own public law framework, including constitutional and administrative law points.

Even if a convention establishes a supervisor organ to detect the implementation process and how State practice supports the success of the application of it, the judicial (and sanctioning) power that characterize States' internal affairs is missing from behind the process unless the State made a declaration of subvention to an international court. However, enforcement of the judgment is also challenging and has no features of that within the State.

*The Council of Europe has many conventions under its roof, however, many failed to be generally recognized even by its Member States. [Check!](#) The most famous and generally recognized is the Convention for the Protection of Human Rights and Fundamental Freedoms (1949). The breaches of its articles by a signatory State (its organs and authorities) can be submitted to the European Court of Human Rights (ECtHR) in Strasbourg, which is entitled to disapprove a legal application practice in individual cases and sentence a State, but beyond political pressure it has no further tool for the enforcement of its decision or force the State to change its legislation.*

In case of NGOs, the State is missing behind the establishment procedure and the formulation and shaping the commonly accepted results, thus the acceptance and incorporation of the NGO achievements are also less (or completely missing) effective than that of IGOs. Therefore, the main efficiency of NGOs does not stand directly in their normative contribution but in highlighting the needs and challenges and manifests in other efforts as a response for problems.

*Just think about the work of Greenpeace with calling the attention to global problems related to the environment and [organize different programs](#) and collect donations to that end.*

### 2.3.3. Supranational organizations

In general, all international organization are supranational: they are establishments beyond state borders and above single states. In a legal sense, the key distinction between a *supranational organization* (SNO) and an ordinary international organization is the scope of autonomous regulatory power that the body may enjoy. The SNOs are inter-governmental organisations and are quite rare as their competences and level of autonomy are based on the sovereignty transfer of their creating States which has several consequences: they are able to behave independently of

their creators and establish (unwanted) obligations – without the possibility of choice originally offered by international law. Unlike IGOs or NGOs, SNO dominates over States.

*SNO is similar to a federation as form of government (like the USA): the self-governing status of the component states, as well as the division of power between them and the central government, is typically constitutionally entrenched and may not be altered by a unilateral decision of either party, the states or the federal political body.*

*The European Union (EU) is the leading exemplar of SNO. As a sui generis international organisation, it – via its institutions created by States in funding treaties – can exercise a whole range of rulemaking, adjudication, and enforcement powers with a comparatively high degree of independence from the States that created it. The EU is not a federation mainly as in the case of the EU, the supranational entity is an international organisation and not a State, lacking the features of statehood.*

## LITERATURE

- Ewan FERLIE, Laurence E. LYNN Jr., and Christopher POLLITT (eds.): *The Oxford Handbook of Public Management*. 2007.
- Mary LISTON: Governments in Miniature: [The Rule of Law in the Administrative State](#). in: Colleen Flood - Lorne Sossin (eds.): *Administrative Law in Context*. Emond Montgomery Publishing, Toronto, 2008.
- Chittharanjan Felix AMERASINGHE: *Principles of the Institutional Law of International Organizations*. Cambridge University Press, Cambridge, 2005.
- Armin VON BOGDANDY - Philipp DANN - Matthias GOLDMANN: Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities. In: Armin von Bogdandy, Rüdiger Wolfrum, Jochen von Bernstorff, Philipp Dann Matthias Goldmann (eds.): *The Exercise of Public Authority by International Institutions*. Advancing International Institutional Law. Springer, Heidelberg, 2010.
- Rudolf BERNHARDT (ed.) *Encyclopedia of Public International Law*. vol. 5. International Organizations in General Universal International Organizations and Cooperation, Elsevier, 2014, the following titles:
  - Rüdiger Wolfrum: International Administrative Unions.
  - Eckart Klein: United Nations, Specialised Agencies.

## SIGNIFICANT DEFINITIONS

Administration	a process of effectively influence an entire organization by the formulation of plans, framing policies and setting objectives (decisive function) at the top level of the organisation
International organisation	structured forms of idea-exchange between more than two participants upon a formal agreement and often with formal common bodies to establish together a commonly accepted sum of interests in the form of decision or a convention/agreement to which States can join by signature
Management	skill of getting the work done from others, thus put plans and policies into actions at a lower level of an organisation
Non-governmental international organisation (NGO)	organisation of non-State actors
Public administration	is the realisation of common tasks in a society by a specific organisation of authorities acting by public power, unique civil service staff, and via special procedures governed by the law
Public administrative law	legal norms that are related to public administration; therefore, organisational or structural law, civil service law, material law, and procedural law
Rule of law	mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a non-arbitrary form of government and more generally prevents the arbitrary use of power
Soft law	agreements, principles, and declarations that are not legally binding mostly because it was not issued by actors that are empowered to create legal obligations.
Supranational (international) organisation	organization with supra-State authority, i.e. lifting of certain State powers to supranational sphere where the supra-State level can practice it without State-dependency.



## EXERCISES TO TEST YOUR KNOWLEDGE

1. Choose the statement to the terms!

Management	Administration

- a) lower level activity
- b) decisive function
- c) systematic way of managing people and things within the organization

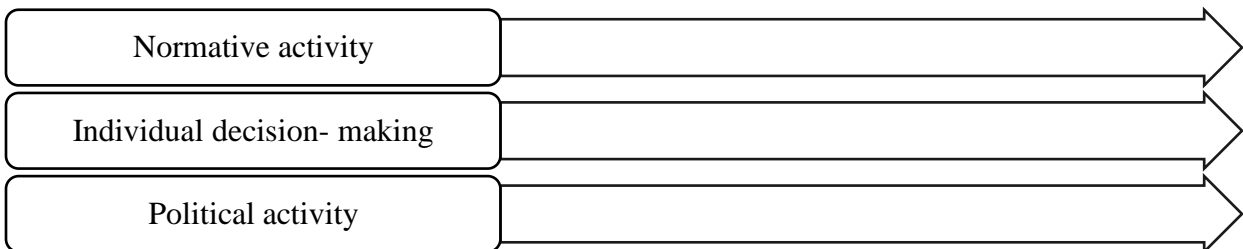
What defines management and administration related to a)-b)-c) statements?

2. What influences the task of public administration and how?

Dynamical influencer	Static influencer

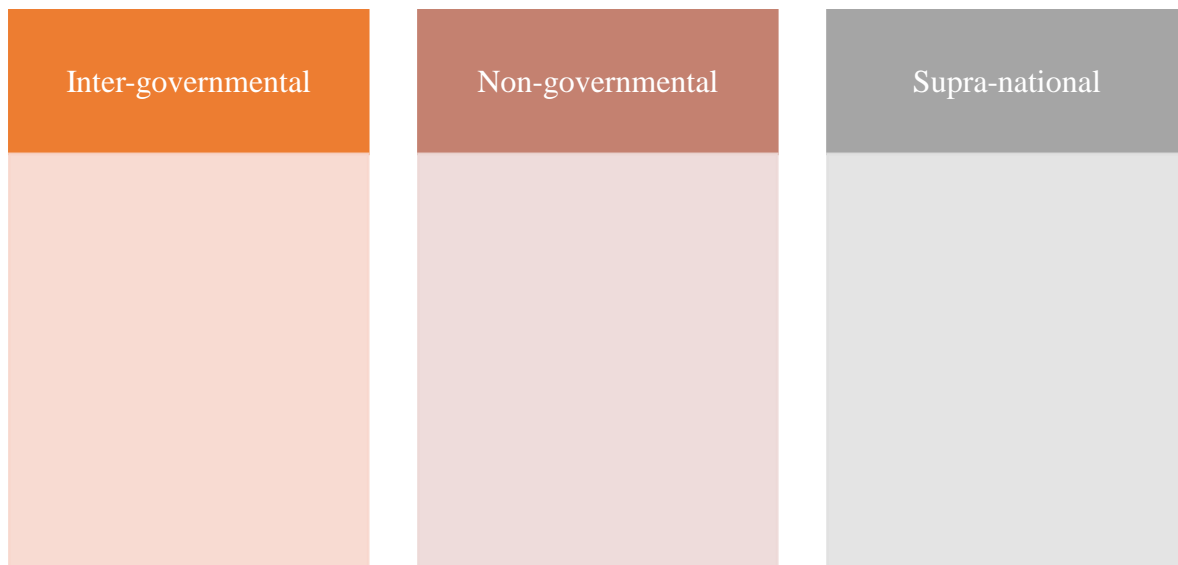
- a) economy of a State
- b) cultural traditions
- c) internal security challenges
- d) international relations
- e) geographical conditions

3. What does public administration do to determine the behaviour of persons? Find examples!



Which level of administration serves these activities?

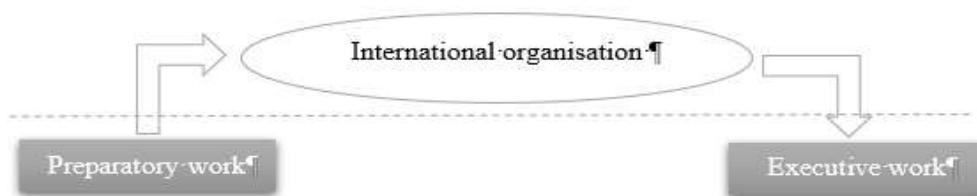
4. Try to match the characteristic features and the type of international organisation!



Characteristic features:

- a) bodies and organs are created to help the common work
- b) State participants
- c) State and non-state participants
- d) non-state participants
- e) sub-state level actors may participate as members/observers/
- f) can create soft law
- g) can create only soft law
- h) can create hard law and oblige States even if they voted against a decision
- i) unanimous decision-making procedure
- j) majority voting
- k) governed by international law
- l) based on sovereignty (power) transfer from States which enables the decision-making body to act independently from States
- m) possibility of having legal personality
- n) Greenpeace
- o) United Nations Organisation
- p) European Union

5. Bring examples how the preparation and execution takes place in case of an international organisation!



## TEST OF MULTIPLE CHOICES/QUIZ

**1. .... is the formulation of plans, framing policies and setting objectives, while ..... is putting plans and policies into actions.**

- a) Administration; management
- b) Management; administration
- c) Public law; civil law

**2. The public administration of a State is influenced and determined by social challenges, internal and external influences, and the economic background of the State.**

- a) Yes, it is true as these circumstances have a strong influence on the tasks of public administration.
- b) No, public administration is stable and does not accommodate to the needs of the society.

**3. Finish it with a true statement! The history of public administration ...**

- a) is old as human civilisation.
- b) is the achievement of the Enlightenment Age.
- c) is dated from the establishment of the rule of law principle.

**4. Finish it with a true statement! The rule of law is traditionally understood as the supremacy of the law in the regulatory legal acts system...**

- a) and it has no further implication on public administration.
- b) and it is a legal doctrine that forms the fundamentals of constitutions but has not a direct impact on the administration.
- c) thus, it is a major value of a democratically functioning public administration and means the requirement of the subordination of the administrative activities to law.

**5. Finish it with a true statement! Law of public administration...**

- a) is the structural law of public administration.
- b) covers the structural and procedural law of public administration.
- c) covers the structural and procedural law of public administration and also includes the law of civil servants.

**6. International relations of the State are not determinant for the functioning of public administration.**

- a) True.
- b) False.

**7. Traditions and geographical features of a State are not static factors of public administration.**

- a) True.
- b) False.

**8. Material rules for determination of social relations are beyond the notion of public administration.**

- a) True.
- b) False.

**9. Public administration shall be determined by the rule of law to avoid the abuse of power.**

- a) True.
- b) False.

**10. Public administration is built upon the same method in each country.**

- a) True.
- b) False.

**11. International organisations**

- a) are the creatures of the 20<sup>th</sup> century.
- b) exist since Roman times.
- c) ' history dates back to the 19<sup>th</sup> century.

**12. International organisations**

- a) are synonyms of inter-governmental organisations.
- b) covers all type of organisations in international community.
- c) are synonyms of non-governmental organisations.

**13. Non-governmental international organisations**

- a) may establish obligation on its Member States in the form of soft law.
- b) lack the legitim power to establish obligation on States.
- c) cannot establish obligation on its members.

**14. International organisations**

- a) are autonomous entities as legal persons.
- b) can possess legal personality if they are empowered with this capacity.
- c) are not legal persons.

**15. Non-state actors are not entitled to appear on global stage and participate as part of international community.**

- a) True.
- b) False.

**16. International organisations are not able to be a member of another international organisation.**

- a) True.
- b) False.

**17. Administrative law**

- a) cannot be interpreted in international context.
- b) cannot be interpreted in an international context the same way and under the same conditions as in internal context.
- c) can be interpreted in international context the same way and under the same conditions as in internal context.

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