

**INTERESTS OF INTERNATIONAL ORGANIZATIONS:
THE EXOGENOUS-ENDOGENOUS FRAMEWORK**

by

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A dissertation submitted to the Faculty of the University of Delaware in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Political Science and International Relations

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**INTERESTS OF INTERNATIONAL ORGANIZATIONS:
THE EXOGENOUS-ENDOGENOUS CALCULUS**

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ABSTRACT

Intergovernmental organizations (IOs) are often capable of taking actions of their own volition – whether through design, delegation, or interpretation – so what are their interests and how do these direct their actions? This dissertation presents a framework to understand these interests and how they affect IOs' actions. The framework identifies that organizations have competing demands from their external and internal environments which evoke endogenous and exogenous interests, respectively, and that these interests interact with one another to direct the action of the organization. The external environment of IOs represents the outside actors, norms, and events the organization must interact with, and their internal environment represents the organizations' mandates, interpretation of charters, and political culture. This framework is applied to three cases of IO action under contentious circumstances where the IO is tasked with making difficult decisions. The cases include the World Trade Organization's Appellate Body's decision to allow unsolicited amicus briefs to be presented during Member-state trade disputes; UN Secretary-General Boutros-Ghali's innovative approach to peacekeeping and the ensuing tumult; and the World Health Organization's widely criticized response to the Ebola epidemic of 2014. The application of the framework to these cases shows how interests affect the actions of the IOs. Endogenous and exogenous interests derived from the internal and external environments temper one another leading to the specific action of the IO.

Chapter 1

THE ROLE OF INTERESTS IN INTERNATIONAL ORGANIZATIONS

*International organizations have never been more central to world politics than they are today. At least 238 international organizations (IOs) are currently at work on every imaginable global issue. Investigate almost any violent conflict, environmental concern, financial meltdown, or humanitarian crisis and you will find international organizations involved, probably in a leading role. These organizations do much more than simply execute international agreements between states. They make authoritative decisions that reach every corner of the globe and affect areas as public as governmental spending and as personal private as reproductive rights. They now work extensively in domestic governance issues, overseeing matters that once used to be the prerogatives of states. –Michael Barnett and Martha Finnemore, *Rules For the World* (1)*

The World Trade Organization (WTO) has been controversial since its inception, spurring large-scale protests the world over while also becoming a political bogeyman within various countries, including the United States.¹ The WTO is the international governing body of trade between states, comprised of 153 member-states, including the world's largest economies such as the United States, Canada, the European Union, and China. One of the primary functions of the WTO is to help settle trade disputes between its member-states. While the organization works to facilitate cooperation, if states cannot agree they may submit their claims to the WTO's dispute

¹ It is routinely decried as a usurper of sovereignty by the right and as a tool of exploitation against the working class and impoverished by the left.

resolution body. Disputant states which submit their claims to the WTO's dispute resolution body either have to bring their laws in line with the final ruling of the organization or face severe and legal trade retaliation from their opposing state or states. The organization thus has the authority to substantially affect states and the independence to make its own decisions on these matters.

Its decisions in settling disputes are contentious in and of themselves, seeing multiple appeals from the losing state(s). During the late 1990s and early 2000s, the organization took a series of unilateral and controversial steps to allow *amicus curiae* briefs from non-governmental entities (and thus non-members) to be accepted and considered by its adjudicative panels. This decision came without a vote of member-states, resulted from an interpretation of its charter by the organization's highest adjudicative body, and would allow evidence and arguments submitted by non-members to affect member-states. This was a bold, unilateral move. What guided this organization to make such a controversial decision?

If one turns to the current literature on international organizations (IOs) for an answer to this question, one's findings would be sparse. For all of the academic work analyzing and theorizing about international relations (connoting a world of states interacting with one another) other global actors like international organizations have not always received the more focused treatment states have received, leaving many underexplored questions. As Martin Rochester wrote in a still relevant lament, "It is hard to escape the conclusion that students of international organization for the most part have behaved more like journalists than scholars, reacting to and reporting on the

latest happenings rather than paying attention to long-term trends or possibilities.”

Indeed, “we need to sharpen our analytical tools” (Rochester 1986, 803).

This is woefully relevant in the case described above, as the WTO took unilateral, independent action, largely against state desires. State-centric scholars, who often view organizations as irrelevant, would have little to say about this action by the WTO. To the extent these scholars would assess the actions of an organization they would likely view it as the result of states’ directives. However, organizations are not automatons, they are often “self-directed actors” (Oestreich 2013). States have delegated authority to them or the IOs interpret within their charters the ability to make these decisions. The autonomy of IOs and what that means for understanding them as political actors has been an underexplored area of research.

Though much of the literature on IOs is very interesting and compelling work, it is evident that the notion of organizations as agentic actors capable of making independent decisions is an overlooked area of study in international organizations. Even within the group of scholars who took organizations as autonomous agents seriously there appeared to be only the beginning of an explanation of what motivated organizations. Many scholars took seriously the idea that organizations were independent actors and showed what research in this vein could produce. Barnett and Finnemore’s *Rules for the World* (2004) was a profound exploration into how pathologies emerge in bureaucracies and affect the outcomes of IOs. Jose Alvarez’s undertaking in the legal interpretations within IOs in *International Organizations As*

Law-makers (2006) showed how interpretations from within organizations could lead to changes in their scope and design.

From a different angle were the contributions of principal-agent theorists in *Delegation and Agency in International Organizations* (2006) who posited that IOs were the agents in principal-agent theory, and that understanding this relationship could help us understand IOs and their behavior. Most recently came an edited volume of work that took seriously IOs as actors in *International Organizations as Independent Actors* (2013) and featured nine chapters that began with the premise that studied an organization from the premise that they are an “independent, meaningful actor” (2). However, as important and thought-provoking as each of these works were, the answer to the question presented at the beginning of the dissertation is unanswered, even if these works laid some groundwork for finding an answer.

This dissertation develops a framework to understand interests of IOs and how these interests affect the actions of IOs. The framework identifies two sets of interests that interact and relate to one another in ways that lead to the organization’s actions. These interests are termed exogenous interests – interests relative to the organizations external environment – and endogenous interests – interests relative to the organization’s internal environment. The resulting framework, labeled the exogenous-endogenous framework, provides a lens through which to view IOs and understand their actions. Applying this model to cases of IO action can help answer questions like the one about the WTO’s decision-making posed above. Where the exogenous-

endogenous framework came from and what expectations stem from it are outline in Chapter 3.

The exogenous-endogenous framework is applied to three cases of IOs embroiled in contestation with their external environments. The cases are the WTO's acceptance of *amicus* briefs, described above, Boutros-Ghali's term as United Nations Secretary-General, and the World Health Organization's response to the 2014 Ebola crisis. These cases were chosen because the independence of the organizations means that they are capable of taking action of their own accord. The contestation with states shows that the organizations' actions are not explainable in terms of fulfilling state interests. Additionally, these cases exhibited a variation of outcomes. Boutros-Ghali's nomination for a second term in office was vetoed by the United States and the United Kingdom making him the first Secretary-General to be denied a second term, while the WTO and WHO recovered from their criticisms. How the exogenous and endogenous interests interacted to lead to one outcome and not another is assessed here. The methodology and case selection will be discussed with greater detail at the end of Chapter 3.

Why is understanding the interests of IOs and how they affect their actions important? How does this help explain the WTO's behavior described above? International organizations are prevalent across the globe; hundreds of them exist to deal with nearly every imaginable issue. It is also increasingly apparent that these organizations aren't simply static and passive institutions only worthwhile as tools for states, but quite capable of influencing and changing the world around them. Whether

organizations are “norm disseminators,” enforce treaty compliance, disseminate information and knowledge, or act as dispute settlers, it has become increasingly apparent that these organizations not only matter but are influencing and shaping the world (Finnemore 1993; Mathiason 2007; Alvarez 2005).

There has also been a growing awareness that states are not the only actors that matter on the international stage and that other actors - whether they be IOs, multi-national corporations, non-governmental organizations – influence each other, states, and the people living in them (Koppell 2010, 265). If international organizations, often capable of independent action, play such a prominent and influential role in the world, then it is imperative that their behavior is better understood. To understand this, their interests need to be analyzed and explained. In other terms, understanding the interests of organizations and how they interact with one another can help to understand what guided the WTO to accept *amicus* briefs, among other cases.

Theoretically, until quite recently international organizations have often been treated as the mere byproduct of state interaction. They are often viewed as irrelevant or epiphenomenal by realist scholars, a forum for cooperation between states by neoliberal scholars, or as “black boxes” that obey states by a breadth of rationalist scholars. There are many debates about whether IOs matter (Mearsheimer 1994; Keohane and Martin 1995), why they are created (Young 1991), and which factors influence their design (Smith 2000), but attempts at understanding the interests motivating their actions has been minimal. This is an important contrast in that scholars have identified IOs as important and influential actors, but most often study

them through state-centric lenses. This leaves much to be explained. Jose Alvarez concludes *International Organizations as Law-makers* musing over whether international organizations have become something like Frankenstein's monster – created by states, but now roaming the countryside beyond the control of their masters. If these organizations are capable of both autonomous action and influencing other international actors, as the WTO did in the above reference, then should we not understand the interests that guide their behavior?

To answer this question, this study focuses on two distinct, but related domains of organizations: their external environment - the outside actors and norms the organization must interact with, especially the organization's perception of these - and their internal environment - the mandates, desires, rules, and cultures within the organization. The organizations' perceptions of their external environment, how the decision-makers within the organization perceive the expectations of other world actors and the possible consequences of the organization's decisions, tells us the exogenous interests of the organization. Organizations have internal processes that produce endogenous interests. Organizations have mandates and directives they seek to carry out. A favorable interpretation is that organizations wish to do their jobs. Understanding how these endogenous and exogenous interests interact to affect the actions of international organizations is the central goal in this dissertation.

The following chapters will demonstrate that interest-driven behavior in organizations is evident and accepted by scholars of diverse backgrounds, particularly by sociologists studying organizations. However, scholarship on international

organizations has yet to produce an understanding of interests in international organizations and how interests influence behavior. Precisely which interests guide an organization, and how these interests interact, has also gone unanswered. To these ends, this study examines interests in international organizations, categorizes interests according to the external and internal environments of organizations, and analyzes how they interact to influence the behavior of the organizations.

Breakdown of Chapters

This dissertation will examine three cases of international organization behavior to assess which interests informed their decisions and how these interests did so. The selected cases come from instances where organizations could decide or take a particular action – where they had autonomy and authority - and where there was external contestation over what the appropriate course of action would be. The combination of autonomy and “external contestation” is an important nexus for cases as the organization can take independent action and is aware of the expectations and consequences from its environment. Therefore, their eventual decisions will shed light on how interests informed and guided the behavior. Because the issue and possible actions by the organization are contested and controversial the organization will select the course of action that reflects its most important combination of interests. Chapter 4 will study the case of the WTO, as briefly described above, and its decision to accept *amicus curiae* briefs. Here the WTO’s Appellate Body took the controversial action to allow *amicus* briefs to be submitted during appeals cases and affirmed this decision throughout the period of controversy. How and what interests guided the organization to take this course of action over alternatives?

Chapter 5 will examine Boutros Boutros-Ghali's *Agenda For Peace* and the contestation over humanitarian intervention after the Cold War. At the start of his tenure, Boutros-Ghali was asked by the United Nations Security Council to create a policy outline for handling humanitarian crises. His framework was eventually derided and ignored during a decade that saw many crises with world powers struggling to find ways to handle them. Boutros-Ghali often found himself at odds with the United States and other states over how to handle these interventions and became so embroiled that he was eventually denied a second term by the United States and the United Kingdom. This case analyzes the UN Secretariat's behavior during a contentious and difficult time through the lens of exogenous and endogenous interests. How did these interests interact in this case and how can we account for the formal rebuke of Boutros-Ghali through his denial of a second term?

Chapter 6 will center on the World Health Organization and its response to the Ebola epidemic of 2014. This case represents another area of controversy and contestation between states and organizations. How and what interests guided the behavior of the WHO to first be prepared for an international health crisis and then respond to the Ebola outbreak of 2014? The WHO is the chief health-related organization and is not only commissioned to move the world to the best possible level of health, but specifically to manage and contain international health crises like epidemics. The WHO had also considered the management of epidemics as one of its top priorities. Yet, in 2014 the organization failed to stifle the Ebola outbreak, was roundly criticized, and eventually ceded some of its functions to other organizations. This case examines how the WHO had successfully managed international epidemics

previously, what affected the organization to change its priorities, and how it responded to the event in real-time.

Chapter 7 will glean the results of the case studies and assess the findings across all three of them. Chapter 7 will further illuminate future avenues of research based on the findings and conclusions reached here.

Chapter 2

TURNING TO THE LITERATURE

Introduction

If understanding interests of IOs is paramount, it first needs to be shown that previous scholarship on IOs cannot answer the questions presented here or else this study will have limited utility. While IOs have been frequently studied and are often at the center of global issues, there has been relatively little scholarly exploration of the organizations as “meaningful, independent actors” (Oestrich 2013, 1).² Instead, they are often discussed in passing, described journalistically, or understood as the simple byproduct of the interactions between states, but rarely viewed as independent actors capable of making decisions that shape the world. Though this review of the literature will largely focus on scholars who view IOs as important and independent global actors, the mainstream in IR generally focuses on states, even when discussing other global actors.

Definitions

It is important to establish exactly what is meant by the term international organizations for the purposes of this project. While the term organization in its broadest sense may refer to any goal-directed socially constructed systems of human activity (Aldrich 1999) which could encompass organizations as diverse as multi-national corporations, universities, non-profits, or even refer to the process of

² This is not to say that there has been no scholarship of this variety and such scholarship will be outlined in more detail below. This is to say that the field as a whole has been “state-centric” in its view of organizations, which has left a void in the study of organizations as agentic actors.

organization, international relations scholars typically have a more specific understanding. For IR scholars, an international organization is most frequently limited to intergovernmental organizations created by states, excluding non-governmental organizations, interests groups, and corporations. Even still, IR scholars often use the terms international organization, intergovernmental organization, and institution interchangeably. For example, Bennett and Oliver (2002) define intergovernmental organizations as having five key features:

(1) a permanent organization to carry on a continuing set of functions; (2) a voluntary membership of eligible parties; (3) a basic instrument stating goals, structure, and methods of operation; (4) a broadly representative consultative conference organ; and (5) a permanent secretariat to carry on continuous administrative, research, and information functions.

Others define an intergovernmental organization as “organizations that include at least three states among their membership, that have activities in several states, and that are created through a formal intergovernmental agreement such as a treaty, charter, or statute” (Karns and Mingst 2010, 5). Due to its precision without sacrificing breadth of inclusion, the Bennett and Oliver definition of international organizations (IO) is followed throughout this review of the literature.

Additionally, it is also important to discuss the “level of analysis” through which scholars study IOs and which level of analysis this study adopts. There is a distinction between groups of scholars in whether they focus on the individuals leading the international organization (Cox 1969; Kille 2006; Chesterman 2007), or whether they examine the international organization as a singular entity (Dreher and Jensen 2007). Often scholars will refer to a particular organization when they mean the people, departments, and bureaucracies that comprise it, while others may refer to the same organization but at the level of actor in the international system. However,

this study analyzes the internal dynamics of organizations in order to understand their interests. The internal dynamics refer to the decision-making processes within the organization as well as the organization's leaderships' ideas, perceptions, and constraints. We may also study specific organs within an IO as these internal organs may vary in terms of authority, function, and design. A key factor this study looks toward are IOs or specific organs within them that have the capacity for self-directed decision-making.³

While the term international organization is employed, or specific organizations are referred to, those who comprise and work inside the organization are what matter, specifically those who work inside the specific organs examined. Though the IO acts as a single unit after reaching a decision, the debates between the individuals within the organizations, the reasoning for their proposals, and beliefs about what the organization should do tell us much about how the organization as a collective entity sees itself and thus much about its interests. Even when the individuals within the organization might disagree, a decision must be made. What is more, these decision-makers operate within the environments of the organization – they face the same external constraints and catalysts as the rest of the organization and they are a part of the same internal culture as the other individuals, operating according to the same foundational documents and procedures.

³ For instance, we refer to the United Nations as an international organization, but its internal organs can be examined as part of the whole. In other words, the United Nations is an international organization, but its Secretariat has different functions and capacities than its General Assembly. These are important differences that focusing on the broad collective might leave out.

Therefore, the research here is at the individual, decision-making level within the specific organ of the organization examined, as it is individuals who interpret perceptions and make these decisions within the organizations. Decision-makers include executive heads, program leaders, secretariat staff, and adjudicators. The rhetoric of these individuals in arguing for or against a particular course of action elucidates how those within the organization see the world and how their interests motivate their actions. So, while the terminology of “international organization” is referenced throughout, including specific organizations, those terms are simply proxies for the collective individuals who comprise each organization.

The Literature

The literature as presented will be broken down along lines of state-centrism versus organization-centrism, as well as the particular foci of scholars in each mold. This review will demonstrate that current scholarship does not provide an adequate answer to the questions posed here, and thus leaves the actions of the WTO described in the introduction unexplained. However, it will also show by building on previous work, gaps in the literature can be closed and an understanding of IO interests is both worthwhile and achievable.

Of the scholars who actually look at IOs as independent actors capable of making these types of decisions, their theories are also not designed to explain the motivating interests of IOs, such as what might have guided the WTO to take such abrasive action. The most prominent of these theories, the bureaucratic culturalists, view organizational action through the lens of the bureaucracy; bureaucracies are compartmentalized, hierarchical, and make sense of the world by following and issues rules, thus IO action can be described in terms of a bottom-up accounting of how a

bureaucracy tries to make sense of a complex world. However, the action by the WTO described in the introduction did not come from a bureaucracy, but from a juridical body, meaning that there was no compartmentalization or hierarchies, and thus no bureaucratic pathologies, that can explain the WTO's decisions. The other prominent theory, principal-agent theory, would explain that the WTO is "shirking" if the states did not like its decision in this case, and if states did not react strongly to it then they would consider its actions in line with state desires, or "working." However, this is circular logic and does not describe the interests of the organization, what would motivate it to take this course of action over alternatives, particularly when it would contravene state interests. So, the current crop of scholarship on IOs does not address head-on what interests would guide an organization, like the WTO, to take contravene state interests.

Scholarship of international organizations can be divided along several different lines. Since the subject of this study is the behavior of IOs, the literature will be organized by how scholars have treated IO behavior. The first distinction is over whether scholars believe IOs have agency or not. Some scholars view IOs as capable of autonomous action. Others believe that capacity belongs only to states; IOs act at the direct behest of states or they do not act. The second distinction is based on what can be termed an environmental focus. This focus is either placed on the internal workings of the organization or on how the organization interacts with other actors. These distinctions yield four outcomes: IOs as forums for states, IOs as pawns of states, IOs as complex bureaucracies, and IOs as authoritative actors. Table 2.1 outlines this basic framework for organizing the literature based on these distinctions.

Table 2.1 How Scholars View International Organizations

Agency	Environmental Focus	
	Internal	External
	States	
	Forum for States	Pawns of States
	Complex Bureaucracies	Authoritative Actors

These four categories will organize the literature reviewed below. To begin, the state-centric categories will be discussed first, beginning with the “pawns of states” category. The two categories of IOs as complex bureaucracies and IOs as authoritative actors will finish the review of the literature, as these categories will receive the most focus as they are most relevant for this study and where this research will contribute to the knowledge of international organizations and international relations more broadly.

IOs as Pawns of States

By “pawns of states” I mean that international organizations are considered incapable of taking any meaningful action not explicitly directed by their member-states - particularly by their most powerful member-states. Therefore, while the authors who hold this view acknowledge that organizations exist and may even aspire to influence the world, they do not believe IOs to be anything other than state-driven. Therefore, for these scholars, organizations do not take actions, states take action through the organization, and more specifically, powerful states use these organizations for their own ends to the extent they use them at all. There are no interests of IOs to be explained for this group. Only state interests matter.

Two schools of thought predominately occupy this category: realists and functionalists. While realists acknowledge the existence of IOs, realist scholars have often argued that IOs have not changed the anarchic system states operate in to a significant degree (Strange, 1983). According to realist thought, while states have created these organizations, it remains a state dominated world where states only act in their self-interest. For instance, the seminal classical realist Hans Morgenthau (1948) writes that the leadership of the League of Nations “stopped at the line where the vital interests of the great powers began.” This leads Morgenthau to conclude that “the international government of the League of Nations...was a government of the great powers” (370). Morgenthau discusses the United Nations in identical terms, arguing that it is “a government of the great powers” and it is the “Holy Alliance of our time” (380). This is to say that while states have created these organizations to serve various purposes, they fundamentally remain the servants of states.

Morgenthau’s sentiments on these organizations have continued to be reflected in realist thought on IOs. Mearsheimer dismisses organizations⁴ as having “little independent effect on state behavior,” reiterating the view that states continue to be the only entity that truly matters in the international system (Mearsheimer 1995, 47). Neorealist theorists are, perhaps, more extreme in their treatment of IOs, recognizing only states as the relevant actors in international politics they spend little energy discussing or acknowledging IOs, and to the extent that they acknowledge IOs, it is as a manifestation or tool of state power (Waltz 1979).

⁴ Mearsheimer uses the language of “institutions,” which include organizations in its breadth.

Additionally, as Jose Alvarez notes, the functionalist perspective of IOs, where “changing state needs account for the rise in, and the subsequent development of IOs,” accounts for the most widespread school of thought regarding IOs (Alvarez 2006, 17). Alvarez synthesizes functionalist thought on IOs by saying that functionalists believe “IOs are simply agencies called into being by states, sustained by states, and...directed by states” which places this school of thought within the bounds of the “IOs as pawns of states” category (Alvarez, 25). Scholars in this vein would have a difficult time explaining the actions of the WTO mentioned in the opening paragraphs, if they would acknowledge it as relevant at all. A functionalist might argue that the organization simply resolved the dispute as it was charged to do, but the organization resolved the dispute by allowing non-state actors a path to participation, angering many member-states in the process -- a counterproductive result for a functionalist. Therefore, for questions like those asked here, this perspective is shortsighted and lacking in its inability to understand or explain the behavior of important and influential actors in global politics.

IOs as For a for States

This category holds scholars who view IOs as being relevant international actors, as they see them capable of facilitating cooperation between states. However, this group does not believe IOs are capable of independent action. For this category, IOs exist, they matter, they are useful, but they are otherwise lifeless, non-agentic bodies. These scholars hold that states are the important actors and that IOs are relevant to the extent that states choose to create them and use them as a source of cooperation (Keohane and Martin 1995). Abbot and Snidal (1998) epitomize this

position: “We assume...that states are the principal actors in world politics and that they use IOs to create social orderings appropriate to their pursuit of shared goals” (6).

Regime theory, among the most prominent strains of research in international relations, also fits within this category. Krasner summarizes that “[r]egimes can be defined as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Krasner 1983, 2). With regime theory, beginning with the seminal work of Robert Keohane and Joseph Nye in 1977, *Power and Interdependence*, cooperation between states began to feature more prominently in international relations scholarship. For Keohane, Nye, and others, including Krasner, regimes provided an explanation as to how states could cooperate, either in the absence of a hegemon or through the ability of regimes to lower the costs of cooperation for complicit states (Keohane 1983). Thus, while regime scholars focus on cooperation between states, which may include an international organization as forum for that, it encompasses much more than the study of any particular IO (Cohen 2008, 100). IOs are simply a part of a long chain of factors, such as norms, where states and their actions remain the focal point.

Following this, regime theory was criticized for being too state-centric (Strange 1983). Regime theory was a popular, but incomplete and limited school of thought that touched on IOs. As Abbot and Snidal write, “formal IOs have been seriously neglected in the theoretical study of international regimes” despite playing “a major role in many, if not most, instances of interstate collaboration” (Abbot and Snidal, 29). Regime theory, while addressing IOs and considering them important actors in the international system, only consider IOs relevant insofar as IOs facilitate

cooperation among states across an issue-area. Regime theory fits into this category of “fora for states” as the relevance of the organization(s) begins and ends with states’ cooperation. As discussed previously, such a state-centric approach is problematic for an understanding of IOs as self-direct actors with their own interests. In a world where IOs possess the autonomy and authority to act, the accounts of IOs as forums for states simply places these organizations in a messy center of other variables tied to the all-important behavior of states.

IOs as Complex Bureaucracies

Not all scholars of IOs have adopted these state-centric perspectives, nor have all scholars analyzed IOs as primitive organizations that simply do as they are instructed. Some scholars view IOs as independent actors and worthy of study in their own right. Within this division of scholars, some have looked inside the organizations, searching for understanding about how they work and how different factors affect the functioning of the organization. These scholars’ works fall into the category of viewing IOs as complex bureaucracies. This includes those who borrow from the sociological theories of bureaucracies to those who simply examine the decision-making processes within organizations. Thus, looking within IOs has produced a diverse body of work, from examining the allegiances of bureaucrats to pathologies inherent in bureaucracies. Indeed, Ruggie (1992) urges scholars to not only recognize the importance of institutions as global actors, but to understand how the differing forms of institutions matter to their actions

In Cox and Jacobson’s (1973) seminal work *The Anatomy of Influence*, the authors’ central question asks “[h]ow are decisions taken in international organizations and who most influences these decisions?” (Cox and Jacobson, 371). They answer this

by categorizing IOs across differences in their structures and functions to determine how these differences affect decision-making. For instance, do the personalities of government representatives working at the ILO influence its decision-making? Cox and Jacobson show that the organization was attracting “eminent personalities” who were labor experts and that this influences the ideas within the organization (123). Ernst Haas (1990) has similarly tackled this question but diverges slightly from Cox and Jacobson. Haas roots his discussion in the idea that IOs operate “under bounded rationality” (55) due to both the incomplete information available to them and the complexity of the environment they operate in. Haas essentially writes a self-improvement book for IOs and their member-states, arguing that the “expert knowledge” available within IOs is best utilized when it also forwards the interest of powerful states. So, for Haas, organizations are important and autonomous, but he focuses on how their technical expertise can be better utilized to fix problems.

Following Cox and Jacobson and Haas, scholars have continued to analyze decision-making within the organizations, looking at decisions as “process of phases” where multiple dynamics interact throughout the decision making process (Reinalda and Verbeek 2004, 14). These analyses have borrowed from sociological work on decision-making by employing various models of decision-making, such as the

“garbage can”⁵ model, the “barrier”⁶ model, and temporal models⁷, among others.

These various models attempt to explain how decisions are made based on which factors are considered most important by the various models, e.g. the barrier model explains decisions based on resistances within the organization and thus a lens through which to understand decision making by attempting to pinpoint the various obstacles within an organization.

Cox and Jacobson devise a taxonomy of possible types of decisions organizations may make – representational, symbolic, boundary, programmatic, rule-creating, rule-supervisory, and operational⁸ – and assess how the internal makeup of

⁵ For clarity, the garbage can model, like its namesake, describes a host of input – whether it be information, leadership, relationship among decision makers, timing, available solutions, etc. – as being a fluid and amorphous set of events that lead to a decision in such a way that the causal chain and process is indistinguishable. This will resurface soon in the “irrational” organization scholarship that holds that the many different parts of an organization might seek to address a single issue in their own ways, leading to an organization forwarding many different solutions to the same problem.

⁶ The barrier model describes obstacles to various decisions within an organization and thus identifies the eventual decision as the one with the path of least resistance.

⁷ The temporal model focuses on the timing of events that lead to decisions, thus it focuses on what solutions are or are not available to a decision-maker(s) at a given time.

⁸ For Cox and Jacobson, representational decisions affect the representation of member-states, which include issues such as voting, committee formation, or admission for membership. Symbolic decisions are decisions that have no practical effect, but are statements of opinion. Boundary decisions are decisions that involve other organizations, e.g. which organization will handle a particular issue. Programmatic decisions involve the allocation of the organizations’ resources, but are most of all decisions that result in policy-making. Rule-creating decisions define rules or issue an interpretation of rules. Rule-supervisory decisions involve monitoring the

the organizations as well as the actors, both internal and external, exert influence over each of these decisions. Further, other scholars following this route have analyzed the internal dynamics of decision making within organizations, grouping important factors such as leadership, consensus building, and organizational specific dynamics in an attempt to advance this introspective view of international organizations (Reinalda and Verbeek 2004).

The limitations of these typologies and attempts to distinguish between possible decisions are in their operationalization. Haas, for instance, operationalizes behavior to be limited to voting mechanisms within the organization, budgeting, recruitment, rule creation, and allowance of NGOs to participate. In Haas's typology, the only variable that applies directly to the ability of the IO to consciously navigate its external environment – that is to evaluate its external environment and make a decision - is that of leadership style. This is to say that the behavior and actions of an organization are limited to its design and little, if any, account can be made of its autonomous decision-making. This is crucial considering the need to understand the interests of these organizations proposed here.

Additionally, Haas' variables for the power of the IO are rooted in its budget, style of administration, and style of its compliance monitoring. Haas takes the maxim that "knowledge is power" literally, defining power in IOs as the ability of the organization to turn its knowledge, or technical expertise, into particular policies (1990, 12). This, again, focuses exclusively the internal aspects of the organization. This implies that organizational action can be explained by exclusively looking within

application and compliance with rules. Operational decisions involve the resources of the organization and may lead to programmatic decisions.

the organization, paying little heed to external factors or even how those within the organization assess these external factors, the central question of this project. Haas' categories lack external variables that could help explain IO behavior. Therefore, there are some severe limitations in Haas' work, despite its compelling and novel attempt to better understand IOs and their operation. Indeed, Haas as well as Cox and Jacobson were among the most prominent and influential scholars to view IOs as actors with "a life of their own" and thus a subject worthy of closer examination.

More recently, scholars have undertaken similar work in assessing the internal dynamics of IOs as well as the particular aspects of structure within the IOs that influence decision making and change (Reinalda and Verbeek 1998; Reinalda and Verbeek 2004; Mathiason 2007; Trondal *et al* 2010). For instance, an important strain of research has looked to determine whether the bureaucrats or administrators of an IO are on the payroll of the particular organization or are being paid by their home state (Trondal *et al* 2010). The assumption was that this distinction could possibly produce different behavior in that workers may take actions to favor their home country or the organization, respectively. Additionally, IO scholars have turned to some strains of sociology where members of an organization are thought to be socialized into the organization, adopting the dominant beliefs and norms of the organization (Checkel 2005).

Taking this a step further, Trondal *et al* creates a fourfold typology of possible allegiances and behaviors members of an IO may take. These include allegiances to the home state and the organization, as previous scholars had assessed, as well as allegiances to departments within the organization and an epistemic allegiance, where they adhere to the knowledge and expertise of their field above all else. In addition to

this, Trondal *et al* argue that these allegiances have the potential to vary throughout an organization or during different situations. In other words, members of an IO's bureaucratic staff may exhibit all of these allegiances, giving the IO an overall heterogeneous mixture of staff members, and these staff members may shift their allegiances based on a particular situation.

However, what is somewhat problematic for Trondal *et al* is that their categorizations of different allegiances appear quite fluid. While they interview staff members of the WTO, the OECD, and the European Commission, there appears to be no correlation between a particular allegiance and a particular organization. In other words, based on their work there does not appear to be a particular type of structure of an organization that leads to a higher intensity of certain types of allegiances nor does there appear to be any sociological mechanisms that lead to a particular type of allegiance becoming prevalent. It also appears their interviewees may espouse each of these allegiances, or a mixture of them, depending on the situation or the questions being asked. For instance, the "WTO 1" interviewee is simultaneously used as an example of the supranational dynamic (152), the epistemic dynamic (161), intergovernmental dynamics (185), and is even used to explain departmental dynamics (135). While this particular person was simply answering the questions asked of them, it shows that these dynamics and allegiances are hardly rigid and adapt to fit different situations. While the authors can't be faulted for the evidence they've gathered or their typology, this fluidity does show that these various allegiances are only one part of a much larger puzzle in explaining the behavior of international organizations.

These are extremely insightful and important analyses, but they are not the final chapter in understanding IOs, particularly in understanding their interests and

thus behavior as actors. The studies found in Cox and Jacobson's volumes as well as in Trondal *et al* achieve their goals of categorizing possible areas of influence, but they do not provide any framework for understanding how interests of organizations may be adopted or how these organizations decide how to best exert their influence. Thus, what these categorizations of influence don't explain is under which situations these interests may become more cohesive, or, rather, under which situations one of these allegiances becomes more dominant than others. Coupled with the work of Cox and Jacobson's taxonomy of decision making, which situations draw out which allegiances? Are these bureaucratic staff members more likely to take on a supranational allegiance if the organization is under heavy criticism or are they likely to take on the allegiance of their home government if the IO is behaving negatively towards it? In other words, this research is a valuable step, but does not answer the question of how the interests in international organizations affect their decisions and actions.

Moving beyond these analyses, constructivists have produced insightful work on the behavior of international organizations by understanding them as complex bureaucracies (Barnett and Finnemore 1999; Barnett and Finnemore 2004; Dijkzeul and Beigbeder 2003; Weaver 2009). This perspective is best explained by Barnett and Finnemore (2004), who write

[W]e can better understand the power IOs wield by viewing them as bureaucracies. IOs exercise power as they use their knowledge and authority not only to regulate what currently exists but also to constitute the world, creating new interests, actors, and social activities. This can be defined as 'social construction power' because IOs use their knowledge to help create social reality (7).

What is most novel about Barnett and Finnemore's conceptualization of IOs as complex bureaucracies is how this explains their behavior. IOs are created to fulfill a particular role or purpose as outlined in their founding charters or treaties, thus when they follow these mandates strictly there is little to explain about their behavior, at least according to Barnett and Finnemore, who only study cases of "deviance." Barnett and Finnemore point out that IOs often deviate from these mandates and act contradictory to expectations. Part of what makes this such a novel approach is that "IR scholars have rarely investigated this, in part, we suspect, because the theoretical apparatus they use provides few grounds for expecting undesirable IO behavior" (Barnett and Finnemore 35).

Weaver additionally describes a form of this dysfunction as hypocrisy, where organizations incessantly make statements or outline policies that starkly contrast with their actual behavior. For Weaver, similar to Barnett and Finnemore, this result is inherent to bureaucracies as their hierarchies and compartmentalization muddle the coherency of the organization. This causes any bureaucracy's behavior to be somewhat schizophrenic, as she finds in her study of the World Bank where it often pursues two opposing goals at once.

The perspective viewing IOs as complex bureaucracies then provides a meaningful way to understand these deviations which scholars had previously overlooked. Barnett and Finnemore draw their theoretical background from the study of bureaucracies in the field of sociology to explain this dysfunctional behavior. Barnett and Finnemore explain:

[I]t is often the very features that make bureaucracies authoritative and effective that can encourage bureaucratic dysfunction. Bureaucracies divide labor, create standardized rules of action, and deploy relevant social

knowledge to solve problems in an orderly, rational way. These are virtues. ...However, each of these capabilities also carries with it liabilities... We call 'pathologies' those dysfunctions that are attributable to bureaucratic cultures and internal bureaucratic processes and that lead the IO to act in a manner that subvert its self-professed goals (8).

This is similar to the other studies of IOs as bureaucracies outlined above.

What distinguishes Barnett and Finnemore's work from Cox and Jacobson, for instance, is their theoretical treatment of bureaucratic pathologies, where the rational-legal interpretation of rules within the bureaucracy spins off into unintended directions. Specifically, they argue that the world is complex and messy while bureaucracies are compartmentalized and rule-oriented. Thus, the bureaucracies attempt to bridge this divide through the continued creation of new rules, leading the organization to deviate from its initial task. In contrast, Cox and Jacobson assessed how individuals within the IO could influence decision-making. Additionally, scholars who have analyzed IOs as bureaucracies have created typologies of different types of decisions the organization can make or have studied how differing designs of organizations affects the decision making process.

While Barnett and Finnemore have produced an extremely insightful analysis into the inner workings of international organizations, there is more to the puzzle. As Barnett and Finnemore recognize, and other scholars have attempted to deal with, there is another angle to the behavior of IOs when considering them as actors in their own right. The external environment in which an IO operates must be negotiated by the IO. Some scholars have argued that constructivists should turn to examine how the sociological environment IOs operate in shapes their identities, and thus their behavior (Park 2004). In other words, for scholars examining the internal structure of IOs and how aspects within them lead to certain behaviors, they recognize that IO behavior is spurred by exogenous events. However, there is more to the external environment than

merely stimuli. An organization can interact with its external environment. Its actions can be taken based on the organization's perceptions of its environment and anticipate what the environment's response to the action will be. This is an important aspect missing from this internally focused view and will form the basis of the framework presented in Chapter 3.

Barnett and Finnemore allude to this, though their work focuses on the internal dynamics of the organization, as they write "environments are often ambiguous about missions and contain varied and often conflicting functional, normative, and legitimacy imperatives" (37). For Barnett and Finnemore, this is how an explanation of dysfunction focusing on the external environment would unfold, though their work focuses on dysfunction originating internally. Therefore, while Barnett and Finnemore have provided a strong theoretical and empirical explanation of the internal dynamics that lead IOs to behave in dysfunctional ways, they have not done so for IOs navigating this external environment. Thus for the questions posed here and the cases examined, this framework is of limited utility. To be sure, Barnett and Finnemore and others can use this model to explain some behaviors, but far from most of it. How would they account for the WTO's acceptance of *amicus* briefs? This was a juridical decision, not a bureaucratic one. It was also a decision that required strategic management of the external environment. Not only did the impetus for action come from those non-governmental organizations requesting their voices be heard, but the contestation states provided where they did not want non-members to wield such power, particularly when it was never agreed to, created a strategic dilemma for the organization. This is outside of the realm of Barnett and Finnemore and what is needed is an account of the interests of the organization that led to this action.

What is of great interest is that, as early as the 1970s, the scholars comprising this category realized that organizations can “take on a life of their own and develop their own inner dynamics” after they are created by states (Cox and Jacobson, 7). This was a profound insight, yet it was overlooked until regime theory fell out of fashion. The fall of the Soviet Union, the constructivist turn in international relations theory, as well as the growing discussion of global governance has opened up new areas of exploration for scholars, especially by looking at sources of influence and actors outside of the state. What creates the need for understanding the interests of IOs is the growing evidence that they influence states and the world, yet in the IR literature at large they are most often seen through the lens of state-centric perspectives where they are mere automatons.

IOs as Complex Bureaucracies: A Criticism

Barnett and Finnemore and Weaver are prominent examples of scholars who have adopted specific sociological work on organizations.⁹ Barnett and Finnemore

⁹ It's worth noting that the basis for Barnett and Finnemore's work is the acknowledgement that at a fundamental level IOs are bureaucracies. This allows them to apply scholarship on bureaucracies to the international organization. However, one may also accept that IOs are bureaucracies and still study these bureaucratic organizations in a different way and also reach different conclusions than Barnett and Finnemore do. Barnett and Finnemore have simply co-opted one strain of bureaucratic scholarship – that of the pathologies of the internal bureaucratic culture. As will be demonstrated throughout the rest of this chapter there are many other aspects of bureaucracies that can be applied to IOs as a way of better understanding them. Specifically, Barnett and Finnemore borrow from studies of bureaucracies that focus on their internal culture and resulting pathologies, yet there is also worthy scholarship detailing how many other factors influence the functioning and behavior of bureaucracies, not the least of which is their context and constituencies (external environment). Much of these will be used as the basis of theoretical expectations for the research here. As Martha Finnemore has previously argued, this sociological

also allude to a sociological view of organizations that focuses on the external environment, in contrast to their focus on the internal, as described above. Since this dissertation is influenced Barnett and Finnemore's work it is important to detail precisely what they have said and where the proposed research departs from their work. This short subsection will begin with an account of Barnett and Finnemore's adoption of sociological work, first with their directive that the world polity model is valuable for answering the questions posed in this dissertation, then a treatment of their own arguments and how the work here differs.¹⁰

Barnett and Finnemore distinguish theoretical views on organizations along cultural and material lines, where organizational behavior can be described as the result of cultural factors, such as norms, or material factors, such as resources. (Their chart of theoretical dispositions vis-à-vis IOs is reproduced in the appendix.) They view themselves as culturalists who look within the organizations to understand their behavior. This is why they are labeled bureaucratic culturalists here and why they are categorized here as being too concerned with the internal aspects of the organization that lead to certain kinds of behavior, specifically pathological behavior. However, Barnett and Finnemore are aware of their internal focus and identify contrasting

understanding can be applied to international organizations as a fruitful avenue of research (Finnemore 1996). But, as other sociologists have argued, the organizations are both cognizant of their environment and responsive to it. Interests within IOs have not yet been fleshed out.

¹⁰ The following chapter will delve more deeply into the relevant sociological work on organizations and interests, culminating in a basic sketch of the possible interests that guide the behavior of organizations.

scholars who adopt their cultural predisposition but focus on the external environment instead. These scholars comprise a theoretical branch of sociology known as the world polity model. At first glance it might seem that the world polity model answers the questions posed here or at least provides the tools to answer these questions. Yet, this model has its own limitations for answering the questions here and shouldn't be relied as the representative of organizational scholars who are concerned with an external perspective.

In the world polity school there is an understanding of a universalizing cultural force that pushes society toward the organization of social life into formal organizations (Drori, Meyer, and Hwang 2006, 6). As sociologists, world polity scholars have not focused on IOs, but on all organizations, public and private, formal and informal. Their work has theorized that all organizations operate in the same world culture and their responses to this world culture are universal across all organizations (Drori, Meyer, and Hwang 2006). As a basic example in Drori, Meyer, and Hwang, they have tested the idea of world culture affecting organizations by comparing growth rates of distinctly different types of organizations over time (from universities to corporations to nation-states) as well as comparing growth rates of the number of organizations in different countries over time. When they find that these growth rates are very similar across types of organizations and across international borders they believe it provides evidence that organizations respond to a universal culture (perhaps a growth of cultural expectations that problems can be solved through centralized organizing rather than ad hoc or individually). The questions raised here regarding the interests of IOs and their perceptions of their environment are not entirely answerable through the employment of world polity modeling, which is vastly

broader than the questions raised here. Contra Barnett and Finnemore, other sociologists of organizations are more applicable for helping answer the questions posed here.

However, there is no general theory of organizations that could be applied directly to IOs specifically that would solve the problems listed thus far. As discussed, both the internal and external environments of an organization are important for understanding organizational behavior. Focusing exclusively on one of these not only creates a false dichotomy that one may either focus on the internal or on the external environments as a source for understanding behavior, but it handcuffs explanations of organizational behavior to one of these environments, which is too dogmatic to provide solid explanations. While sociological thought on organizations will heavily influence this dissertation, it is less so about simply applying a pre-existing theory from sociological studies to the study of IOs. What the sociological literature provides is a series of hunches about organizations that will provide guidance as to what to expect and look for when conducting this research. Considering that the concern of this dissertation is interests within organizations, sociological institutionalism is turned to as a guide for compiling a primitive list of possible interests.

IOs as Authoritative Actors

For the scholars who can be categorized as viewing IOs as authoritative actors, they see IOs as both important international actors and capable of autonomous behavior. These scholars consider IOs agentic. Therefore, IO behavior is put into the context of an international system where the actions of each actor affect others. As described previously, this is crucial for understanding the behavior of IOs, such as the action taken by the WTO described in the introduction. However, while these scholars

are open to the ability of IOs to take independent action and view them as authoritative actors, they have yet to account for interests in these organizations. Thus, despite their approach, much is left unexplained.

Some scholars have treated IOs as meaningful actors, but have lumped IOs in with other global actors. This provides a limited account of IO behavior since they aren't analyzed exclusively, but as a strain of current research that considers IOs authoritative actors, it warrants discussion. Jonathon Koppell (2010) and Avant *et al* (2010) have begun focusing on the agents of global governance, or the "global governors" through focusing not only on the organizations themselves, but also on the environments through which they operate. Avant *et al* seek to identify the agents (outside of states) that shape the world, from IOs to norms to corporations - in other words the "global governors" (Avant *et al* 2010, 2). This is undoubtedly important and useful, but identifying global governors is a separate question than identifying the interests that motivate them.

Koppell's work is most relevant here as he attempts to construct a theoretical understanding of the interaction between authority, legitimacy, and, mainly, accountability. In addition to this, Koppell is also focusing on the design of these organizations. Therefore, the variations in rule-making processes, voting, and participation levels across organizations are at the central focus of his work. However, Koppell is concerned not with international organizations, but essentially all non-state actors in the realm of global governance and doesn't distinguish IOs from NGOs or private firms in his study. This distinction is important because IOs, as being constructed by states where states have formalized power to affect the organization,

have unique realities that are not present in NGOs, corporations, or other entities. In short, interests within IOs are necessarily different than interests in NGOs.

Among the scholars who focus on IOs and consider them authoritative actors, Jose Alvarez (2005) argues that through the interpretive functions possessed by many organizations, IOs are capable of not only interpreting international law, but creating it. This is not only the result of the juridical functions often bestowed on IOs by states – interpreting agreements between states as in the case of the European Court of Justice or managing disputes between states as in the case of the WTO’s appellate body - but also through the ability of IOs to interpret their mandates and founding agreements. These interpretations also result in IOs finding new applications for their functions or expanding the areas their mandate covers. IOs also have considerable leeway in interpretation, as Alvarez describes certain challenges that

[R]equire more complex determinations, such as interpreting the meaning to be given to imprecise treaty language or construing lacunae in a treaty regime given manipulable canons of interpretation, the presumed or original intent of treaty drafters, or the efficacy of a regime (462).

Clearly, the interpretive function of IOs gives them a considerable degree of autonomy and ability to not only alter the course of states’ actions, but to also expand the role of the organization. While this description provides an explanation of how an IO may use its interpretative functions to influence states or expand or contract its mandate, it does not provide a theory or underlying explanation as to what might guide a particular IO to make such an influential decision. Since certain IOs are given a high level of discretion it would be prudent to determine what underlying interests guide their responses to their environments.

An example of an IO with a juridical function and ability to interpret its mandate has also been elaborated upon in the case of the European Court of Justice

(ECJ), where the justices and the politicians of the member governments' differing time-horizons allowing the ECJ to expand its authority while granting short-term concessions to the member-states. Karen Alter uses the example of the ECJ ruling in favor of member-states in cases while at the same time establishing legal reasoning favorable to the ECJ's authority (Alter 1998, 131). This had the effect of giving politicians and governments short-term victories and thus nothing to complain about, while at the same time establishing precedent that would expand the ECJ's authority in the future. In short, the ECJ consolidated its authority and place in the EU system by placating the short term interests of member-states. Had the ECJ clashed with its member-states instead, those states may have withdrawn or severely curtailed the authority of the ECJ. As Alter argues, the time horizons of the justices and the politicians differed, but to what extent were these justices and ECJ staff members aware of this distinction and what were their desires?

Alter has also expanded upon this discussion of the juridical function of IOs by assessing how states may attempt to re-contract organizations making interpretations or decisions the states do not like, but argues that states are extremely limited in this ability because the IOs in question have often attained a high enough level of legitimacy that states are unable to dissolve or reorient them (Alter 2005, 312). Her argument holds that states will not revoke or re-write the charters of the IOs, as she finds that implausible, but will have to influence IOs the same way IOs have gained enough traction to influence states, which is through legitimacy politics. Here, decisions are followed and respected by states because of their perceived legitimacy (Hurd 2005). Thus, states, according to Alter, must make the case against IO legitimacy on certain issues, or make their own case for their legitimacy to override

that of the IO. This, to be sure, is a groundbreaking view of IOs and state interaction and one that has been relatively underexplored. It suggests there are strategic interactions between states and IOs vying for the fulfillment of their own goals. The interests that motivate such strategic interactions are part of what this project explores.

Principal-agent theorists of IOs fall into the category of scholars who view international organizations as authoritative actors. Principal-agent theory has provided a theoretical model of international organization behavior, as IOs are indeed agents of states. The chief importance of applying principal-agent theory to the study of international organizations is that principal-agent theory considers the agents semi-autonomous and self-interested actors which are only checked by their principal masters (Nielson and Tierney 2005; Hawkins, Lake, Nielson, and Tierney 2006; Copelovitch 2010). Hawkins and Lake explain how the view of IOs through the lens of principal-agent theory differs from the other three categories in the typology of the literature presented here, writing:

The importance of IOs as *actors* that implement policy decisions and pursue their own interests strategically. Most of the existing literature treats international institutions primarily as sets of rules (Hawkins *et al* 2006, 5).

As a recent contribution to the study of IOs, it is an important development in that these organizations are analyzed as actors capable of making their own decisions and influencing the world. In addition, principal-agent scholars make the assumption that international organizations are opportunistic and make decisions based upon their self-interest (Hawkins *et al* 24). This can be further elaborated as saying:

Principal-agent theory tells us that agents have interests that are inherently different than principals; principals want to control the agent, but the agent wants as much authority and autonomy from the principals as possible (Alter 1998, 181).

This is a seismic shift from previous understandings of IOs. Rather than lifeless pawns of states, IOs are realized as authoritative and opportunistic bodies capable of making their own decisions and acting in their self-interest. Thus, as described before, this provides a theoretical way to understand IO actions, such as those described by Martha Finnemore above as norm disseminators. Explanations of how IOs can influence state behavior are difficult to do if one assumes IOs are wholly controlled by states or are otherwise lifeless bodies making rote decisions.

However, for all the promise principal-agent theory appears to provide in studying IOs, a problem arises from this principal-agent modeling of IO behavior: what accounts for the interests of these organizations? Hawkins and Lake admit that principal-agent theory provides no insight into the self-interest of an agent, instead only assuming they are self-interested and leaving the content of these interests to be filled in on a case by case basis (Hawkins *et al*, 7). This situation is a problem for understanding the behavior of agents as interests are applied in a manner that will always be consistent with rationalist assumptions. This explanation is perhaps circuitous, where all of the actions taken by the agent are explained as being what the principal or principals wanted the agent to do or else they would have taken corrective actions to acquiesce from the agents the actions they desired (Alter 1998, 188).

The other problem for principal-agent theory as a model of explaining IO behavior is in the understanding of IO self-interest. Although principal-agent theorists argue that IOs hold at least some level of autonomy and use it to act in their self-interest, this self-interest is undefined and unexplained (Barnett and Coleman 2005). The rationalist underpinning of principal-agent theorizing limits its ability to understand and explain IO behavior. The decisions made by both the principals and

the agents are subsumed into the rational choice paradigm where ideational and other environmental factors are excluded in favor of the possible outcomes of the game theoretic models. As Catherine Weaver explains in her critique of principal-agent theory from the constructivist perspective, principal-agent models “assume, rather than explain, an IO’s abstract interest” without taking into account social factors such as ideas, meanings, knowledge, and the surrounding debates (Weaver 2010, 50). Wendt elaborates that “rational choice directs us to ask some questions and not others, treating identities and interests of agents as exogenously given and focusing on how the behavior of agents generates outcomes,” therefore “rationalism offers a fundamentally behavioral conception of both process and institutions: they change behavior but not identities and interests” (Wendt 1992, 392).

Therefore, principal-agent theory, due to a lack of insight into the nature of interests and the assumption that whatever the agent does is either at the bidding of the principal or unchecked shirking, doesn’t fully answer our question here. The motivations and interests of the agent organizations are described only in terms of what the principals want or don’t want. Furthermore, PA theorists hold that the self-interest of the agent is different than that of their principals. This assumption is also problematic. Without having an explanation of what the agents’ interests are, it is simply assumed the agent and principal are both self-interested. The theory is set up to analyze the principals’ reactions while not analyzing the causes or specific motivations of the agent. Thus, without defining these interests, principal-agent theorists can be presented with no situation where they can’t rationalize it into their theory. If states and IOs are in agreement, the state is controlling the organization successfully. If the IO is acting against state wishes, then it is shirking its duties and is incumbent on the

state(s) to reign in this behavior. This falls into the classic maxim where by explaining everything, nothing is explained.

Despite the apparent structure of the principal-agent relationship between states and IOs, evidence bears out the ability of IOs to influence states, thus making the relationship multidirectional. This presents another difficult problem for principal-agent scholarship on IOs. Thus, this is the question Copelovitch (2010) asks: are IOs masters or servants and how does this affect the principal-agent relationship? That IOs can influence state decisions or make unpopular decisions that states comply with leaves the principal-agent theory largely bereft of explanatory power in these situations. Even if states, particularly more powerful states, were able to exert a disproportionate amount of influence onto IOs, the blurring of the lines between “master” and “servant” makes the theory difficult to apply. This is because the theory relies on a series of assumptions that are undermined if the direction of the principal-agent relationship is ambiguous.

The principal-agent model as applied to international organizations is extremely insightful, but it is limited in its ability to explain the interests of the agents, and thus providing a complete picture of IO behavior. Despite the interests of the agents being key assumptions of the theory, principal-agent models do not describe or explain them. The applications of principal-agent models to IO behavior leads to some circular logic regarding what these interests are. In the next chapter, the research of organizational sociologists will be examined to determine what research on organizations in the broadest sense has shown regarding interests and what is lacking in applying it to international organizations.

Summary and Conclusion

Of the literature that addresses international organizations as “self-directed actors,” the complex bureaucracy scholars focused on the internal workings of these bureaucracies and how this influences behavior, but don’t account for the strategic relationship between the organization and its external environment. The authoritative actors group focus on IOs as self-interested agents in a principal-agent relationship, but can’t account for what these interests are. What one does weakly, the other does strongly.

Within this breakdown of organization-centric scholars, there is a divide between the rationalists and constructivists on this topic. Rationalists identify a strategic relationship between states and organizations, but do not account for the interests of the agent-organizations. What this means is that this group of scholars see interaction between two types of actors, states and organizations, where both actors are acting in their own self-interest. But, they assume that organizations are like the proverbial “black boxes”, where action on the part of the organization (output) must be the result of state desires (input). Constructivists, on the other hand, have peered inside of the organizations, but have a limited account of their strategic relationships with states and other actors.¹¹ Looking within the organization exclusively by focusing on how the bureaucratic culture – the norms, the rules, the hierarchies within the organization – influences the behavior of the organization, often in ways

¹¹ Martha Finnemore (1993) provides a constructivist look at how organizations might be norm entrepreneurs and thus influence state behavior. Thus, she does provide a constructivist account of an organization affecting its external environment, although her central argument is that organizations can affect it, not what interests guide their navigation of it.

unintended (as Barnett and Finnemore 2004, Weaver 2010, *et al* do) without examining their perceptions of the organization's strategic environment and what influences their responses to it similarly tells us only a small piece.

Thus, while rationalists, namely the principal-agent theorists, describe a relationship between IOs and states, and even argue that IOs have unique interests, they don't account for what these interests are specifically or how they guide the behavior of an IO. Relatedly, while constructivists have focused their studies on the internal cultures of organizations and how this can lead to variations in behavior, they have not studied the strategic relationship between these organizations and their external environment, specifically the interests that guide the organizations' interactions with their environment. What both of these groups lack is an understanding of what the interests of international organizations are vis-à-vis their external environment. This is the focus of the research here.

This chapter has argued that the view of international organizations as self-directed actors is justified. This chapter has argued that international organizations are influential and meaningful actors capable of influencing states and other actors. As actors capable of influencing the world and as "global governors" it is important to take a theoretical approach that actually views them as such (Avant, Finnemore, and Sell 2010; Park 2004). Therefore, understanding the interests of IOs, what motivates their action, is important. This chapter has also shown that international organizations have often been treated as secondary entities or viewed through state-centric lenses. Additionally, work that has treated international organizations as self-directed actors has thus far been inadequate, specifically in the understanding of interests in the organizations.

This leads us to Chapter 3, where we will explore interests in organizations more deeply, including a broad categorization of them between externally focused interests and internally focused interests. At the conclusion of the exploration of interests a proposal that outlines the relationship between the external and internal interests will be presented.

Chapter 3

TOWARD UNDERSTANDING INTERESTS IN INTERNATIONAL ORGANIZATIONS

Though they do not use the awkward labels and cumbersome distinctions that I have employed, bureaucrats are keenly aware of the circumstances under which they must take into account legislative preferences...The bureaucracy is hardly a passive agent of its...overseer; like the wily manservant in The Marriage of Figaro, it is constantly working to manipulate its master so as to achieve mutually profitable arrangements. - James Q. Wilson, Bureaucracy (251)

[Organizations] can be described as seeking to adopt courses of action that lead them over the long run to outcomes that they find satisfactory, taking into account any modifications of hopes, beliefs, preferences, and interpretations that occur over time, as well as conflict over them. - James March, "Rationality, Foolishness, and Adaptive Intelligence" (167)

Introduction

International organizations are often capable of taking actions of their own volition; so what interests direct their actions? The previous chapter established that the literature on international organizations has been state-centric; yet international organizations are often "self-directed actors," and that those in the literature who view them as such have not accounted for the interests within these organizations and how these interests lead to actions. Even for scholars who consider the agency of IOs, the most prevalent work has examined the internal workings of organizations to see how the structure, design, or culture of the organization might affect its actions.

The implication of international organizations being self-directed actors is that, like any other actor, IOs have their own interests that direct or influence their actions. Constructivists have said that the actions taken by self-directed IOs have organically, even pathologically, spawned from within the organization, largely due to their bureaucratic rules. Principal-agent theorists have said that the actions taken by self-

directed IOs are self-interested, but can only be examined by looking at their external relationships, not unlike the “black boxes” of states in structural realism.

The literature does not include the important work of assessing how organizations might perceive themselves in the world, how they might perceive their internal and external environments, and how these environments evoke specific interests. This chapter will outline two differing approaches to the examination of IO interests: approaches that privilege the external environment and approaches that privilege the internal environment. Then, the case is made that these two approaches must be examined in relation to one another to understand fully the interests, and thus the actions, of international organizations.

This dissertation will account for the interests that guide international organizations by looking at two sets of interests: First, interests that guide IO’s external relationship with the world and second, the interests internal to the organizations concerning the proper fulfillment of the organizations’ goals. The first set of interests relates to the external environment the organization operates in (what external actors privilege and expect from the organization), the second set of interests emanates from within the organization (what the organization ought to do vis-à-vis its founding purpose). The research described here will explain not only what the organization perceives as the expectations or desires of actors in the external environment, but how the organization balances its internal interests with its external environment. An understanding of organizations that accounts for both internal and external factors in the organizations’ decision-making would mitigate the weaknesses of both the constructivist and principal-agent scholarship on IOs.

To understand the relationship between the external environment of an IO and the organization itself, it is necessary to look inside of the organization, to understand how individuals within the organization perceive the relationship with their environment and to understand which interests affect the organization's response to their environment, or how the strategic reality of the organization's external environment affects the organization's internal interests.

Interests in Organizations

Scholars have acknowledged and discussed the existence of interests in organizations, not just international organizations. The following sections will examine two possible avenues for examining interests in organizations. Externally, we can turn to what sociologists, management theorists, and political scientists have documented about interests in organizations, which are broad, strategic interests that inform organizations' navigation of their external environments. Internally, we can turn to the organizations' charters, mandates, cultures, and their normative aspirations for the world, which can be affected by the internal culture and design of the organization. The goals of the following sections are to examine the internal and external environments of the organization and identify a plausible set of interests that emerge relative to each environment.

The External Environment

The environment in which the organization operates is essential for accounting for the interests of the organization. While organizational scholars refer to interests in organizations, they also explain that organizations must influence "the changing world around them" (Brunsson 2000). Business scholars write similarly: "the organization

has to develop an agenda, map its environment, manage relationships with both allies and enemies, and negotiate effectively” (Bolman and Deal 2001, 229). External pressures placed on organizations demand different responses from the organization, thus clouding the precise interests of organizations (Shapira 2008, 29). The above references indicate that organizations are aware of their environment, particularly the way they are perceived by other actors in their environment, and that their perceptions guides their interaction with their environment.

The environment just described is referred to here as the external environment (to distinguish it from the environment within the organization, or internal environment). Other scholars have described the same concept using different language, referring to it as the context of the organization, the organization’s constituencies, or the organization’s ecosystem (Pfeffer 1978, 5; Wilson 1989, 191; Bolman and Deal 2001, 228). Organizations capable of taking independent action do so knowing that there will be reactions, whether positive or negative, to their decision-making. This is not a new concept as “theorists writing about organizational behavior have recognized that the organizations’ context shapes the activities and structures of formal organizations” (Pfeffer 1978, 5). The term “external environment” here is used to encapsulate each of these conceptions together, from the narrow to the broad.

The environment forces the organization to prioritize what it values as these actors are what constrain and challenge the organization if there is disagreement between the organization and its environment. Rather than controlling what an organization may or may not do, as described in principal-agent theory, organizations interact and affect their environments. Following the ecosystem analogy, ecosystems “are sometimes fiercely competitive, sometimes collaborative and interdependent”

(Bolman and Deal 2001, 238). For instance, member-states of an organization may attempt to re-contract an organization to correct a decision made by the organization or prevent the organization from making a similar decision in the future. Thus, the external environment exerts a great deal of influence over the organization's ability to achieve its long-term goals, whether these goals are the fulfillment of their mandates or an overarching interest like relevancy (Wilson 1989, 27). What this means is that the organization must respond to the external environment, and its behavior against this environment reflects the IO's exogenous interests.

Who and what precisely comprise the external environment may be different for each organization. The external environment for each organization may differ by the types of issues each IO deals with, by the specific actors in each environment, or the ways its state members may formally apply pressure on the IO. For international organizations, the external environment can be comprised of many actors and forces: states, NGOs, other IOs, corporations, norms, expert opinion, and public opinion.

Member-states

The most obvious component of the external environment for organizations are the organizations' member-states. States, especially the member-states of an organization, are extremely important actors in an organizations' external environment since they can create organizations, re-contract existing organizations, affect organizational budgets, and utilize or ignore organizations. While member-states have a source of influence within the organization as part of the formal structure of the organization, they also exert influence of the organizations outside of formal membership duties. Organizations must be aware of the perceptions held by member-states and must anticipate how decisions will be received by member-states so as to

avoid negative repercussions for their actions or to enhance the possibility of reward for their actions.

States exist in the world outside of the organization, but often have formal tools to use within the organization which vary across organizations and across states. Some states are capable of exerting more influence and thus comprise a larger part of the organizations' external environment (Dreher and Jensen 2007). Some states exert greater control of the organizations through the budget. Wealthier states can contribute more to the organization, making their participation essential. Weighted voting systems again give larger or wealthier states an outsized say. States can exert influence outside of budgetary matters as well, including having influence over the organizations' leadership (consider the permanent UN Security Council members' veto).

Some states could use their influence to create coalitions of member-states to either challenge or support the organization. Beyond this, groups of states that might individually have less influence might exert a greater amount of pressure on the organizations. Things like regional or economic voting blocs might force organizations to be keenly aware of these states' needs and desires and how the organizations' actions might affect them. In sum, because states often have formal powers within IOs and because they are one of the primary actors in the international system, they comprise a major part of the external environment. Though member-states have formal tools to affect organizations from within, organizations with autonomy and agency have the ability to act without direct state control. If organizations are "self-direct actors" then in these instances states exist outside of the organizations' decision-making capacity.

Non-governmental Organizations

The external environment for organizations can also be said to be comprised of more than just member-states. The rest of the external environment lacks formal influence, but is no less important to our understanding because it can significantly affect organizations nonetheless. The other actors can advocate policies, levy criticism, and shape the public debate and discourse surrounding an organization or the issues it works in. This means that even if these other actors or forces don't have a vote within the organization, the organization must still interact and respond to them. Non-governmental organizations (NGOs) thus comprise an organization's external environment.

While NGOs do not have formal control or influence over IOs, they may raise awareness of certain issues or present information or expert opinions to the IOs and thus pressure organizations into certain types of action or into focusing on certain types of problems. More critical NGOs may also wage campaigns against IOs by lobbying them directly or stirring up public opinion and the media to pressure IOs into reforms or acknowledgement of problems. NGOs are also capable of raising and donating money which can exert pressure on IOs as IOs might rely on this money to fund their budgets. The World Health Organization accepts donations from NGOs, for instance. This places more demands on IOs as they must take these other organizations and groups into consideration even though they don't have a formal vote within the organization.

Other International Organizations

Other IOs may also contribute to the external environment, particularly when a common issue-area places multiple organizations in proximity to one another. This

again influences what the organization must take into consideration when making decisions, perhaps whether to defer to other organizations or, writes James Wilson, “more common is the effort to define one’s existing mission in such a way as to deny to bureaucratic rivals the opportunity to intrude on core tasks” (Wilson 1989, 184). All of these play into the idea that organizations must make decisions to maximize their rewards and mitigate possible penalties.

Ideational Actors

Ideational forces including norms, public opinion, and the media also comprise the external environment of organizations. These forces have substantial effects on international actors, and international organizations are no exception in that “they help define the interests that states and other actors come to hold” (Barnett and Finnemore 2004; Barnett and Duvall 2005, 162). The media, for instance, can shape perceptions in terms of what the public and governments consider important and how they form their opinions on current issues. Like other components of the external environment, organizations are affected by these forces but also seek to affect these forces – organizations often attempt to facilitate new norm creation, enforce existing norms, or even alter public opinion. However, they are also constrained by these forces. Violating existing norms or instigating a backlash of public opinion could have deleterious consequences for the organization. Protests, voting, criticisms are all ways organizations can be challenged from the outside. Additionally, the media provides a significant amplification of these opinions while also being source of information for individuals who may react against or in favor of certain IOs through voting for different policies in their home countries. The media and public opinion are closely associated.

Exogenous Interests: The Strategic Relationship With the External Environment

Studies of organizations have sought to determine what might drive behavior or decision-making in an organization, specifically when the organization is considering its external environment. As the above section details, organizations interact with their external environments strategically. Therefore, we will label the interests that guide the responses to the external environment “exogenous interests” as these interests are defined by their relationship to the external environment.

Exogenous interests then are the interests of the organization that inform its behavior with regard to its external environment. Several basic and broad interests can be identified from the study of the strategic behavior of organizations with regard to their external environment, which will be discussed in more detail below. These exogenous interests are legitimacy, autonomy, relevancy, and expansion. While this is a preliminary list, and is thus open to addition or subtraction as this and other studies unfold, it encompasses the four most basic forms of plausible interests identified by other studies on organizations. Since we can glean a plausible list of exogenous interests, they will be outlined in subsections below to help explain each exogenous interest and how external environmental concerns make these different exogenous interests salient.

Exogenous interests are relevant for the study outlined here as we look to examine how the external environment of the organization affects an organizations actions. Put differently, we look to examine how the organization responds and adapts to its external environment and how interests motivate these reactions. As discussed above, scholars who privilege the agency of IOs have until now focused on internal factors and their role in influencing behavior or have viewed IOs as “black boxes” where inputs are simply converted to outputs. These internally oriented approaches do

not explain how the organization responds to its environment, and, importantly, what exogenous interests guide the responses. The following subsections aim to elaborate on these strategic reactions to external pressures.

Legitimacy

One of the most prevalent exogenous interests identified by organizational scholars is legitimacy. Legitimacy, broadly defined, “is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman 1995, 574).¹² Legitimacy, then, is based largely, if not exclusively, on perception from external actors. From the perspective of the external environment: is the organization doing what is appropriate? This, if accurate, means that an organization may be guided to take actions or frame their actions in a way that helps propagate a particular perception of propriety (Cox and Jacobson 1973; Haas 1990).

Following from the definition and discussion above, organizations that do not adapt to their external environment, then, face challenges to their legitimacy. They are not perceived as behaving in an acceptable manner. The implication is that an organization behaving “illegitimately” will face negative repercussions for this

¹² Legitimacy used in this sense distinguishes it from other uses. Legitimacy, or a lack of legitimacy, is often discussed alongside issues such as the “democratic deficit” in international organizations (Dahl 1999, 20). While this aspect is related to the definition cited above in that organizations perceived to be undemocratic may be seen in a negative light or this perception may alter or define the behavior of the organization, the “democratic deficit” discussion is a different, albeit related issue. This dissertation does not seek to weigh in on that debate and is adopting a much broader definition of legitimacy.

behavior from other actors, including those that provide financial support or have formal control over the organization. Thus organizations are incentivized to behave in a manner their constituencies, or external environment, finds acceptable, either by forcefully arguing that what they are doing is correct or by altering their decision-making to change perceptions. This further implies that organizations may act in ways they might, internally, rather not in order to appease other actors. Also, organizations may otherwise be strategic about when they take actions they do want to take. This is but one part of the discussion of interests, but the significance is that organizations' must be strategic about their actions based on external ramifications.

In the seminal sociological work of John Meyer and Brian Rowan (1977) they argue that organizations look to privilege external legitimacy over all other goals. They also argue that the privileging of legitimacy causes organizations to guide their actions through “the use of external assessment criteria” which “can enable an organization to remain successful by social definition, buffering it from failure” (349). The salient points from Meyer and Rowan are that organizations privilege their legitimacy and are thus cognizant of and accommodating to their external environment. What is more, this “accommodation” says that organizations are concerned about “success by social definition” and are thus more reliant on perception from their external environment than on more internal or legal criteria.¹³ The demands, expectations, and anticipated responses from other actors, namely states in the international context, are weighted heavily within the organization. Thus, if Meyer and Rowan's quote above is a guide, organizations have not only an interest in

¹³ This will be discussed in the following section on internal environment.

legitimacy, but their interest in legitimacy is chief above all else. Rather than an organization focusing on efficiency or the successful completion of its goals, as they note, the organization is more concerned with the perception from others that the organization is doing what these others think it should. If this is true, then legitimacy is a higher interest than those identified below. The research in this dissertation examines this claim as well as what other interests, if any, might drive the behavior of IOs.

Legitimacy as an exogenous interest for organizations is not entirely alien to scholars of international organizations. Though scholars of IOs do not use the language used here, several scholars have hinted at the notion that international organizations' actions are informed by their interests, particularly with regard to their external environment (Barnett and Finnemore 1999; Hurd 2005; Barnett and Coleman 2005; Jabko 2006). Indeed, Cronin (2003, 85) describes how essential legitimacy is to the international organization when explaining how the effective boycott of an IO, in his case the League of Nations, by powerful states resulted in the collapse of this organization as other actors sought to act through more "legitimate" organizations (this is also related to the interest in "survival," discussed below). Dreher and Jenson have shown that IOs sometimes make decisions with important actors in their external environment in mind, leading to favorable policies toward the United States and other Western powers, ostensibly to keep them appeased (Dreher and Jenson 2007, 108).

Mark Suchman (1995) can be read to provide a plausible account of legitimacy as an exogenous interest of organizations. Specifically, if organizations privilege relevancy, further expansion, increased autonomy, or even forwarding its mandated goals, they must be able to avoid backlashes from states and other international actors.

Thus, organizations must be judicious and strategic about their behavior. Specifically, they must behave in ways that other actors in their environment will perceive as legitimate or else the organization will struggle to achieve any of its other goals.

Suchman (1995) provides an exhaustive explanation of strategies used by organizations to establish, retain, and repair legitimacy under each plausible scenario, including explaining actions, justifying unpopular actions, and reversing course on actions, among others. The behavior of the organization is exogenous in the sense that the organization makes appeals to legitimacy and justifies its behavior in terms of legitimacy. Koppell (2010) similarly argues that legitimacy plays a part in the daily functioning of “global governance organizations” which include international organizations. Koppell argues that it is expected that the leadership and staff of an organization will discuss their decisions and their justifications for these decisions in terms easily identifiable as legitimacy.

The key contribution from Suchman - who aggregated years of sociological thought on legitimacy in organizations - is that an organization can have an identifiable interest vis-à-vis its external environment, in this case legitimacy, and that this interest helps guide the organization’s behavior. In other words, the organization has exogenous interests with regard to its external environment. Applying the evidence of organization’s exogenous interests to IOs specifically points to how an IO might behave in a much different manner than previous IO scholars have argued - IO interests might be more complex than simply fulfilling their assigned duties or being controlled by principal-states.

Autonomy

Another consistent theme running through work on organizations has been that organizations desire autonomy. Autonomy can be defined as freedom of action from external control. At its most basic level autonomy means that an organization is “able to make decisions and undertake actions as a result of their decisions” (Brunnson 2009, 2). Put differently, Philip Selznick defines autonomy as a “condition of independence sufficient to permit a group to work out and maintain a distinctive identity” (Selznick 1957, 121). Additionally, Wilson also refers to autonomy as “turf,” or the ability of an organization to control its domain, the issue-area it is tasked to handle, with as little outside interference as possible (Wilson 1989, 179). Principal-agent modelers assume, to the point of taking it for granted, that organizations naturally desire autonomy and are thus in constant friction with principals over greater expansion of it. For instance, Karen Alter writes that that “principals want to control the agent, but the agent wants as much authority and autonomy from the principals as possible” (Alter 1998, 181). Thus, autonomy defined here is the freedom to act without formal control.

Where principal-agent modelers stumble is through their narrow assumption that autonomy is the only interest of an organization because of the principal-agent dynamics. For principal-agent theorists, a shirking organization, or an organization where its principals believe it is not doing what it should be, is an organization seeking autonomy, which the principals seek to restrain. The discussion of legitimacy above indicates that organizations do value other interests, which autonomy doesn’t account for by itself. Additionally, the discussion of other interests below indicates that organizations are capable of and do pursue interests beyond autonomy. This means that not only have scholars who focus exclusively on autonomy missed other

exogenous interests, but they cannot account for situations where an organization might sacrifice autonomy to pursue another interest. So, while autonomy *is* an identifiable exogenous interest, the narrow focus on autonomy as an organization's sole exogenous interest is inadequate.

Expansion

Another consistent theme in the literature on organizations is their desire for expansion. Some scholars argue that the inherent desire of any organization is growth (Niskanen 1971). Indeed, James Wilson's study of bureaucracy shows the "conventional wisdom" on the scope of organizations is that organizations and agencies are naturally imperialistic "always seeking to grow by taking on new functions and gobbling up their bureaucratic rivals" (Wilson 1989, 180). Wilson and Niskanen describe two motivators for an organization to expand, whether that be to simply grow or to outcompete rivals. For instance, expansion can be defined in terms of growth in budgets and staff - where organizations seek more money and more personnel to handle their tasks – as well as through the scope of their mandate. Organizations can expand by taking on new issues and by becoming involved in more areas beyond their original charter or design. The IMF and World Bank are excellent examples of IOs created to fulfill a particular function - managing exchange rates and providing loans for reconstruction – to having now grown into significantly different roles – being the lender of last resort and providing loans for the economic development of impoverished countries.

The interest of expansion is exogenous because the organization is responding to its external environment, particularly in terms of its reason for existence (in the case of the IMF, the floating of currencies removed the need for managing exchange rates),

is tasked with dealing with emergent problems no other organization is already designed to handle (the World Bank picked up the mantle of development), or in Wilson's conception the organization seeks to acquire more "turf" (others have described the external environment as a fierce ecosystem).

Organizations may expand through increased delegation from states or through the interpretation of their mandates. Alvarez (2005) describes how an IO might expand its mandate through the interpretation of treaty language or interpretation of the function of the organization outlined in its mandate (462). Certainly an organization's interpretation of its mandate might lead to it taking on more tasks without desiring expansion as an end goal, but if an organization interprets that it must expand to better fulfill its duties. In sum, expansion is included here as other scholars have identified that organizations seek to expand, whether to gain more influence, clout, authority, or as a competitive mechanism to stave off rivals that might seek to encroach on their own territory.

Relevancy

James March (1958, 1993) theorizes that organizations' central activity above all else is to survive. This can certainly be viewed as the most primal need of any organization. After all, if an organization cannot survive, what can it do? Brunsson summarizes organizational scholarship dealing with survival, succinctly stating "organization theories have often designated life and the ambition to survive as a purpose and an intrinsic value for organizations" (Brunsson 2009, 47). Brunsson highlights this interest in his book *The Irrational Organization* (2000) where he argues that organizations face so many competing demands that organizations must be "irrational" to survive, such as making contradictory public promises or taking on too

many goals. This is somewhat echoed by other organizational theorists who argue that threats to an organization's survival lead to greater risk-taking by the organization (Cyert and March 1992).

However, IOs are rarely, if ever, in existential fights. The reality is that organizations have almost always "survived." But, the dustbin of irrelevancy isn't much better and this concept is much the same as what is described by organizational scholars above. There are environmental threats to an organization that affect its status quo where they could be ignored or bypassed by external actors, states could withdraw from the organization, states could neuter the authority of the organization, or another organization could be utilized in its place. So, while organizations aren't constantly battling to literally "stay alive" there is an exogenous interest described here. Rather than continue to refer to it as "survival" it makes more sense to refer to this interest as "relevancy."

What these prominent theorists describe is a change in the way organizations behave that is driven by a key interest. This interest is only drawn out when the external environment provides the appropriate stimulus. Thus if an organization privileges its relevancy, it is in response to conditions in its external environment. There are two important points here. First, there is a clear argument for placing relevancy within the canon of basic organizational exogenous interests based on its existence in other organizations outside of the International Relations field. Therefore, regarding relevancy as one of the basic interests of IOs is more than justifiable. Second, like the other exogenous interests, relevancy does not guide the behavior of the organization at all times, meaning that the changing nature of an organizations'

external environment stimulates the organization into privileging different exogenous interests at different times.

Summary of Exogenous Interests

The previous subsections outline a list of four identifiable exogenous interests. The reason for this outline is to demonstrate that there is broad evidence for the existence of exogenous interests in organizations vis-à-vis their external environments. Organizations have exogenous interests that compel their behavior in different ways depending on external stimuli. Importantly, scholars who have focused on one particular exogenous interest, like autonomy, have been too narrow in their assessments and missed other important exogenous interests. Thus, distinguishing the different interests is necessary to show this diversity.

While there were identifiable and distinct interests outlined, there is also a logical relationship between the interests. An organization might first need to privilege its autonomy to expand. An organization might need to privilege its legitimacy to forward its autonomy. Therefore, different environmental circumstances bring different exogenous interests to the fore and alter their relation to one another. Since these interests are all “exogenous” and since these interests can be related or privileged simultaneously, it is tempting to cast aside their distinctions. Instead, the analyses in the case studies will attempt to distinguish which interest or interests (and, importantly, whether there are exogenous interests at play at all) are at play in an organization’s strategy for navigating its external environment. While all of the interests outlined in this section are “exogenous,” identifying which particular exogenous interest(s) privileged by the organization in its external environment will help explain more precisely the actual interests at play.

The Internal Environment: Endogenous Interests

Exogenous interests by themselves do not explain the actions of the organizations. Chapter 2 criticized principal-agent theory for focusing on an adversarial relationship between an organization and its environment without accounting for the internal aspects of the organization, and thus having limited explanatory power. As noted, other scholars examined how the internal environment of organizations affected their actions. This section looks at interests in the context of organizations' internal environments. What interests does the organization itself privilege when not considering its external environment? At the most basic level, organizations have founding charters that give the organizations specific tasks and duties. These directives are the starting point for examining an organization's internally-derived interests.

The internal interests of organizations are labeled here as endogenous interests, because they emanate from within the organization itself. Interests stemming from the internal environment connotes that organizations have aspirations and goals based on their charters' directives: organizations want to solve the problems they were designed to solve. Endogenous interests are what the internal environment of the organization privileges as the correct course of action. Interpretations of charters may be influenced by the internal environment of the organization, for instance, so an understanding of the organization's internal environment is essential to identifying these interests.

Internal interests are idiosyncratic to each organization due to the differences in charters and design of each organization. While different organizations might feel similar external pressures, or their exogenous interests might vary across an identifiable range depending on circumstance, each organization will have its very own internal interests based on their charters and mandates. However, we can identify

a few broad categories of endogenous interests similar to the exogenous interests identified above. These are fulfilment of mandates, clarity, and agenda-setting.

Fulfilment

The most basic endogenous interest comes from the specific directives issued to the organization in its foundational documents. We can glean the endogenous interests specific to organizations by examining their charters and mandates for the language that defines the overall goals of the organization and the specific tasks the organization must carry out.

However, as others scholars have documented, mandates can be distorted through several internal processes. Organizations may interpret their charters differently than outside observers expect or even differently than the organizations' designers intended (Alvarez 2005). Additionally, the nature of organizational bureaucracies can lead to pathologies that affect the intended functioning of an organization (Barnett and Finnemore 2004). However, pathologies are deviations from normality.

Thus, a chief internal, endogenous interest of IOs is the fulfilment of their mandate or goals of their founding documents. Yet, the organization's own interpretation and perception of what these goals are cannot be discarded. Both the specific, legal language used within the founding documents of IOs as well as how their internal cultures interpret these texts show us which goals the organization is attempting to achieve and this is a key endogenous interest.

Clarification

In addition to examining how the foundational documents and their directives have been interpreted and applied throughout an organization's we can also look at how member-states, other international organizations, NGOs, or individuals interpret and disagree over issues related to a specific organization's are of expertise. External actors may disagree over the goals of the organization itself, the interpretation of legal obligations produced through the organization, or even of things such as best practices when it comes to policymaking. The international organization related to this issue is in a key position to clarify and resolve such disputes.

When there is confusion or disagreement about what the mandate means or how the organization is supposed to carry it out the organization has an interest in clarifying the specifics. Either the organization has the knowledge and expertise to best clarify how the mandate and related goals should be fulfilled or it is the responsible decision-maker tasked with providing clarity in these situations. Thus, IOs have an endogenous interest in clarifying complex issues and resolving disagreements over interpretations and meanings. If such issues are not clarified the organization would stagnate and be bogged down in a continued game of tug-of-war.

Agenda-Setting

The last endogenous interests category is agenda-setting. Organizations are often the most formal institution relating to the governance of a particular issue and can thus be expected to provide guidance on the issue. The organization can also be a thought leader in its issue-area; what the organization deems to be important goals or methods of achieving goals can have ripple effects across other actors and authorities. Consider, for instance, Martha Finnemore's (1993) work on IOs as "teachers of

norms” particularly how the expertise of ECOSOC helped galvanize policy changes in states.

It is this technical expertise that gives IOs the ability to set the world’s agenda on their relevant issues. Discussed above was Ernst Haas’s explanation that for IOs “knowledge is power.” Their expertise gives them credibility enough that the world listens. This expertise-driven capability will be discussed further in the case study on the World Health Organization as it is a technically-focused organization whose policy recommendations are taken seriously by its members. Therefore, for IOs their knowledge and credibility gives them the ability to determine which issues are most focused on and which policies or actions are the most credible.

Summary of Endogenous Interests

In brief, endogenous interests are idiosyncratic to each organization. Every organization has its own founding documents, structure, and culture that makes categorizing its interests more difficult than for exogenous interests. Yet, we can still categorize these endogenous interests at a broad level. First, these organizations have an interest in fulfilling the directives and goals of their founding documents. Second, organizations have an interest in clarifying disagreements through their expert knowledge or authority. Lastly, organizations are often the largest public authorities on their given issue-area. As such, their actions have an outsized effect on what other actors do or consider important are often turned to for guidance or for leadership. Therefore, agenda-setting is an endogenous interest for the organization.

The Exogenous-Endogenous Framework

The previous sections reasons that organizations have both exogenous interests and endogenous interests. Previous scholarship on organizations, and IOs particularly, can be broadly categorized as either externally focused or internally focused. An organization's external environment is used to explain its behaviors in principal-agent theories, but without regard for any internal interests of an organization. An organization's structure, mandate, or culture are used to explain its behaviors in internally focused explanations of behavior, but without regard for its external environment. There is no compelling reason to view the internal and external as unrelated or for one to be privileged over the other.¹⁴ They interact with one another and the result of this interaction influences the action of the organization.

The implication of the interaction between exogenous and endogenous interests is that the organization is both concerned with its own goals, or agenda, as well as its external expectations. Rather than the external environment dictating the actions of the organization, or agendas developing from within the bureaucracy of the organization determining its actions, there is evidence of both: organizations have their own interests and they are strategic about forwarding them.

Interests in organizations follow both logics of appropriateness and logics of consequences. A logic of consequences contends that action is taken or not taken based on expected consequences, e.g. punishments or praise. Externally oriented thought on organizations falls into the logic of consequence camp. A logic of

¹⁴ Some internally focused works acknowledge that there are various "inputs" the organization receives from their environments, but the focus of their work are the internal processes that follow, not on any sort of relationship between the internal and external environments.

appropriateness contends that action is taken based on whether it is the best thing to do according to an organization's identity, regardless of consequences. Internally oriented explanations of organizations' behavior can fall into this camp. However, organizations are created and mandated for specific functions, and within them emerge interests to perform their duties, but these endogenous interests are also affected by exogenous concerns. So, a combination of the perspectives would yield that organizations have interests derived by their appropriateness, but are tempered (or enlivened) by their consequences, which is why we often observe organizations taking actions that ostensibly advance their causes as outlined in their mandates, but often vary in boldness, or we can observe organizations taking actions seemingly at odds with their mandates.

Combining focuses on exogenous and endogenous interests bridges the gap between two schools of thought on organizations – the principal-agent theorists who focus on the exogenous interests of the organization in their adversarial relationship with their principals and the scholars who see organizations motivated toward action through internal mechanisms, such as interpreting their charters or through compartmentalization and bureaucratic rules. Scholars have identified that international organizations are often self-directed actors and many other scholars have identified that organizations, broadly, are guided by their interests. Of these scholars, there is a dichotomy between exogenous interests where the organization is concerned with its external environment, and endogenous interests where the organization attempts to fulfill the purposes of its mandate (and the pathologies that may influence their execution). These interests do not need to be dichotomized into separate strains of scholarship. These exogenous and endogenous interests are mutually constituted

and the actual policies, the behavior, of the organization can be recognized as the result of this relationship. Figure 3.1 provides a very basic outline of this relationship.

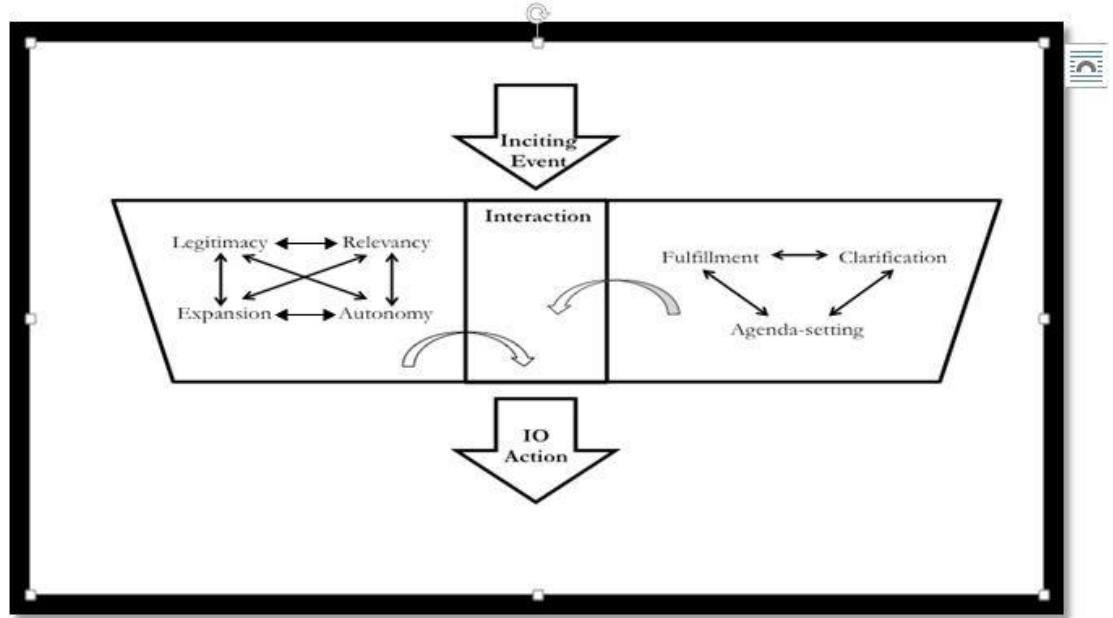


Figure 3.1 The Basic Exogenous-Endogenous Framework

Figure 3.1 shows exogenous interests on one side and endogenous interests on the other side. First, each group of interests are linked to one another. They can easily exist in relationships with one another. For instance, in the exogenous category, achieving more legitimacy might lead to more autonomy. Achieving greater relevancy might garner more legitimacy. Similarly, on the endogenous side, fulfilling the organization's mandate might include clarifying ambiguities within the organization, or clarifying disagreements might set the agenda in a particular direction. To the extent possible this dissertation distinguishes between these individual interests, but they relate together as part of their respective categories.

Figure 3.1 also shows that there is an expectation that the interplay between exogenous interests and endogenous interests will manifest itself in the actual policy

actions of the organization. The exogenous-endogenous framework by itself is a novel way to roadmap and thus understand IO actions. This framework will be applied to the cases in this dissertation to understand how the exogenous and endogenous interests interacted to produce the organization's actions.

The exogenous-endogenous framework does not imply that its product is a perfect equilibrium between exogenous and endogenous interests or that its product is the "correct" policy. What it shows is a model for how the exogenous interests emanating from the organization's interaction with its external environment will affect the endogenous interests emanating from the organization's internal environment, leading to the actual behavior of the organization. This is the "interaction" at the center of Figure 3.1. Depending on circumstances the relationship between exogenous and endogenous interests can tip in one extreme or the other and this dissertation seeks to understand how these interests combine to produce the organizations actions. The exogenous-endogenous framework can be expanded further to help us understand whether stakeholders' reactions to IO action affects the relationship between endogenous and exogenous interests. Figure 3.2 shows this expanded framework which includes the environment's tolerance or rejection of the organization's actions.

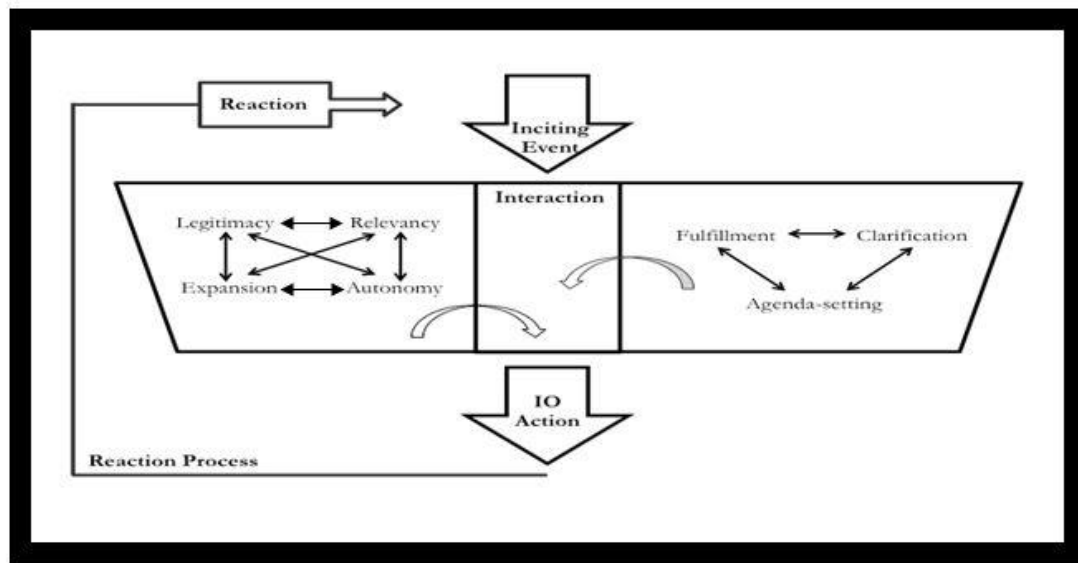


Figure 3.2 The Expanded Exogenous-Endogenous Framework

The expanded framework shows that the IOs actions are not the end of the process, but feed back into the environment. This is important for understanding IOs acting under conditions of autonomy. If IOs are making independent decisions, then the results of these decisions – whether positive or negative – will affect their external environments. By exploring IO action with this process in mind we can determine if this feedback process affects how the interests of IOs interact to produce their actions. Under what circumstances are IOs obsequiously loyal to member-states and under what circumstances do IOs contravene state interests. This is the “reaction” part of Figure 3.2. If the organization does not balance the interests in a way that they restrain each other, the external stakeholders will seek to formally correct the organization in response to its actions. ? If the organization balances the endogenous and exogenous interests in a way that restrains each other, rather than over-compensating to one extreme or another, then external stakeholders will accept the IO’s actions.

Methodology and Case Selection

Due to the questions asked here, a quantitative analysis would be lacking, if one could be satisfactorily conducted at all. The nature of the subject does not lend itself to a precise coding of variables. What accounts for the evidence in this study is the rhetoric that surrounds the decisions being made and the interpretations of the individual actors within the organizations involved. This is of special importance because it shows us how the actors involved understood their situations, their environments, their goals, and what was at stake in each case. The logic of argumentation contends that individual actors' interests are not fixed and are susceptible to being challenged and changed depending on the alternatives and the strength of the rhetoric supporting those alternatives. Researchers are capable of digesting this (Risse 2000).

Thus, to understand how exogenous and endogenous interests work to temper one another we must understand both how the actors within organizations understood their external environments and how these actors perceived the interpretations of mandates, what rhetoric they used to persuade or contest decisions, or the public and private reasoning used by the decision-makers to choose one option over another. It would perhaps be unreasonable to apply our own judgements of what their interpretations *should* have been. Even the histories of the organizations and issues examined are important for placing these cases into their proper contexts. All of which would be nearly impossible to quantify or to disaggregate into more rigid variables. In that the methodology should match the questions being asked, this study will utilize an in-depth look at representative cases, or a small-n study.

Methodology

According to McNabb (2010), the case study approach is the most sensible for answering the types of questions asked here because we intend to provide an explanation of events, particularly how the interests of IOs affected their actions (237). Indeed, it is the “internal examination of single cases” that can provide answers regarding perceptions, desires, and interests that influence the ultimate outcome. As George and Bennett write “there is a growing consensus that the strongest means of drawing inferences from case studies is the use of a combination of within-case analysis and cross-case comparisons within a single study or research program” (2005, 18). Thus, the methods utilized here - the combination of within-case and cross-case analyses - are both the best fit and well within the mainstream of social research methodology. The result of conducting these case studies is an explanation of how interests in IOs influence their actions by applying the framework developed above.

More to the point of how to actually answer the questions asked here through the case-study method, both historical and interpretive analyses will be employed. As to the former, the decision making being analyzed cannot be adequately explained without understanding the processes that led to the final decision. Just as listening to the last few seconds of a black box recorder after an airliner crash may provide little insight as to what caused the crash, a more thorough analysis looking at all the events that occurred leading up to the crash is far more illuminating (Weick 1995, 104). To ameliorate this problem, George and Bennett endorse process tracing, writing that “political scientists and other social scientists who are sensitive to the complexities of historical events but are more interested in theorizing about categories of cases as well as explaining individual cases” find process-tracing most valuable (2005, 223).

Similarly, Wendt endorses process-tracing for illuminating the causal chain of an event within constructivist research designs (Wendt 1999, 80). Thus, this study research will follow the strictures of process-tracing according to George and Bennett's *Case Studies and Theory Development in the Social Sciences* (2005). An important distinction is also in need of being made between process-tracing and a simple historical account. Rather than providing basic background information for the purposes of context, process-tracing will help illuminate not only the causal chain that led to a particular outcome, but will illuminate the alternatives that were passed over and why they were passed over. Part of the evidence gathering here is intended to understand the situations according to the actors in the organizations; "it is absolutely critical that we ask how and why IO staff interpreted" things the way they did (Barnett and Finnemore 2004, 12).

Following from the above, the second half of the methodology requires the use of the interpretive method. This is crucial as it is of chief importance to account for the perceptions and beliefs of the actors involved. As Barnett and Finnemore – who conducted related, but distinctly different research regarding IOs - argue, "it is never enough to stand outside the organization and impose a set of meanings or interpretations" on the actors (2004, 12). This interpretive design is crucial for understanding interests in organizations as it helps show "how the actors ... understand their contexts, explicitly and/or tacitly, and why they conduct themselves in particular ways" (Schwartz-Shea and Yanow 2012, 52). Therefore it is essential both methods be used to understand what led to particular decisions to be made, how the organizations perceived their environment and their decisions effects on the environment, and ultimately what motivated their behavior.

To flesh out the interests of the organization and how they are manifested, it is necessary to look at the discussions and arguments of the individuals who comprise the organization as well as how the organization officially communicates with its environment, i.e. “on the record” responses by leaders, official press releases, position papers, media interviews, and formal documents from within the organization. The rhetoric employed by these individuals, how they frame the issues, how they argue about what the organization should do, which of these becomes most compelling to others and how one argument wins out over others, and especially how they perceive the external environment, will tell us a lot about the interests of the organization. It is the most accurate way we can assess the interests of the organization: by what the individuals who comprise the organization say and what information they had available. Surely there will be carefully tailored rhetoric on the part of many public officials in these organizations, but by combining as many accounts as possible and by comparing them to the actual courses of actions we can eliminate certain individual biases or distortions. Of course, these individuals won’t be speaking in terms of “interests,” but by analyzing their rhetoric it will provide an empirical account of what the organizations understood as both their external environment and how they interpreted their internal environments, what they perceive to be the consequences of decisions, and how they contest each option.

Case Selection

As discussed in the introduction, to best illustrate how the interest of IOs interact to affect the organizations’ actions this study will examine three cases of IO action: the case of the WTO’s Appellate Body’s decision to accept *amicus curiae* briefs from non-state actors; Boutros-Boutros Ghali’s delineation of preventive

diplomacy, peacemaking, and peacekeeping in his *An Agenda for Peace*, as well as the resulting struggles over these issues during his tenure; and the World Health Organization's recent attempts to manage the Ebola outbreak of 2014. These cases share some important similarities: the IO has the independence to act on its own accord and feature the organization involved in a contentious situation. These features are important because the organizations' actions are affected by interests and the organizations are aware of their external environments' composition and expectations.

It is worth noting reasons other cases were not chosen. Cases were excluded from selection where states were able to make the major decisions through formal voting mechanisms built into the organization, which is to say there was no independent action on the part of the IO to examine. Other cases were excluded where there was little controversy or contestation over the organization's actions. Cases in which all relevant actors are in agreement can still shed light on IO interests, but only weakly. The evidence would be more difficult to aggregate in these cases as it would likely not be as heavily articulated and the lack of contestation would inspire little debate which would translate into limited evidence. On top of this, cases where there is a large amount of contestation means that the IO must be fully confident in its decision-making and that it must be forwarding an important interest or else it would simply settle for appeasement. In short, it would be difficult to know if a case like this was worth examining prior to conducting a full investigation. Additionally, these would have little generalizability to a larger body of cases.

These cases also have some important differences. The case of the *amicus* briefs in the WTO, the organization was "successful" in the sense that it made a bold decision and states accepted the outcome – they did not leave the organization, cut its

funding, or formally overturn its decisions. In the case of Boutros-Ghali's *Agenda For Peace* and the crises of humanitarian intervention, the organization received severe backlash from powerful member-states, eventually leading to Boutros-Ghali to be formally rebuked by having his nomination for a second term in office vetoed by both the United States and United Kingdom. This case thus represents a diverging outcome in that it was a "failure" – Boutros-Ghali was essentially fired for his actions. The case of the WHO's response to Ebola represents a case in between the language of "success" and "failure" described above. The WHO was severely criticized and blamed for its poor response to the Ebola crisis and other organizations were brought in to share functions with the WHO. However, the Ebola crisis was eventually managed and brought to an end, the WHO faced no other serious consequences, and it remains the world's primary health institution. Therefore, while the cases share important similarities, they diverge in outcomes, feature different types of organizations and issues at stake, and thus can tell us something interesting about the interests of organizations.

This allows for us to understand what is occurring behind different outcomes by using a "most similar method" of cross-case analysis (Seawright and Gerring 2008, 304). Because the cases share important similarities, they are capable of independent action and are operating under contentious circumstances, and because their outcomes differ, Boutros-Ghali was formally rebuked while the other organizations carried on with no changes, we can compare them applying the exogenous-endogenous framework to find what difference in how the interests of the organizations interacted across the three different cases led to the divergent outcome. This will allow us to

better understand the answers to the questions posed above: How do exogenous and endogenous interests interact to produce IO action?

Chapter 4

AMICUS CURIAE BRIEF PARTICIPATION AT THE WORLD TRADE ORGANIZATION

A final note on one development that is important to consider...is the [Appellate Body's] determination to resist pressure from the other branches in the WTO to deviate from its earlier rulings. Thus, for instance, it has continued to insist it has the discretion to consider amicus curiae briefs. [...] the AB forcefully asserted the precedential weight that panels are to attach to AB rulings, which comes close to stare decisis. Here the AB is effectively enhancing its own legitimacy and I think making dispute settlement more certain and secure because it provides a finality of interpretation that cannot be disrupted through political action in the WTO, at least not easily. -Robert Howse, Virginia Journal of International Law Symposium, April 11th 2012

Introduction

What motivates international organizations to behave the way they do? The conventional wisdom in international relations might tell us the states that comprise the organizations control them. Perhaps others would surmise that the specific design of the organization or its rules will affect its behavior. What these explanations don't account for is the agency of the organization to make its own decisions and its ability to make these decisions with information from both its internal and external environments. This chapter explores the decision-making of the World Trade Organization, specifically, its Appellate Body's unilateral decision to allow unsolicited, non-member legal briefs to be submitted during disputes, a privilege previously reserved exclusively for member-states participating in the dispute. What would drive the Appellate Body to make such a decision? This chapter seeks to answer this question by applying the exogenous-endogenous framework to determine how the relationship between exogenous and endogenous interests affected the organization's behavior.

The World Trade Organization possesses one of the more exemplary systems of international legalization (Narlikar 2005, 85). The “jewel in the crown” of this system, as Narlikar writes, is the WTO’s Dispute Settlement Understanding, or DSU. There are many components of the DSU, but this chapter will focus on one specifically: the Appellate Body. As described in more detail below, what sets the Appellate Body apart from other aspects of the DSU is its independence.

The Appellate Body panelists, or Appellate Body members as they are often called (not to be confused with Member-states), are free to interpret the legal questions asked of them as they see fit. Appellate Body panelists are appointed to a maximum of two four-year terms by the lower Dispute Settlement Bodies, rather than directly by Member-states and Member-states do not have the ability to impeach these panelists. Thus, Member-states do not possess any way to *directly* control or influence these appellate panelists once appointed. This is important, as the decisions made by this independent body can provide a relatively unfiltered insight into the interests of the organization.

The WTO’s dispute settlement apparatus is exclusive to states that have acceded to the WTO. The controversy discussed in this chapter revolves around access granted (or not granted) to non-members, typically non-state actors that wish to participate in the system. Specifically, these non-state actors - which can be defined here as individuals, non-governmental organizations, other international organizations, or even corporations¹⁵ - have submitted their views and arguments to the WTO’s

¹⁵ Corporate access has not yet been an issue. However, many of the non-governmental organizations that have been seeking access represent corporate interest or are financed by allied corporations.

arbiters during disputes in an attempt to influence the outcome of the disputes.

Throughout this chapter, these submissions from non-state actors are referred to as *amicus* briefs.

The forthcoming analysis applies the exogenous-endogenous framework to the Appellate Body's decision-making regarding *amicus* briefs. As discussed in Chapter 2, by viewing the evidence through the lens of the framework we can better understand how these interests interact with one another to affect the organization's actions. The chapter will begin by revisiting the exogenous-endogenous framework with a focus on how it can apply to this case. Then the WTO's external and internal environments are described. Next, an overview of the structure of the WTO and its Appellate Body will set up the examination of the Appellate Body's decision-making on *amicus* briefs. The examination of this decision-making will follow, focusing on the organization's legal reasoning, the organization's charter, and the reactions from external actors. Finally, a summary and conclusion, including a discussion of alternative explanations will end the chapter.

The Internal and External Environments of the Appellate Body

The exogenous-endogenous framework introduced in Chapter 2 contends that organizations capable of independent action take action based on the product of their interaction of their exogenous interests vis-à-vis their external environment and their endogenous interests vis-à-vis their internal environment. This section will describe the external environment of the World Trade Organization and which exogenous interests are evident and also describe its internal environment and what endogenous aims the organization forwards.

External Environment and Exogenous Interests

Chapter 2 explains that there are several interests that can be identified from previous scholarship on an organization's relationship with its external environment. These exogenous interests include legitimacy, autonomy, expansion, and relevancy. As Chapter 2 elaborated, the external environment of an organization include both the constituencies of an organization – those with a direct stake in the organization – as well as the “context” of an organization (Wilson 1986, 191; Pfeffer 1978, 5).

However, this “context” may be comprised of “every event in the world which has any effect on the activities or outcomes of the organization” (Pfeffer 1978, 12). This definition is too broad to allow for a meaningful analysis of the WTO and its Appellate Body's external environment. Therefore, we will narrow this definition, as Pfeffer recommends, to those events and actors the WTO and the Appellate Body knows of and can respond.¹⁶ This leaves WTO Member-states, their own internal political environments, and other actors who relate to international trade including non-governmental organizations, other international organizations, the media, and experts whose actions and desires can register with the WTO or who otherwise interact with the WTO.

It is also important to note that these external environmental pressures are not toothless. In some cases Member-states are capable of severely undermining the

¹⁶ While Pfeffer recognizes that defining this environment is “elusive,” an organization's environment is nonetheless important, particularly if the organization is responding to events in its environment. Certainly the stimuli that would cause an organization to respond is important in understanding its interests, as its interests guide its response. Pfeffer recommends narrowing the definition of an organization's environment down to actions it notices because an organization cannot respond to an event it is not aware of.

exogenous interests of the organization by leaving it, refusing to work through it, or otherwise amending it to reduce its authorities or autonomy. Even though many actors in the external environment don't have a direct say in the operation of the WTO or its Appellate Body, they can mobilize constituents within Member-states to force these governments to call the organization to account. In sum, there are real ramifications from the external environment based on the actions the Appellate Body takes, thus the organizations' exogenous interests are very important.

Internal Environment and Endogenous Interests

The endogenous interests of the WTO's Appellate Body are its goals based on the duties assigned to it in its charter. The endogenous interests categorized in Chapter 2 are fulfilment of the mandate, clarify disagreements and uncertainties, and setting the agenda on the issue. The unique nature of the Appellate Body makes it especially apt for the interest of clarification as it is charged to settle disputes. Unlike bureaucracies, the internal environment of the Appellate Body is comprised simply of the Appellate Body members. While the members might not share identical interpretations of the goals of the organization, the adjudicative nature of the Appellate Body makes it unique compared to other studies focusing on internal environments. However, in that context its interest in providing clarity is through its ability to make its decisions predictable. The Appellate Body also has a minor interest in agenda-setting in that it must also resolve legal issues that affect the lower dispute panels who take their cues from the Appellate Body, but otherwise has little agenda-setting capacity outside of the organization.

The endogenous interest of fulfilment for the Appellate Body is defined here as what is explicitly written in the WTO's Dispute Settlement Understanding's Article 3.

Section 2 of Article 3 provides an overview of the aims of the dispute settlement system:

The dispute settlement system of the WTO is a central element in providing security and predictability to the multilateral trading system. The Members recognize that it serves to preserve the rights and obligations of Members under the covered agreements, and to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law.

Section 2 stipulates two important goals: to provide a predictable trading system and to clarify “existing provisions” according to “customary rules of interpretation of public international law.” According to the WTO¹⁷ customary rules of interpretation of international law are largely “unwritten,” but offers an example in the form of the Vienna Convention on the Law of Treaties, specifically its Article 31 provision that “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.” In sum, the endogenous interests of the dispute settlement system and the Appellate Body are to resolve trade disputes in accordance with the context and purpose of the treaty and to provide clarity in the form of predictability.

Structure of WTO Dispute Settlements

The WTO adjudicates trade disputes between its Member governments. Disputes arise over the agreements that undergird the WTO. With some exceptions, these agreements forbid Member-states from enacting barriers to free trade, including

¹⁷ http://www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/c1s3p2_e.htm

tariffs, subsidies, onerous regulations for foreign goods, or anti-dumping measures.¹⁸

When one Member-state or group of Member-states believes that another is in violation they may bring the case to the dispute settlement system for adjudication.

Dispute settlement within the WTO system involves several steps. The first is a 60 day consultation period between disputing parties. During this period parties are encouraged to resolve their dispute by meeting with one another and attempting to reach an agreement. They may also ask for the Director-General to help mediate between them (Dispute Settlement Understanding, Article 4). This process, like the panel process that follows it if necessary, is confidential. Only the participating parties and relevant WTO officials have access to the specific negotiations between the countries. If an agreement is not reached within the 60 day period, parties may request the formation of a panel to adjudicate the dispute.

There are two distinct types of dispute settlement panels within the WTO: ad hoc panels set up to adjudicate trade disputes and fixed appeals panels that hear appeals from states dissatisfied with the dispute panel decision. The important differences between these panels is discussed below. Member-states are also allowed to join disputes as third-party participants, giving them a say in the dispute settlement process, albeit with more limited rights. Specifically, this is laid out in Article 10 Section 2 of the DSU “Any Member having a substantial interest in a matter before a panel and having notified its interest to the DSB (referred to in this Understanding as a “third party”) shall have an opportunity to be heard by the panel and to make written

¹⁸ Dumping refers to the process foreign companies flooding a market with products priced at a loss with the aim of forcing domestic competitors out of business, then raising prices back to profitable levels.

submissions to the panel.” Therefore, countries participating as third-parties may submit their arguments and are granted access to the confidential process - privileges that do not extend to even WTO Members who are not participating in the particular dispute.

The first of these panels, the dispute panels, are created for each dispute between member-states. These panels are comprised of qualified experts agreed upon by the states party to the dispute (DSU Article 8). If the states cannot agree on which persons to appoint to these panels, the WTO’s Director-General is authorized to appoint the panelists. These panels assess the violations alleged by the complaining party, the facts as presented by both sides, and make a legal determination based on the relevant trade agreements (Marceau 2005, 32). Since these panels are comprised of persons chosen by each state and because they are comprised on an ad hoc basis for each dispute, their independence and autonomy are questionable. As Ehlermann writes “the DSU tries to guarantee [panel member] independence while they are performing their duties. However, the DSU contains absolutely no rules that guarantee structurally this independence” (Ehlermann 2003, 473). He concludes that because panel members are appointed by states on an ad hoc basis there is a strong incentive for these panel members to act in ways favorable to their home state in the hopes of prestige or reappointment.

The other, and more powerful body, is the Appellate Body. This body handles only appeals of panel decisions and therefore does not re-adjudicate disputes, but assesses whether the dispute panel in each case correctly interpreted the relevant trade agreements (Van Den Bossche 2005, 64). The most important distinction between the Appellate Body and the lower dispute panels is the Appellate Body’s autonomy. The

Appellate Body is comprised of seven unimpeachable panelists who serve four-year terms and are appointed by the lower Dispute Settlement Bodies according to criteria of trade law expertise and independence from their home country. Of these seven, only three are appointed to a given case on a rotating basis (DSU Article 17). This is designed to create an independent body, free of external allegiances and their resulting pressures. Susan Esserman and Robert Howse aptly described the Appellate Body in *Foreign Affairs* (2003, 132):

The institution of the Appellate Body is the most radical aspect of the new WTO system, and a most remarkable aspect of the Appellate Body is the independence of the jurists who compose it. Members of the Appellate Body do not act as advocates for the national interests of their home countries; in fact, the judges¹⁹ have displayed levels of integrity and independence that rival those found in the best domestic court systems²⁰.

Additionally, the Appellate Body has certain powers that expand its importance beyond its independence. The Appellate Body can select and replace ad hoc panel members when Member-states can't agree on panelists, guide the dispute process, and ultimately make the final decision on appeals - its most important function (Buterbaugh and Fulton 2008, 75). The Appellate Body's decisions are final and binding; there is no higher body to which to appeal. However, while Appellate Body reports are automatically adopted, Member-states may prohibit this adoption through a "negative consensus." This negative consensus means that every Member of

¹⁹ A note on a language discrepancy between this quote and my usage: Since the DSU of the WTO deliberately does not refer to its dispute settlement bodies as courts or persons serving on them as judges I have chosen not to use the language of courts, judges, and justices in my references to the dispute panels or the Appellate Body.

²⁰ Robert Howse has submitted *amicus* briefs to the Appellate Body previously.

the WTO, including the Member-state who won the appeal, must vote to refuse to adopt the Appellate Body's report, no easy task (Abi-Saab 2005, 9). This gives the Appellate Body the autonomy to function and it also means that the Appellate Body has wide latitude in its discretion. Thus, "checks" on the Appellate Body are limited to the WTO's membership coming together in this "negative consensus" to block certain reports or coming together to modify the Dispute Settlement Understanding the Appellate Body.

Because of the differences between general dispute panels and the Appellate Body, this chapter will focus on the Appellate Body's behavior regarding *amicus* briefs. This is an important distinction as *amicus* briefs have also been sent to and accepted by dispute panels. There are a few reasons for focusing on the Appellate Body's decision-making regarding *amicus* briefs instead of dispute panel jurisprudence. The first is that the dispute panels are the panels where actual questions of fact are examined. The Appellate Body can only answer questions of law. This distinction is important because the dispute panels are empowered to search out relevant facts for each case. As *amicus* briefs might fall under that purview of fact finding, it has made the dispute panels' relationship to *amicus* briefs less, albeit still controversial.²¹

Second, whether or not the lower dispute panels accept *amicus* briefs is due to the decisions of the Appellate Body. When the Appellate Body decides to accept

²¹ For instance, The European Communities (now the European Union) has accepted the Appellate Body's decision that dispute panels may accept *amicus* briefs, but was vocally opposed to the Appellate Body itself accepting these briefs for these reasons. This will be discussed in greater depth below.

amicus briefs during an appeal it is granting itself the power to do so. This has created additional contention as many have argued that the Appellate Body has no such authority and its interpretation of the DSU for even allowing lower panels to accept *amicus* briefs only applies to the disputes themselves, not appeals.

The related and third reason is, as explained above, the Appellate Body is designed to be independent of member-states and the WTO bureaucracy more broadly. This means that the Appellate Body cannot be directly coerced into altering its decision-making. Therefore, the decisions of the Appellate Body reflect its interests. When these decisions differ from the expressed desires of states, as occurs in this chapter's case, it tells us something unique about the organization's interests.

Amicus Briefs and the Appellate Body

Introduction

The issue in this case involves the Appellate Body's interpretation of the WTO charter as it applies to information it may collect during the cases it hears. Specifically, the Appellate Body has interpreted that the WTO's charter provides it the power to accept "friend of the court" briefs, or *amicus curiae* briefs from individuals and organizations (and even states) which are not members of the World Trade Organization. Indeed, only states may be members and only after a process of accession. What makes this case contentious is that *amicus* briefs are not mentioned in the WTO's charter, yet the Appellate Body has identified language that permits them, or, at least, it has claimed not to have identified language that would prohibit them.

Additionally, NGOs and their relationship to the WTO's dispute settlement process are discussed in the Marrakesh Agreements which Article V.2 states "the

General Council may make appropriate arrangements for consultation and cooperation with non-governmental organizations concerned with matters related to those of the WTO.” This has the effect of leaving “non-governmental organizations or interest groups [with] no direct entry into the WTO” (Narlikar 2005, 39). This language places the authority to deal with issues relating to the consultation and cooperation of NGOs or interest groups on the General Council, which is comprised of the Member-states, not the Appellate Body. Yet, in this case, it is the Appellate Body making these arrangements.

What makes this case compelling for the ideas proposed in this dissertation is the Appellate Body’s use of its independence and agency to make a contentious decision - one many have argued it did not have the authority to make. So, what led to the Appellate Body’s decision-making on *amicus* briefs? By viewing the evidence through the lens of the framework we expect to see how the interaction between exogenous and endogenous interests led to the decisions on *amicus* briefs by the Appellate Body, where, as this section will show, the Appellate Body routinely asserts its authority to allow such briefs, but routinely refuses to use them. This section will flow chronologically and will include the Appellate Body’s justifications, its reactions to state complaints, and the immediate reactions of states involved in the appeals.

The Amicus Issue

The Appellate Body’s jurisprudence concerning *amicus* briefs did not come without challenge and thrust the Appellate Body and the WTO’s dispute settlement system more broadly into political crosshairs. Member-states disagreed with rulings, particularly when they lost, but the *amicus* issue resulted in charges from member-states that the Appellate Body was acting outside its scope of adjudication. This

opened up the perception that the Appellate Body was mixing dispute settlement with political decision-making, distinctly separate matters in the WTO system (Ehlermmman 2003, 483). More bluntly, these decisions led to the Appellate Body being accused of engaging in “judicial activism,” where panel members inject their political opinions into their decisions to reach the result they want (Esserman and Howse 2003, 132). Furthermore, with a few exceptions member-states responded unfavorably to these rulings.

This section will outline the Appellate Body cases involving *amicus* briefs, discussing the Appellate Body’s stated reasoning on the issue, as well as relevant Member-state and external environment responses. Other responses from other actors, other Member-states, and an explication of the “external environment” will follow in the next section. An *amicus* brief has been submitted in 16 Appellate Body cases. These cases, their titles, and the participating Member-states are listed in Table 4.1 below.

Appellate Proceedings Involving <i>Amicus</i> Briefs				
Year	Title	Appellant	Appellee	Third-parties
1999	<i>US - Shrimp</i>	Malaysia	United States	Australia, EC, Hong Kong, India, Japan, Mexico, Thailand
2000	<i>Thailand - H-Beams</i>	Thailand	Poland	Japan, EC, US
2000	<i>US - Lead and Bismuth II</i>	United States	EC	Brazil, Mexico
2000	<i>EC - Asbestos</i>	Canada	EC	Brazil, US
2002	<i>US - Countervailing Measures</i>	United States	EC	Brazil, India
2002	<i>EC - Sardines</i>	EC	Peru	Canada, Chile, Ecuador, US, Venezuela
2003	<i>US - Softwood Lumber IV</i>	US	Canada	EC, India, Japan
2003	<i>US - Steel Safeguards</i>	US	Brazil, China, EC, Japan, Korea, New Zealand, Norway, Switzerland	Canada
2005	<i>EC - Export Subsidies on Sugar</i>	EC	Australia, Brazil, Thailand	ACP, Canada, China, New Zealand, US
2005	<i>EC - Chicken Guts</i>	EC	Brazil, Thailand	China, US
2005	<i>Mexico - Taxes on Soft Drinks</i>	Mexico	US	China, EC, Japan
2007	<i>Brazil - Retreaded Tyres</i>	EC	Brazil	Argentina, Australia, Japan, Korea, US, Taiwan
2008	<i>China - Auto Parts</i>	China	EC, US, Canada	Argentina, Australia, Japan
2010	<i>US - Anti-dumping</i>	China	US	Argentina, Australia, Brazil, Canada, EU, India, Japan, Mexico, Norway, Saudi Arabia, Turkey
2012	<i>US - Clove Cigarettes</i>	US	Indonesia	Brazil, Colombia, EU, Mexico, Norway, Turkey
2012	<i>US - Tuna II (Mexico)</i>	US	Mexico	Australia, Brazil, Canada, EU, Japan, New Zealand

Table 4.1 Cases Involving Amicus Briefs

Since the first mention of *amicus* briefs in Appellate Body proceedings in 1999, many of these cases featured new dimensions to the issue, including expansions of what constitutes an *amicus* brief, changes in the legal arguments by the Appellate Body, and changes in support for the acceptance of *amicus* briefs by Member-states depending on the issue and the favorability of the brief. Even before the Appellate Body was asked to weigh in on *amicus* briefs, the first documented *amicus* briefs came in 1995 during a dispute between the United States and Venezuela. Here, a private actor attempted to submit an *amicus* brief. The particular dispute panel handling the case ignored the brief, and the Appellate Body additionally ignored it (Durling and Hardin 2005, 222).

However, the first acknowledgement of an *amicus* brief by the Appellate Body came in 1999 during an appeal of a dispute between the United States and India, Malaysia, Pakistan, and Thailand in *US - Shrimp*²². The Appellate Body had two issues regarding *amicus* briefs to deal with: *amicus* briefs attached to a state's formal submission and *amicus* briefs that sent in independently, without any state's endorsement. With regard to the first issue, the United States had attached legal briefs from the Earth Institute, the Humane Society, the Sierra Club, and several other non-governmental organizations²³ to its official submission (*US – Shrimp*, Appellate Body Report, para. 79). The United States' submissions were challenged during the appeal

²² This case is also well known as the “Shrimp/Turtle” case.

²³ Including the Center for International Environmental Law, the Centre for Marine Conservation, the Environmental Foundations, the Mangrove Action Project, the Philippine Ecological Network, Red Nacional de Accion Ecológica, Sobrevivencia, Worldwide Fund for Nature and the Foundation for International Environmental Law and Development.

where these briefs were attached and the Appellate Body concluded that the attachment to the United States' brief made it *prima facie* part of the United States brief (*US – Shrimp*, Appellate Body Report, para. 89). This is important as it elevated *amicus* briefs to the level of admissibility, even though it required them to be attached to a state's submission. While states did not attach briefs that disagreed with their own positions, these briefs did levy distinct arguments from the state's submission, making their admissibility a major advancement for private actors at the WTO.

The subsequent issue was thornier. The Appellate Body had to address the legal basis (if any) of *amicus* briefs that were not part of a state's official submission. Were these admissible? The original dispute panel which heard *US – Shrimp* decided that "non-requested information from non-governmental sources would be incompatible with the provisions of the DSU" (*US – Shrimp*, Appellate Body Report, para. 98). The Appellate Body disagreed with this dispute panel and reversed the panel's decision regarding the acceptance of these *amicus* briefs. In the Appellate Body's view, *amicus* briefs were consistent with the DSU and could be accepted.

The DSU does not mention non-governmental organizations or other non-state actors. Therefore, there is no specific language within the DSU providing guidelines for how to deal with these attempts at non-member participation. This has given the Appellate Body a certain degree of flexibility in dealing with this issue. In its legal reasoning, the Appellate Body cited Article 13 of the DSU as providing the authority for panels to accept *amicus* briefs, even when they are not requested. Article 13, titled the "Right to Seek Information" states:

Each panel shall have the right to seek information and technical advice from any individual or body which it deems appropriate. However, before a panel seeks such information or advice from any individual or body within the jurisdiction of a Member it shall inform the authorities of that Member. A

Member should respond promptly and fully to any request by a panel for such information as the panel considers necessary and appropriate. Confidential information which is provided shall not be revealed without formal authorization from the individual, body, or authorities of the Member providing the information.

The Appellate Body held that this language gives dispute panels the authority to accept *amicus* briefs as part of their ability to seek information from any source it wants. The key word in Article 13 was “seek.” Would the Appellate Body accepting *amicus* briefs constitute it “seeking” information?

The Appellate Body cited Article 13 of the DSU and concluded that even unsolicited information falls under the Body’s purview to “seek”:

The thrust of Articles 12 and 13, taken together, is that the DSU accords to a panel established by the DSB, and engaged in a dispute settlement proceeding, ample and extensive authority to undertake and to control the process by which it informs itself both of the relevant facts of the dispute and of the legal norms and principles applicable to such facts[...]we do not believe that the word “seek” must necessarily be read, as apparently the Panel read it, in too literal a manner. That the Panel’s reading of the word “seek” is unnecessarily formal and technical in nature becomes clear should an “individual or body” first ask a panel for permission to file a statement or a brief (*US –Shrimp*, Appellate Body Report, para. 106-107).

The Appellate Body’s reasoning went on to explain that because of this “the distinction between ‘requested’ and ‘non-requested’ information vanishes,” making unsolicited *amicus* briefs part of the dispute process at the discretion of the individual panels. Thus, the Appellate Body is taking an admittedly loose interpretation of the word “seek” in order to expand the capabilities of the dispute settlement bodies and itself.

As a juridical body it is unique that the Appellate Body chose to adopt such an inexact interpretation of the Article 13 powers to “seek” information. The Appellate Body was, in essence, granting powers to dispute panels that were not explicitly part

of the DSU. A possible explanation is that a balance between endogenous and exogenous interests guided the behavior. The end result of the ruling was that the Appellate Body had relied on an interpretation of the word “seek” that expanded its own authority: it did not have to actively solicit information, but its powers to “seek” information implied its discretion to accept or reject unsolicited information. This fits with the exogenous interest of expansion. However, the organization forwarded an endogenous interest as well by both fulfilling its duties under the DSU and clarifying an ambiguity. It clarified a dispute over words as it is charged to do in what it claimed was the most obvious manner: the lower panels had interpreted “seek” in an “unnecessarily” restrictive manner. The end result was that endogenous and exogenous interests combined into the outcome of the Appellate Body’s action.

Additionally, the Appellate Body concluded that it might merely be “practical” for dispute panels to consult with member-states concerning these briefs when they are submitted during disputes. However, the Appellate Body did not consider this consultation with states party to the dispute a necessity because rules governing non-member third-party submissions are not covered in the DSU. This interpretation places more authority in the hands of the WTO at the expense of the Member-states and is, again, fitting with the exogenous interests of expansion, and autonomy when coupled with the fulfilment of mandate and clarification. The Appellate Body had resolved the disagreement and ambiguity by interpreting an expanded role for itself in a way that excluded Member-states from interfering.

While the Appellate Body’s ruling on dispute panels’ ability to accept *amicus* briefs was groundbreaking, it also addressed whether the Appellate Body itself could accept these briefs during appeals. While *amicus* briefs were submitted to the dispute

panel originally hearing the case, *amicus* briefs were also submitted to the Appellate Body hearing during the appeal, which the Appellate Body addressed as a separate issue. The Appellate Body issued its first statement on the matter to all participants in the appeal stating:

We have decided to accept for consideration, insofar as they may be pertinent, the legal arguments made by the various non-governmental organizations in the three briefs attached as exhibitions to the appellant's submission of the United States, as well as the revised version of the brief by the Center for International Environmental Law *et al.*" (*US – Shrimp*, Appellate Body Report, para. 83).

Though the Appellate Body solicited the opinions of participants regarding these briefs to give them an opportunity to reply to the NGO briefs, the AB decided against relying on the NGO briefs or responding to them directly, instead focusing on the arguments presented by the United States (para. 91). However, it is not clear to experts whether the Appellate Body intended to ignore arguments not specifically made by the United States or whether it simply meant it did not find the arguments made by the NGOs relevant (Bernansconi-Osterweiler, *et al* 2006, 350). Since the Appellate Body did not address the *amicus* briefs in its findings, this did not fundamentally change the outcome of the appeal. However, the Appellate Body did ask the participating states to respond to these briefs, giving the *amicus* briefs expanded import beyond anything the DSU had stipulated. In doing so, it also garnered negative reactions from participating states who claimed that if the Appellate Body were to rely on these briefs it "would exceed its power under the DSU" (*US – Shrimp*, Appellate Body Report, para. 87). Thus, part of the external environment of the Appellate Body was pushing back.

While there had been criticisms from Member-states involved in the disputes featuring *amicus* briefs, the external environment of the WTO went into upheaval the year following the *US – Shrimp* case. A 1999 Seattle ministerial meeting of the WTO is now best known for the widespread protests that surrounded it. These protesters were largely comprised of members of non-governmental organizations (over 1,000 NGOs were represented) as well as over 35,000 individual protestors (*The Economist* 12/2/1999; Burton 2014). These individual protesters often hailed from diverse groups whose interests varied across issues and desired solutions, including “students, small farmers, small businessmen, the debt campaigners, church groups, students and indigenous peoples,” though they were united by their distaste for the WTO and what it stands for (Vidal 12/4/1999). This event is relevant in that it thrust the World Trade Organization into the international spotlight and forced the organization to respond to criticism. Much of this criticism centered on the lack of access individuals and non-members had to the process and the lack of transparency the organization provided.

The event was described as disastrous to the WTO. Writing at the time, a journalist remarked “The World Trade Organization has had a truly ghastly week, the sort that would make governments or cabinet ministers resign” (Vidal 12/4/1999). He went on to add “The global perception of the WTO is now indelibly stained, say the hundreds of non-governmental groups who were in Seattle to protest and observe. Unless it is radically reformed, they argue, it is liable to give new life to increasingly coherent global dissent.” Indeed this event is largely cited as bringing public attention to an organization that was previously not well known, and this new attention was largely negative (Lanoszka 2009, 203; Jawara and Kwa 2003, 1). Demands for reform were aimed at increasing transparency and “democracy” (Jawara and Kwa 2003, 1).

“[C]ritics called on the World Trade Organization officials meeting there to open up their operations to public scrutiny” wrote Jonathan Finan of the *Washington Post* in 2002, adding that “interest groups, like those that took to the streets in Seattle, are still frustrated by their limited access to the process” (Finan 2002, E01).

The events in Seattle were not in response to the *US – Shrimp* ruling, and *amicus* briefs were not found on the signs of the protestors, but these protests and their tenor warrant mention here. Not only was public opinion growing very negative, which could certainly affect the Member governments who might seek changes, but non-governmental organizations were making specific demands for access to the process. The outrage expressed in Seattle, the damaging news coverage, and the demands of NGOs are part of the organization’s external environment and would evoke a strategic response. The change in the external environment that made the WTO a reviled name corresponds to the exogenous interest of legitimacy. As Chapter 2 describes, legitimacy is the perception that the organization is doing what it ought to. Clearly, the legitimacy of the organization was at stake.

These external events inform the analysis of subsequent Appellate Body decisions. In its June 7, 2000 report on its *US – Lead and Bismuth II* case, the Appellate Body noted in paragraph 36 that it received two *amicus curiae* briefs from two non-governmental organizations - the American Iron and Steel Institute and the Specialty Steel Industry of North America. The Appellate Body subsequently received a complaint from the other states party to the dispute, the European Communities (with which third-party participants Mexico and Brazil joined in agreement), which, echoing complaints in *US – Shrimp*, argued that *amicus* briefs were not admissible in appellate proceedings:

According to the European Communities, the basis for allowing *amicus curiae* briefs in *panel* proceedings is Article 13 of the DSU, as explained in *United States – Shrimp*. The European Communities notes that Article 13 of the DSU does not apply to the Appellate Body and that, in any case, that provision is limited to *factual information and technical advice*, and would not include *legal arguments or legal interpretations* received from non-Members. Furthermore, the European Communities contends, neither the DSU nor the *Working Procedures* allow *amicus curiae* briefs to be admitted in Appellate Body proceedings given that Article 17.4 of the DSU and Rules 21, 22, and 28.1²⁴ of the *Working Procedures* confine participation in an appeal to participants and third participants, and that Article 17.10 of the DSU provides for the confidentiality of Appellate Body proceedings (*US – Lead and Bismuth II*, para. 36).

In sum, the European Communities²⁵ tacitly accept the authority of lower panels to accept *amicus* briefs, but it does not believe this authority extends to the appellate level because these are legal questions where no new facts should be introduced. However, the EC's argument did not acknowledge that *amicus* briefs could deal with legal reasoning rather than primary facts, weakening their claim that the Appellate Body could not seek such information.

²⁴ Article 17.4 and the cited *Working Procedures* specifically identify Member-states party to a dispute as authorized to appeal or file submissions.

²⁵ Within the WTO framework the European Communities operate as a single member-state (since 2009 the European Communities now go by the title “the European Union”). The European Union's WTO membership is comprised of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom. Since 2004 (and after this dispute) it has also added Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic, Slovenia, Bulgaria, and Romania. Thus, it is important to note the large group of countries represented by the European Union in the WTO as well as to note the large aggregate economy the European Union represents in the WTO.

Additionally, the European Communities argued that Article 17 of the DSU stipulates that only member-states may participate in appeals and that Appellate Body proceedings are to be confidential. Article 17.4 states

Only parties to the dispute, not third parties, may appeal a panel report. Third parties which have notified the DSB of a substantial interest in the matter pursuant to paragraph 2 of Article 10 may make written submissions to, and be given an opportunity to be heard by, the Appellate Body.

Furthermore, the EC argued that the Appellate Body had more confused the issue by claiming it could accept these briefs when it found it “pertinent” to do so, but had not provided “any guidance under which circumstances it might find it pertinent” to do so (WT/DSB/M/83, 2000 para. 5). Indeed the Appellate Body states in paragraph 42 of the report that it has “the legal authority to decide whether or not to accept and consider any information that we believe is pertinent and useful in an appeal.”

Conversely, the United States argues that the Appellate Body has the authority to accept such briefs, and should. The Appellate Body notes that “The United States does not agree that acceptance of an unsolicited *amicus curiae* brief would compromise the confidentiality of the Appellate Body proceedings, or give greater rights to a non-WTO Member than to WTO Members that are not participants in an appeal” (*US – Lead and Bismuth II*, para. 38). Going further, the United States’ representative noted in the adoption report that

There was one positive aspect of the Appellate Body Report, namely, its finding that the Appellate Body had the authority to take into account submissions by interested private parties, so-called *amicus curiae* briefs. By allowing affected private parties to present their views in WTO appeals, the Appellate Body had taken a positive step towards making the WTO more open and enhancing public confidence in the dispute settlement process. The possibility to make *amicus curiae* submissions in an appeal built on the possibility to do so at the panel level. This seemed to have worked well and the same should be true at the appeal level. As her delegation had noted in the Appellate Body proceeding, the United States was confident that the Appellate

Body was fully able to adopt procedures for *amicus curiae* submissions so as to benefit from them without unduly burdening the system or the parties. The United States, therefore, welcomed the Appellate Body's findings on *amicus curiae* submissions (WT/DSB/M/83, 2000 para. 8).

In this case, the Appellate Body had extended its legal reasoning on *amicus* briefs beyond the *US – Shrimp* case. Acknowledging that there is “nothing in the DSU [that] specifically provides that the Appellate Body may accept and consider submissions or briefs from other sources than the participants and third participants in an appeal” the Appellate Body concluded that there is nothing in the DSU or Working Procedures that “explicitly prohibit” it from accepting these submissions or briefs (para. 39). Thus, the Appellate Body concludes that it has the authority to accept any information it deems relevant in an appeal, including *amicus* briefs.

The Appellate Body’s interpretation here is quite broad, especially as its interpretation results in a considerable expansion of its own authority – the ability to accept arguments and claims from non-members during appellate proceedings. Additionally, the United States’ support of its authority here coincides with the favorable briefs submitted to support their side. The European Communities rejection additionally correlates to an opposition to the content of the submitted briefs. So far, state arguments for or against *amicus* briefs have correlated with each states’ self-interest based on the content of the briefs. States had not opposed briefs that supported their arguments. This is a valuable piece of information regarding the external environment – Member-states were so far arguing for or against *amicus* briefs in relation to whether these briefs supported their claims or not. This provides evidence of division in the external environment, giving the Appellate Body strategic room to expand. The Appellate Body was not under threat of a consensus action against it from Member-states.

Additionally, the Appellate Body's expansion of non-member, third-party *amicus* briefs came directly after the meltdown in Seattle. The external environment was largely in disarray, with Member-states divided on the *amicus* issue and world opinion being vocalized against the limited access the WTO afforded to non-members, like NGOs. Being that the dispute settlement system and the Appellate Body are prominent components of the WTO, its decisions affect many people, the Appellate Body had an exogenous interest to enhance the legitimacy of the organization. It could again do so by pursuing its endogenous interests of fulfilling its mandate and clarifying disagreements in such a way that it also pursued its exogenous interests in legitimacy, expansion, and relevancy. Member-states had thus far been divided on the issue and the Appellate Body was simply applying the same logic, just to appellate rulings.

The Appellate Body again took up the issue of *amicus* briefs later in 2001 during the appeal in *European Communities – Asbestos*. In this case the Appellate Body not only reaffirmed its authority in accepting *amicus* submissions, but also set up its own procedures for non-members to submit briefs during appeals. The *US – Lead and Bismuth II* case evoked criticism of the lack of procedures for handling *amicus* briefs, yet there is no provision in the DSU that allows the Appellate Body to create its own procedures. This is a political decision designed to be left to the political organ of the WTO. However, the Appellate Body again is acting by managing its endogenous and exogenous interests. It is providing clarity to the dispute process in a manner than is expanding its own authority, making itself relevant to more actors, and strengthening its autonomy from Member-states (the Appellate Body could have easily asked the Member-states to clarify the issue since it was a political question).

The Appellate Body, in this case comprised of James Bacchus, Claus-Dieter Ehlermann, and Florentino Feliciano, explained its rationale:

We wrote to the parties and the third parties indicating that we were mindful that, the proceedings before the Panel in this case, the Panel received five written submissions from non-governmental organizations, two of which the Panel decided to take into account. In our letter, we recognized the possibility that we might receive submissions in this appeal from persons other than the parties and the third parties to this dispute, and state that we were of the view that the fair and orderly conduct of this appeal could be facilitated by the adoption of appropriate procedures, for the purposes of this appeal only, pursuant to Rule 16(1) of the Working Procedures²⁶, to deal with any possible submissions received from such persons. To this end, we invited the parties and third parties in this appeal to submit their comments on a number of questions” (*EC – Asbestos* para.50).

The result of the Appellate Body’s “Additional Procedures” was that 17 applications were submitted requesting the ability to file a brief in this appeal, a much larger number of briefs than had been submitted in any previous case combined (*EC-Asbestos* para. 55-56). However, the Appellate Body rejected all 17. Six applications were submitted after the deadline imposed by the Appellate Body (para. 55) and the remaining 11 were denied by the Appellate Body for “failure to comply sufficiently with all the requirements set forth in paragraph 3 of the Additional Procedure” (para. 56).

The Appellate Body pointed out in its report that both the United States and the European Communities agreed that the Appellate Body had the authority to accept

²⁶ The *Working Procedures* cited by the Appellate Body here, 16(1), explains that “where a procedural question arises that is not covered by these Rules, a division may adopt an appropriate procedures for the purposes of that appeal only, provided that it is not inconsistent with the DSU, the other covered agreements, or these Rules.”

amicus briefs during their oral arguments (which was a change in reasoning by the European Communities from earlier cases). However, the third-parties to the dispute - India and Brazil – disagreed (para. 76). Additional reaction against the Appellate Body’s decision on *amicus* briefs in *EC - Asbestos* came from many components of the external environment.

The group of developing country Members of the WTO (the Informal Group of Developing Countries) led by Egypt called a special General Council session to discuss the issue. Here, a near consensus among Member-states held that the Appellate Body did not have the authority to accept these briefs or to create its own procedures for accepting them, as this should be decided by Member-states. This meeting is characterized by former Appellate Body member Claus-Dieter Ehlermann, who was part of the Appellate Body that wrote this decision, as such:

The General Council of the WTO held a special meeting to discuss the Appellate Body’s action. During that lengthy meeting, with the exception of the representative of one (important) Member [the United States], all those who spoke criticized the Appellate Body’s decision. Objections ranged from total opposition to the argument to the idea that the *amicus curiae* issue is a matter to be decided by the Members to the notion that the Appellate Body had transgressed the boundaries of its competencies (Ehlermann 2003, 484).

Ehlermann’s characterization of the meeting is borne out by the available evidence of those state representatives present at the meeting and their official statements. According to one of the NGOs attempting to have its brief admitted, Pakistan’s representative called for the immediate resignation of the Appellate Body chair (Kazan-Allen 2000). Pakistan’s official statement after the Special Session read “while the Appellate Body was entitled to adopt its own working procedures, this decision of theirs went beyond an outreach activity, seeking information from individuals...not mandated by the DSU” (WT/GC/M/60 2000).

Several other members offered statements against the Appellate Body's decision to accept and create its own procedures for accepting *amicus* briefs. Hong Kong, China "registered strong disagreement" with the Appellate Body on this matter because "there was no provision in the DSU that explicitly provided for the Appellate Body to solicit, receive or consider *amicus* briefs, and the Appellate Body should not have relied on Rule 16(1) of its Working Procedures to adopt the additional procedure" (WT/DSB/M/103, 2001 para. 46). Additionally, Hong Kong reiterated the issue of legal and political entanglement at the Appellate Body arguing that "the question of *amicus* briefs submissions was a substantive and systemic issue which could affect Members' rights and obligations, and should only be decided by Members" (WT/DSB/M/103, 2001 para. 46). Hong Kong's argument was supported by India and the Philippines in the meeting to adopt the Appellate Body's decision (WT/DSB/M/103, 2001 para. 55 - 56).

While the General Council meeting was called by members of the developing world, it is important to reiterate that these complaints about the Appellate Body's actions in accepting *amicus* briefs were not limited to the developing world. As Ehlermann explained, nearly every representative who spoke, except for the United States, spoke against the Appellate Body's actions, including the EU. Canada's representative at the meeting, ambassador Sergio Marchi, argued that "the Members, not the dispute settlement system, should decide how the issue of *amicus* participation should be dealt with in the future" (Bridges 11/28/2000).

However, in the wake of *EC-Asbestos* the United States ambassador - the lone supporter of the Appellate Body's decision and "important" country - to the WTO issued a statement affirming the logic of the Appellate Body's decision:

Given that the Appellate Body has the authority to accept and consider amicus submissions, and given that a number of persons had either already filed, or expressed an interest in filing, amicus submissions, the AB did the only thing it could do. It adopted procedures to manage this issue in a fair, legal and orderly manner. It was merely managing a situation that already existed in the specific context of the asbestos dispute (*Bridges Weekly*, 11/28/2000).

Despite the United States' affirmation of the Appellate Body, the conclusion reached by the General Council's November 22, 2000 meeting was that the Appellate Body must exercise "extreme caution" in future cases dealing with *amicus* issues and specifically noted that this was a substantive issue that should be left to Members (*Bridges Weekly* 11/28/2000). India's ambassador to the WTO also pleaded that:

I consider the AB of the WTO to be the most powerful institution in the world, more powerful than the G-8. What the AB decides has commercial, economic, and social implications for 139 countries in the world. The power of the AB should be frightening to everybody, including the AB members themselves. The membership has created this powerful institution in good faith, in the expectation of common good for all. The membership has always shown well-merited deference to the AB. Is it too much to expect from the powerful AB to show deference to the feelings of almost the entire Membership that in accepting unsolicited amicus curiae briefs and seeking amicus curiae briefs, the AB is acting without mandate[?]" (Raghavan 2000).

Even Japan, one of the more neutral voices on the matter, asked that the Appellate Body move "cautiously" on the matter while Members reached an agreement (WT/GC/M/60 2001 para. 112).

Following this meeting, the Appellate Body again found itself the subject of debate during the Doha Ministerial meeting in 2001. Specifically, issues of "judicial lawmaking" in the WTO's dispute system "had been raised seventy-seven times by fifty-five members during the minutes of these negotiations (including mentions by the European Communities and the United States)" (Steinberg 2004, 256). While this

reiterates earlier complaints from Member-states, it came during a meeting meant to focus on agriculture trade and the developing world, which demonstrates that *amicus* briefs continued to be an important matter.

Non-governmental organizations also expressed admonition over the *EC – Asbestos* ruling in 2000. NGOs were vocal that they were still being shut out of the process just a year after they thought they had the ear of the body. A press release from the Center for International Law entitled “A Court Without Friends?: One year after Seattle, the WTO slams the door on NGOs” (2000), states “In the aftermath of Seattle, civil society will not accept inaccessible trade experts deciding in secret whether or not domestic policy measures to protect human health and the environment are compatible with international economic obligations.”

This press release quotes the political director of Greenpeace who stated that the Appellate Body had “not learnt the lesson from Seattle.” It additionally quotes the World Wildlife Foundation’s international adviser who said “We were encouraged by the WTO’s invitation as a sign that it might have finally got the message about the importance of civil society participation. To then be summarily refused without reasons shows gross indifference to the interests of our constituencies and lack of due process.” The press release concludes that

Appellate body has instructed its Members to observe principles of "basic fairness" but has proven itself incapable of honoring its own preachings. Its decision to deny the group’s request was swift but, without reasoning, appears arbitrary. Failing to provide adequate reasons for its refusal demonstrates a lack of procedural fairness that is not tolerated in democratic legal systems.

These thoughts are echoed outside of activists and interest-group NGOs. Former deputy United States Trade Representative and current trade lawyer Susan Esserman is quoted as saying “Seattle was supposed to be this wake-up call, but it’s amazing how little has changed since then” (Finer 2002, E01).

The Coordinator of the International Ban Asbestos Secretariat, an *amicus* submitter in *EC-Asbestos*, wrote that “[p]ublicly the WTO was becoming more responsive and transparent; privately, the imposition of the new system was tailor-made to manage unwelcomed interference by non-members this exclusive club of 139 national governments” (Kazan-Allen 2000). The heart of this complaint comes down to the Appellate Body’s seeming authority to accept *amicus* briefs, yet its refusal to actually rely on them once submitted. Kazan-Allen describes the Additional Procedures for the submission of *amicus* briefs as “deliberately stringent.” The IBAS’s concluding remarks outline that if the Appellate Body will not accept their briefs, other organizations and supporters should send them directly to the Appellate Body members and to “bombard the press with information about the WTO’s total disregard for the millions of victims of asbestos disease worldwide and its lack of concern for the environment, public health and safety.” This is certainly not the approving response of an organization celebrating victory.

These responses show that the Seattle protests were seen by NGOs and international civil society that the WTO had heard their criticisms and were open to addressing them. They additionally demonstrate the forcefully negative reactions to the Appellate Body’s subsequent decision to exclude these *amici* submissions in this particular case. Even though the Appellate Body had affirmed its authority to accept *amicus* briefs, it was still excluding them from the process and not using them in

reaching their conclusions. However, as Kazan-Allen's statement above notes, public perception had changed to see the WTO as becoming more accessible, but NGOs were now criticizing its procedures that governed *amicus* briefs because they thought they were unnecessarily stringent.

The external environment of the WTO is thus divided on this issue. While there has been criticism from a plurality of Member-states, the consensus needed for any kind of political action to restrain the Appellate Body has not been achieved. The quotes and notes from the various meetings and councils following the fallout over *amicus* briefs shows that while many Member-states criticized the action, they could hardly agree on what to do about it, with many saying they should do nothing. Additionally, while *amicus* briefs provide NGOs with more access, even they have criticized the Appellate Body for allowing them in principle, but tossing them out on exclusionary rules. If the Appellate Body's accepting of *amicus* briefs reflects an endogenous interest – it clarifies a dispute over the DSU in a way that provides predictability to the dispute resolution process – its restraint in never actually accepting any of them, again, reflects its exogenous interests. The Member-states had expressed criticism, but not political action, while the public had reason to see the WTO as more transparent and accessible, but still too restrictive. Actually including these controversial briefs in the reasoning found in Appellate Body reports might be enough to instigate this political reaction from Member-states, but allowing *amicus* briefs to be submitted still allowed for the image of accessibility. So, the Appellate Body has reached a decision that balances its exogenous and endogenous interests in a way that forwarded both, without skewing toward an extreme toward either. Its

reasoning on *amicus* briefs makes sense when understood through the exogenous-endogenous framework.

Member-states admonished the Appellate Body to use “extreme caution” in future dealings with *amicus* briefs. Even though the “Additional Procedures” explicitly created by the Appellate Body to deal with the *EC – Asbestos* case, *amicus* briefs continued to be an issue in appeals. A 2002 appeal of a panel ruling between the United States and European Communities, *US – Countervailing Measures*, was the first case since *EC – Asbestos* that featured the known submission of an *amicus* brief. The President and CEO of the American Iron and Steel Institute submitted the brief. The European Communities issued a statement arguing that the brief should not be considered when the Appellate Body invited each participant to “address the [*amicus curiae*] brief” (para. 10). During this time another case involved an *amicus* controversy. In *Thailand – H-Beams* a United States industry group submitted an *amicus* brief (the United States was a third-party to the dispute) in which Thailand not only argued the brief should be dismissed, but argued that the brief had possession of confidential information found only in Thailand’s brief (*Thailand – H-Beams* 2000, para. 64).²⁷

²⁷ The violation of confidentiality with this *amicus* brief suggests that the United States was potentially giving the confidential information to non-member third-parties to use in *amicus* briefs. This situation added a new complexity to the discussion as the presence of *amicus* briefs was alleged to have undermined the previously confidential process where only Member-states participating in disputes would have access to such information. This contributed to the consternation of several Member-states over the acceptability of *amicus* briefs, especially Thailand.

While the Appellate Body had come under continued attack by Member-states regarding the *amicus* issue, the body almost immediately saw two cases featuring *amicus* submissions, and the Appellate Body continued to argue it had the authority to accept them. The Appellate Body has an endogenous interest here: not only is the Appellate Body entrusted to provide clarity, which they had done in previous rulings, but predictability. For the Appellate Body to reverse its decisions in the face of external pressure would have undermined its endogenous interest in making the trade system predictable; the body had to follow previous decisions to foster predictability. However, this was not designed to come at the expense of exogenous interests, legitimacy and relevancy here, as the Appellate Body encouraged Members party to the disputes to air their opinions on the *amicus* brief submitted, then the body subsequently ignored the brief.

Additionally, a 2002 case in front of the Appellate Body introduced another dimension to the *amicus* brief issue. In *EC – Sardines*, the Appellate Body received an *amicus* brief from an undisclosed individual, as well as from a Member-state, the Kingdom of Morocco. While Member-states may participate as third-parties, Morocco had opted not to participate in the dispute as a third-party, thus making it the first Member-state to file an *amicus* submission. This is an important distinction as Member-states not involved in the dispute do not participate in the process and do not have access to the arguments and briefs of the participating countries. Therefore, Morocco attempted to use the Appellate Body's previous acceptance of *amicus* briefs to participate in the decision when it had not gone through the process as a third-party participant. Colombia had chosen not to participate as a third-party during the panel

stage, but later wanted to participate during the appeals stage and was denied, further compounding the issue (Bridges Weekly 10/31/2002).

Peru, Chile, Ecuador, and Canada agreed that the *amicus* briefs should be rejected in this case. Peru argued that the acceptance of *amicus* briefs circumvented the DSU, and Canada joined in noting that Member-states are obliged to participate as third-party participants if they have a stake in the outcome of a case (*EC – Sardine* para. 65, 103). For these states, allowing even a Member to submit an *amicus* brief would cause the breakdown of the DSU and allow certain states to receive more favorable treatment, especially in this case since Colombia was barred from participating after initially declining, yet Morocco was allowed to submit a brief. Ecuador said that the Appellate Body was “preoccupied” with *amicus* submissions even though it knew this was a contentious subject amongst Members (Bridges Weekly 10/31/2002). However, the United States issued a statement again affirming the Appellate Body’s authority to accept *both* briefs if it so chose. The European Communities joined the United States in affirming this authority during oral hearings (para. 130, 155).

The Appellate Body agreed, stating “We have the authority to accept *amicus curiae* briefs” (para. 157). In this case, the Appellate Body took this one step further by applying this authority to *amicus* briefs submitted by Member-states, arguing that “we are entitled to accept such a brief from a WTO Member, provided there is no prohibition on doing so in the DSU. We find no such prohibition” (para 164). This case thus reflects another expansion of Appellate Body authority as well as a confirmation of the predictability of the dispute settlement system. The Appellate Body could not be consistent by denying its authority to accept *amicus* briefs, but by

accepting the brief here it had additionally affirmed its expanded authority. The Appellate Body also provided an explanation regarding the difference between a legal right and its discretionary authority. The Appellate Body report notes that Members have a legal right to participate in an appeal, whereas *amicus* submissions have no legal right and are only relevant if the Appellate Body deems that they would assist in the appeal, which the Appellate Body considers part of its legal authority to determine (para. 166). Yet, the Appellate Body chose not to factor in either brief in its decision-making.

The following year, negotiations took place to examine possible improvements to the DSU during a special session of the Dispute Settlement Body. The negotiations didn't lead to a solution, but plenty of Member-states voiced their opinions. The United States and the European Communities had both proffered variations of proposals for negotiations that would address a procedure for the acceptance of *amicus* briefs at the appellate level, other countries' proposals were less favorable to *amicus* briefs, though consensus wasn't nearly reached for any of proposal.

Mexico, Chinese Taipei²⁸, and Malaysia noted that they disagreed with the Appellate Body's acceptance of *amicus* briefs, but also didn't feel Member-states needed to adopt new measures controlling them, allowing the issue to rest with the precedent the Appellate Body had already set on the matter (TN/DS/M/7 2003 para 7-8; TN/DS/M/6 2003 para. 59). Japan agreed to allow *amicus* briefs if certain conditions were met, namely that states would have ample time to respond to them *and* that these briefs wouldn't slow the dispute process. While these countries

²⁸ This is how Taiwan is referred to in the WTO.

disagreed or were tepid on *amicus* submissions, they did not demand drastic or urgent changes.

Though India, Switzerland, Jordan, Hong Kong, and Costa Rica adamantly disagreed with the entirety of the Appellate Body's decisions on this matter and felt it had "exceeded its mandate" (para. 10), China felt the intergovernmental character of the organization was weakened (TN/DS/M/5 2003 para. 15); Norway argued the Appellate Body should not be making the decision on this issue (TN/DS/M/1 2002 para. 32); and Cuba, Honduras, India, Pakistan, Malaysia, Sri Lanka, Tanzania, and Zimbabwe joined in proposing an amendment to the DSU specifically banning *amicus* briefs (TN/DS/M/5 2003). Nothing was changed at the end of these negotiations on the dispute system, despite the intensity of the arguments. Instead, the report from the Chairman, Peter Balas, on this special session listed *amicus* briefs as being among "proposals by Members [that] could not be included in the Chair's proposal in the absence of a sufficiently high level of support" (TN/DS/9, 2003, para. 6). Thus, a political solution by Members states over the *amicus* issue failed to launch, even during negotiations specifically concerning the dispute process. This, then, leaves the Appellate Body's argument intact and the current policy.

It is clear that the United States supports the Appellate Body's decision-making on *amicus* briefs, though it appears to be the only country so consistently vocal in favor. Therefore, there is contention within the ranks of WTO members over the acceptability of what the Appellate Body has decided as well as how the situation should be remedied, if at all. There is a plurality of the WTO membership siding against the Appellate Body's interpretation of the DSU on this issue, though. Member countries from the developing world to the European Union have at different times

criticized the Appellate Body's reasoning regarding *amicus* briefs. The external environment exhibits division. The Appellate Body is protected from formal correction as long as the Member-states remain divided, yet a move too extreme could unite them.

The next appellate ruling involving *amicus* briefs came in 2005 during a dispute between Mexico, the appellant, and the United States, the respondent. *Mexico – Soft Drinks* introduced another new dynamic into the *amicus* brief issue amongst WTO members and the Appellate Body. The lone *amicus* brief was submitted by the National Chamber of the Sugar and Alcohol Industries of Mexico,²⁹ a Mexican interest group promoting a “profitable and sustainable” sugar cane industry in Mexico. According to the Appellate Body's report, during the oral hearing³⁰, Mexico's council stated that it would not object to the Appellate Body accepting the *amicus* brief submitted during this dispute. In the same oral hearing, the United States argued that while the Appellate Body “had the authority to accept the brief,” the brief was submitted too late in the proceedings and therefore the Appellate Body should throw it out. If the brief presented arguments beyond what Mexico's brief did, then the United States couldn't have the time or knowledge to respond to it (*Mexico – Soft Drinks* fn. 21). Therefore, the United States' council argued that the Appellate Body should not accept this particular *amicus* brief, though it still had the right to accept *amicus* briefs more broadly.

²⁹ Translated from “Camara Nacional de las Industrias Azuacerra y Alcoholicas”

³⁰ Oral hearings were, at this point, private and thus the Appellate Body's report is relied upon for describing what transpired between the appellant and appellee.

The handling of *amicus* briefs by the states involved appears contradictory compared to earlier dealings. As discussed above, Mexico joined the European Union in complaining that the Appellate Body did not have the authority to accept *amicus* briefs, yet in this case Mexico finds the practice acceptable, or will utilize the practice regardless. Presumably, the United States would require the brief to be submitted earlier in the process, allowing the US to respond. Or perhaps the US simply wanted to use any legal solution available to strike any argument that might weaken their case (and indicates the influence *amicus* briefs might have if states are demanding their rejection even though the Appellate Body had not relied on one during a ruling). Therefore, while the Appellate Body had received strong criticisms over its interpretation of its ability to accept *amicus* briefs, this criticism, in practice, was tentative.

Another significant development concerning *amicus* briefs arose during a 2012 dispute between the United States and Indonesia. Not only did the Appellate Body receive a large number of *amicus* briefs, nine in sum, but they also received unsolicited correspondence from another international organization, the World Health Organization. The WHO's letter offered "guidance" to the Appellate Body as it claimed the issue at the center of the dispute also fell under its mandate and they too had a stake in its outcome. While this isn't an *amicus* brief in the traditional sense of a legal argument being sent on behalf of a position, it is treated very similarly in that it was unsolicited participation by a non-member in an Appellate Body dispute. Additionally, the Appellate Body affirmed its ability to accept such advice from the WHO if it chose (as it says about *amicus* briefs) and also asked the participating Member-states for their views on the matter (as it often does with *amicus* briefs) and

then declined to rely on the WHO's assistance after affirming its authority to accept them (as is often the result of *amicus* briefs). Thus, this case represents another expansion of Appellate Body authority through its unilateral acceptance of *amicus* briefs by extending it to other international organizations that have a policy stake in the outcome of their rulings.³¹

The most recent cases involving these briefs – the first since 2007 - were *US – Clove Cigarettes* (2012) and *US – Tuna II (Mexico 2012)*. *US – Clove Cigarettes* featured briefs from the Campaign for Tobacco-Free Kids, the American Academy of Pediatrics, the American Cancer Society, the American Cancer Society Cancer Action Network, the American Lung Association, the American Medical Association, and the American Public Health Association. *US – Tuna II (Mexico)* featured *amicus* briefs from the Humane Society of the United States, Humane Society International, Washington College of Law, and the American Society for Testing Materials, and Professor Robert Howse of New York University Law School. While these cases involved the United States, and thus domestic interest groups in the United States would have a much larger interest in the outcome of the decision, it is important to note the distinct American flavor of these *amicus* briefs. Not only has the United States been the most vocal proponent of allowing *amicus* briefs, but developing countries have also been the most vocal opponents of them. Additionally, as discussed above, Member-state support for *amicus* briefs in each case has often correlated to the home state of the briefs in question, and with so many coming from the United States this might be the reason for their position, which, again shows that the external

³¹ Considering the result of the *Shrimp/Turtle* case, this would not represent the first time the Appellate Body had considered non-trade components in appeals.

environment was not close to any type of consensus political action to reign in the Appellate Body.

Since the Appellate Body's first acknowledgement and acceptance of *amicus* briefs, they have continued to be submitted to Appellate Body proceedings up until this writing, Members states have continued to utilize the dispute body, and have not corrected the practice by amending the rules. Yet, the Appellate Body has not gone further in its handling of the issue, continuing to rely on the same procedures that led to the major controversy and special General Council meeting, but not explicitly relying on these briefs in the final rulings. This indicates that while the Appellate Body has not reversed itself due to outside pressures, it has also not expanded the role of *amicus* briefs by utilizing one in a decision. Additionally, international lawyer Robert Howse has praised the Appellate Body's handling of the *amicus* issue, writing that the Appellate Body "has continued to insist it has the discretion to consider *amicus curiae* briefs" and it has "forcefully asserted the precedential weight that panels are to attach to AB rulings, which comes close to *stare decisis* [...] and I think making dispute settlement more certain and secure." (*Virginia International Law Review Symposium* April 12, 2012). Howse's praise can be translated to say that the Appellate Body has reached a balance between its endogenous and exogenous interests – it has established *stare decisis* and the dispute settlement system without going so far as to cause Member-states to take political action.

Summary of Analysis

Why would the Appellate Body wade into a controversial decision on behalf of *amicus* briefs, a procedure entirely missing from the Dispute Settlement Understanding that the Appellate Body is supposed to interpret? And why, after it had

waded into these controversial waters, did it never utilize an *amicus* brief in its final reports? The interpretation of the actions, timing, and textual evidence presented above shows that the Appellate Body balanced interests derived from its internal and external environment. What balancing means is that the actions of the Appellate Body here simultaneously pursued both endogenous and exogenous interests but neither more strongly than the other. The Appellate Body pursued its endogenous interests in fulfilling its function of settling disputes and it provided clarity and predictability, all in a way that expanded the Appellate Body's authority and enhanced its relevancy and legitimacy to non-members.

Yet, it did not go further. Despite many criticisms of its actions, Member-states were never able to achieve any sort of serious consensus to "re-contract" the Appellate Body and limit its authority or autonomy or otherwise re-define the role of the Appellate Body. Criticisms were frequent and many Member-states used any platform afforded to them to criticize the Appellate Body, but, again, while criticisms were frequent a serious coalition behind a proposal to amend the DSU never emerged. The Appellate Body never pushed the issue further to create an impetus for such a serious coalition, either. The Appellate Body has never relied upon an *amicus* brief in its reports. The Appellate Body has consistently asserted its interpretation that it may accept *amicus* briefs and consistently ignored them once submitted. Thus, the Appellate Body balanced its exogenous interests with its endogenous interests and its stakeholders have tolerated the action by continuing to utilize the Appellate Body and dispute panels and haven't corrected or clarified the policy through their political channels.

To help solidify the above analysis, an alternative theory is examined in the following subsection. Principal-agent theorists, those who focus on the external environment almost exclusively, have a lot to say about international tribunals, including the dispute bodies of the WTO. I will examine the principal-agent argument and how it would explain the *amicus* brief case and how it is less than convincing.

Other Arguments

There are other plausible explanations for the actions taken by the Appellate Body in this case. These are addressed to identify whether they better explain the behavior of the Appellate Body and whether the understanding of interests adds to an understanding of the Appellate Body's behavior. The main argument comes from principal-agent theorists whose arguments were assessed in Chapter 2. As the Appellate Body is a juridical body it is a prime case for a principal-agent analysis: the body is delegated authority and independence from principal states to achieve a particular task, while principals retain formal control over the organization. Yet, as this section will show, there are some difficulties in the principal-agent account of juridical actions, particularly with regard to the Appellate Body. The other argument discussed in Chapter 2 came from the bureaucratic culture camp. This is less fruitful ground for them as it is difficult to construe the Appellate Body as a bureaucracy. However, their arguments are addressed in subsequent cases.

The fundamentals of the principal-agent argument are that an agent is afforded autonomy in the relationship and if not closely monitored will shirk (do things it isn't supposed to). Based on the behavior of the Appellate Body and the reaction from Member-states, its principals, principal-agent theorists would view the Appellate Body as a shirking agent who is made to work (do what it is supposed to) again after its

principals bring it back in line. In fact, principal-agent theorists conclude that an explanation for the behavior described in this case is because of “the ongoing review of the DSU to rein in the AB” (Cortell and Peterson 2006, 278). In principal-agent terms, the principals, unhappy with the behavior of the agent, are seeking to reign in the shirking agent by formally modifying its charter and placing more restrictions on its autonomy. In this case, that would mean the decision to accept *amicus* briefs would be removed from the hands of the Appellate Body.

However, as the authors admit, this is unlikely as this would require all member-states to agree on a policy change (Cortell and Peterson 2006, 278). While this is part of the analysis above, it doesn’t by itself explain why an agent would shirk in the first place, nor does it, alone, explain why an agent would voluntarily constrain itself. As the evidence presented here shows, the thrust of Member-states’ proposals during the 2003 reform talks were about clarifying *amicus* participation, not of further constraining the Appellate Body beyond this clarification. Its autonomy and independence would not be removed or limited beyond this. Therefore, the Appellate Body’s decision to self-constrain its use of *amicus* briefs has a very similar effect as the one the authors argue it is attempting to avoid – its ability to make the decision on the acceptability of *amicus* briefs. Nothing would change for the Appellate Body if states managed to agree on a clarification for *amicus* briefs, yet it is behaving far more conservatively than these stakes would dictate. What principal-agent theorists don’t consider are the internal interests of the organization that motivate the behavior of the organization against its external environment. The Appellate Body is tasked with not only competently handling appeals to disputes, but to clarify confusion about the DSU in a universalizing way. Seen from this angle, the Appellate Body’s acceptance of

amicus briefs is not shirking because the principals aren't paying enough attention, but a deliberate attempt to forward the goals of the organization, both internally and externally.

There are additional difficulties with applying a principal-agent approach to this case. The first difficulty is that it does not mesh with Karen Alter's account of the difficulty states face in re-contracting international tribunals.³² Alter reaches opposing conclusions regarding the ECJ, where she cites the difficulty principal-states have in reaching a consensus for reigning in the court as a reason for the ECJ's ability to expand its scope. Yet, Cortell and Peterson cite this as a reason for the Appellate Body to voluntarily limit itself on the *amicus* issue. This is an important contrast because Alter is essentially employing the same principal-agent explanation these authors are. In the same edited volume on principal-agent theory, Alter contributes a chapter opening with "international courts clearly fit the paradigm of delegation examined in this volume" (Alter 2005, 312). She even mentions in passing the WTO's *amicus* case as an example of an international adjudicative body being able to expand its scope because of the difficulty of principals reaching a consensus. She writes that while principal-states were upset with the WTO's Appellate Body accepting *amicus* briefs the Appellate Body did not fear a reversal of this decision because principals have too difficult of a time reaching a consensus – it would take only one state to obstruct a consensus vote (Alter 2005, 325). This is nearly the opposite conclusion reached by Cortell and Peterson, who argued that this infighting between member-states is what led to the Appellate Body's sudden conservative tenor on the issue.

³² Alter has also identified with the principal-agent theorists and her analysis features many similarities to the principal-agent rationale without the technical language.

This problem with principal-agent explanations goes back to Chapter 2 where it is criticized as tending toward *post hoc* rationalizations. In these two instances, two scholars have looked at similar cases, even the same case, and reached relatively contradictory conclusions by following the prescriptions of principal-agent theory. In this case, the Appellate Body opted not to move forward with accepting *amicus* briefs because, as Cortell and Peterson tell it, the member-states (principals) were unhappy and mobilizing to constrain the Appellate Body (agent), yet this is the exact reason Alter identifies in explaining how agents expand their powers. In these instances, that disgruntled principals that can't cobble together a consensus on an agents' actions is both the reason for the agent's constraint (Cortell and Peterson) and the reason for the agent's expansion (Alter).

These conflicting conclusions presented by principal-agent theorists indicate that we need a better accounting of the interests driving the actions of organizations which goes beyond the relationship an agent has with its principal-states. There is perhaps more to the story; that by understanding how interests in organizations lead to their actions we can better understand the behavior of organizations. To actually understand and explain what is happening in these situations we need to account for the internal environment of these organizations and how these interests mesh with the external environment in which these organizations operate.

Lastly, another alternative perspective offers that the Appellate Body's acceptance of *amicus* briefs is an inconsequential event, epitomized in Petros Mavroidis's "Amicus Curiae Briefs at the WTO: Much Ado about Nothing" (Mavroidis 2002, 317). His conclusion that *amicus* briefs are inconsequential reasons that NGOs and other non-members are free to write op-eds in widely read publications

like the *Financial Times* or the *Economist*, which the Appellate Body members ostensibly read, so it makes little difference if the briefs go to the Appellate Body or go to a public outlet. Thus Mavroidis can then respond to the strongly worded complaints from Member-states about non-members being granted access to an exclusively Member-state process was hyperbolic.

However, Member-states distressed by the acceptance of *amicus* briefs specifically argued that their complaints were that the Appellate Body was acting politically and making decisions that were meant to be left to the political organs of the WTO. An encapsulating example is the General Council of the WTO's report on the *amicus* issue that concluded the Appellate Body should use "extreme caution" in future cases dealing with *amicus* submissions, specifically because it was an issue that should be left to Member-states (WT/GC/M/60 2001, 28). Mavroidis concedes this complaint to be valid (Mavroidis 2002, 324). Mavroidis further concludes: "Its initiative however, did give the WTO a momentary (it seems) new lease of life: some eyebrows were raised and people beyond government circles noted with interest that the WTO does not want to live in clinical isolation from the rest of the world anymore" (329). This is a significant consequence of the Appellate Body's actions: the Appellate Body made decisions informed in part by interests outside of a precise legal interpretation of the DSU. Such a conclusion is thoroughly in line with the analysis above in that the organization responded strategically to its external environment in conjunction with its internal desire to clarify the dispute settlement process when it is challenged.

Conclusion

The actions of the Appellate Body in their gradual acceptance of *amicus* briefs during disputes at both the panel and appellate level as well as the Appellate Body's subsequent refusal to actually use an *amicus* brief is not explained by adherents to principal-agent theory. Principal-agent theory focuses exclusively on the external environment, the principals, of an organization, and explains the behaviour of the organization entirely in terms of what the principals do or want. What this fails to address is the internal environment of the organization. The analysis above argues that there are endogenous interests that emerge through the internal environment of the organization. These endogenous interests are most simply the advancing of the stated goals of the organization. Combining these endogenous interests with the exogenous interests organizations have vis-à-vis their external environment provides a convincing explanation of the Appellate Body's behaviour here: The Appellate Body simultaneously forwarded the goals of the organization, but tempered the breadth of its actions so as to not evoke a response from its external environment that would undermine these goals.

The Appellate Body had endogenous interests in resolving the disagreement over *amicus* briefs and clarifying the language in the DSU that led to disagreements between Member-states. The Appellate Body did so in a way that expanded its power against its external environment and additionally did so in a way that enhanced its relevancy and legitimacy, particularly with NGOs. Coupling these interests together provides an explanation of why the Appellate Body chose to interpret the DSU in such a way as to expand its own authority – that it had the right to accept unsolicited *amicus* briefs from non-members, even though none of this is mentioned in the DSU. Additionally, after the criticism levelled against the organization by Member-states,

including the various meetings and statements issued condemning the Appellate Body's legal reasoning, the Appellate Body refused to accept or utilize an *amicus* brief as part of its final reports, though, the Appellate Body continued to assert that it had the authority to do so.

The exogenous-endogenous framework helps us understand this. The Appellate Body's decision-making on this issue enlivened its external environment. However, despite criticisms, a consensus to make a policy change that would rebuke the Appellate Body still did not exist. Additionally, the Appellate Body had an endogenous interest in making the dispute process predictable. Therefore, the Appellate Body subsequently affirmed that amicus briefs could be submitted and that it had the authority to hear them, which lends to the predictability of the process, but continued to refuse to rely on or cite an amicus brief in its final report. Had the Appellate Body pressed on and began relying on amicus briefs, the reaction of their external environment could have reached the consensus-level.

Chapter 5

BOUTROS BOUTROS-GHALI AND AN AGENDA FOR PEACE

*The definition of the U.N. secretary-general's role is far from precise. The U.N. Charter identifies the secretary-general as "the chief administrative officer" of the United Nations, permits him to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security," and instructs him to perform those functions entrusted to him by U.N. organs, but it leaves much about the position a mystery. This is not a liability but an asset. The leeway the language of the charter provides is essential if the United Nations as a whole, and the secretary-general in particular, are to deal effectively with the rapidly changing complexity of human and international affairs. –Boutros Boutros-Ghali, "Global Leadership after the Cold War," *Foreign Affairs**

Introduction

Boutros Boutros-Ghali was selected to be the Secretary-General of the United Nations beginning in 1992 and went on to earn the unenviable distinction of being the only Secretary-General in United Nations' history to have his nomination for a second term vetoed by the Security Council. Like the other cases examined in this dissertation, the office of the Secretary-General is an independent, influential office and provides an opportunity to glean how its interests affected its actions. This chapter will focus on Boutros-Ghali's approach to post-Cold War peacekeeping, summarized in his *An Agenda for Peace*, a policy outline for handling humanitarian crises. In the wake of the collapse of the Soviet Union and the ushering in of a new era, humanitarian crises emerged as one of the most salient issues of the time. No longer would Soviet-American politics define the international system, but crises such as ethnic violence and war in Yugoslavia and Rwanda, the Somali civil war, the UN sanctioned use of force against Iraq, and the UN enforced cease fire in Cambodia dominated headlines and world attention.

The United Nations and Boutros-Ghali were largely at the center of these humanitarian issues. Not only was the United Nations turned to as a problem-solver, Boutros-Ghali was specifically commissioned by the United Nations Security Council to outline the UN's policy on responding to these issues. The Security Council's "Summit Statement Concerning the Council's Responsibility in the Maintenance of International Peace and Security" stated "The Secretary-General is invited to prepare recommendations for strengthening U.N. preventive diplomacy." Boutros-Ghali's recommendations, *An Agenda for Peace*, became a focal point for disagreement as many Member-states, especially with the United States, found themselves struggling with how to deal with intervention and humanitarian crises. The disagreements between Boutros-Ghali and Security Council members over this issue eventually led to the unprecedented veto of his nomination for a second term. The following case examines the tension surround Boutros-Ghali's approach to post-Cold War peacekeeping, including his *An Agenda For Peace*, through the lens of the exogenous-endogenous framework. The veto of Boutros-Ghali's nomination is indicative of the contention at the heart of this case and makes this case unique in outcome from the others due to his formal rebuke.

An analysis through the exogenous-endogenous framework does not expect that a perfect equilibrium between interests will be produced, leading to universally successful action for IOs. It contends that both exogenous and endogenous interests will together produce the policy action of the organization. This case is unique since Boutros-Ghali's term ended with such a formal rebuke of his leadership. How would exogenous and endogenous interests interact in such a way as to produce action that contravened state interests in such a manner that states responded with formal rebuke?

The particular challenges to this case are that alternative explanations for the Secretary-General's actions are unique to Boutros-Ghali himself. Alternative explanations for Boutros-Ghali's denial of another term are rooted in the individual style of leadership each Secretary-General brings to the organization. Many scholars assess how the individual leadership styles of Secretaries-General affect their policies and success (Jones 2005; Kille 2006; Chesterman 2007; Haack and Kille 2012). For example, Boutros-Ghali's failures are elsewhere chalked up to his leadership style of being a "pompous pharaoh" who agitated powerful Member-states (Adebajo 2007, 141). The concluding section to the analysis will assess how the exogenous-endogenous framework can contribute to these explanations of how Boutros-Ghali's term ended in such dramatic failure.

The Internal and External Environments of the United Nations Secretariat

The exogenous-endogenous framework proposes that the external and internal interests within IOs affect one another resulting in the decisions and behavior of the IO. This section will establish the external environment of the United Nations Secretariat and which exogenous interests are evident. This section will also identify the internal environment of the United Nations Secretariat and its associated endogenous interests.

External Environment and Exogenous Interests

The external environment of the Secretary-General and Secretariat is comprised of the collective membership of the UN (including the permanent five Members of the Security Council, the Security Council members, and blocs such as the G77 developing countries); the media; and world events. World events play an

important part in this case, as Boutros-Ghali's term began during an uncertain time in world history. The Cold War had ended and humanitarian and peace-keeping issues crept to the fore. These events are important for understanding the external environment as they oriented Member-state desires, media attention, and other actors' responses. As quoted in Chapter 2, "the organization has to develop an agenda, map its environment, manage relationships with both allies and enemies, and negotiate effectively" (Bolman and Deal 2001, 229). The organization's exogenous interests identified in Chapter 2 of relevancy, autonomy, expansion, and legitimacy are contrasted against the backdrop of the external environment Boutros-Ghali navigated.

Internal Environment and Endogenous Interests

The internal environment of the Secretariat is unique compared to the previous case in that this is a Secretariat with an executive head rather than an adjudicative body. Although the office of the Secretary-General comprises one person, the entire body is made up of many people and departments whose culture as an organization, its advice, and interpretations all affect the Secretary-General. The structure of the Secretariat is important for the purposes of examining the internal environment. The members of the office are responsible for briefing the Secretary-General on issues and undertaking tasks at his discretion. Its composition and how it undertakes its tasks can affect endogenous interests. But, as the chief decision-maker, Boutros-Ghali will be the focus in this analysis.

The Secretariat's endogenous interest of fulfilment can be gleaned from the Charter of the United Nations. The Charter arranges for the Secretary-General to be the "the chief administrative officer of the Organization" in Article 97. The Secretary-General is "entrusted" to perform any other functions given by the Security Council,

the General Assembly, and the Economic and Social Council. Therefore, directives to the Secretary-General from these organs become endogenous interests. Additionally, Article 99 says “The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”³³ Lastly, Article 100 stipulates the independence of the office of the Secretary-General and staff. Article 100 of the United Nations Charter states:

1. In the performance of their duties of the Secretary-General and the staff shall not seek to receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Taking both sections of Article 100 together shows the office’s neutrality is an endogenous interest.

In addition to the specific provisions directed toward the office of the Secretary-General, the office also embodies the Charter and United Nations itself. The UN Preparatory Commission issued a report in 1945 explaining the purposes and the role of the Secretary-General, stating “the Secretary-General, more than anyone else, will stand for the United Nations as a whole. In the eyes of the world, no less than in the eyes of his own staff, he must embody the principles and ideal of the Charter to which the Organization seeks to give effect” (United Nations Preparatory

³³ The specific understanding of what this means will be clarified in Section 3 by examining how Secretaries-General have managed this in practice.

Commission, 1945).³⁴ Chapter 1 Article 1 of the Charter outlines the four principal purposes of the United Nations: “to maintain international peace and security,” “to develop friendly relations among nations based on the respect for the principle of equal rights and self-determination of peoples,” “to achieve international co-operation in solving international problems of economic, social, cultural, or humanitarian character” and “to be a centre for harmonizing the actions of nations in the attainment of these common ends.” The Charter itself constitutes an important component of the internal environment and source of endogenous interests. Therefore, the Secretary-General has a broad array of endogenous interests, from the specific directives of the major organs, to the Secretary-General’s determination of what might threaten peace and security, to upholding the independence of the Secretary-General’s office.

Beyond the literal words of the Charter, the way past Secretaries-General have interpreted and applied these words contribute to our understanding of the functioning of the office. This demonstrates an endogenous interest in clarity; ambiguities or disagreements over the meaning or role of the organization need to be resolved. Boutros-Ghali’s quote in the epigraph refers to how Secretaries-General have played a role in interpreting the specific powers in their office, often in a way that increases their office’s influence. In order to provide context for the case study of Boutros-Ghali’s tenure, how the Secretary-General has interpreted the Charter and operated in practice before Boutros-Ghali took office is outlined in the next section.

Lastly, as the executive head of the organization and its Secretariat, the Secretary-General has an endogenous interest in agenda-setting. The issues that the

³⁴ This is a hyperlink to the UN Archives’ document of the report.

Secretary-General chooses to advance, even through the Secretary-General's Article 99 authority to bring matters threatening peace and security to the Security Council, shapes on which issues other actors will focus their attention. The Secretary-General also has the use of the "bully pulpit" to speak with one voice and highlight other issues they wish to be heard.

The Role of the Secretary-General

The United Nations is too massive and subdivided by issue-area to study as a single entity here. Yet, the Secretariat, including its Secretary-General, is ripe for analysis. The main reason is the office of the Secretary-General's ability to make independent, political decisions (Trinh 2007, 104). The forthcoming section will explain how Secretaries-General have understood the relevant language of the Charter, how they have implemented their interpretations in practice, and how Member-states (particularly the permanent members of the Security Council) have accepted or contested these interpretations.

To begin, the Secretariat is one of six principal bodies within the UN. They are: The Secretariat, the Security Council, the General Assembly, the Trusteeship Council, the International Court of Justice, and the Economic and Social Council. The Secretariat is unique in this context as it is "international" in nature, as opposed to the other bodies which are "intergovernmental" in nature, which is meant to protect the Secretariat from national loyalties (Gordenker 2010, 8). The creation of the UN's Secretariat was inspired by the legacy of the secretariat of the League of Nations, which called for an international civil service, modelled on traditional national civil services, that could help manage the difficulties that arose from the international system (Gordenker 2010, 6).

The Charter's terse nature has lent ambiguity to the exact role and authority of the Secretariat. The Charter's discussion of the Secretariat amounts to five short Articles detailing its role and authority, which is vested in the Secretary-General. Despite the brevity of the Charter, the Secretary-General has an important role. The Preparatory Commission of the United Nations catalogued six "principal functions assigned to the Secretary-General, explicitly or by inference, by the Charter," namely functions of general administration, technical functions, financial functions, political functions, representational functions, and the organization of the Secretariat (Report of the Preparatory Commission of the United Nations, 1945). The Secretary-General was not meant to be a mere administrator, but the Charter specifies little in the way of explicit directives or lists of authorities.

For being such an integral position to the United Nations, "the founders were unable, or unwilling, to describe it any detail" beyond the five short Articles in Chapter XV (Gordenker 2013, 6). The ambiguity of these Articles, largely due to their brevity, has been clarified in practice. The following section will show how previous Secretaries-General have interpreted their roles in light of this ambiguity, how these interpretations were accepted as precedent, and will thus clarify the capabilities of the office that is the subject of this case.

The Role of the Secretary-General in Practice

It is important to clarify how the Secretaries-General have understood the UN Charter. Ian Johnstone argues that legal interpretations have expanded the capacity and influence of the office, writing "vague mandates and considerable delegated authority[...] require the SG to exercise broad discretion in interpreting and implementing SC resolutions, and the UN Charter and associated law" (Johnstone

2003, 454). Bailey and Daws echo how the role of the Secretary-General can expand and change over time, writing “custom and usage must also be considered” in determining the responsibilities of the Secretary-General (1998, 110).

The following section will show that the Secretaries-General have interpreted the words and spirit of the Charter in a way that gives the office certain independent political authority that is not explicitly written in the Charter.³⁵ As Brian Urquhart explains “The general concept of the position and functions of the Secretary-General in 1946 bear little relation to the office’s responsibilities today” (Urquhart 2007, 17). This brief history of the roles of the Secretary-General, the “custom and usage,” will contextualize the “position and functions” that Boutros-Ghali stepped into when he became Secretary-General.³⁶

Trygve Lie was the first Secretary-General of the United Nations and his actions set important precedents for the understanding and evolution of the office. He was the first to turn the Charter’s brief section on the Secretary-General into action, or,

³⁵ Debates over whether the Secretary-General should be a neutral administrator or an independent political actor colored much of the early years of the United Nations.

³⁶ The section will necessarily focus on the position of the Secretary-General at the time of Boutros-Ghali’s assumption of office, but a clarification is in order concerning sources published after Boutros-Ghali left office. For works about the office of the Secretary-General or Secretariat written after Boutros-Ghali’s tenure I have taken care not to impute any conclusions drawn from Boutros-Ghali is the two subsequent Secretaries-General into my discussion of the “customs and usage” of the powers of the Secretary-General.

put differently, had “the challenge of translating four paragraphs³⁷ of the Charter into an operating bureaucracy” (Thant Myint-U 2007, 9).

Lie used his first annual report to the General Assembly to affirm the Secretary-General’s ability to speak for the Organization and its Charter. Lie stated “As the Preparatory Commission foresaw, the Secretary-General in certain circumstances must speak for the Organization as a whole” (Lie 1946, 56 in Cordier 1969). He exercised this political role to speak for the Organization in the same speech reminding the Security Council that they have “an obligation to seek agreement among themselves,” and that “Many of the issues which have come before the Security Council have arisen from inability to reach such agreement” (Lie 1946, 54 in Cordier 1969).

Lie’s words reflect the “agenda setting” role of the Secretary-General, a powerful function scholars note stems from how the Secretary-General “chooses to conduct his diplomatic and public contacts, his interactions with the mass media, his annual and periodic reports to the principal organs, and his widely publicized annual speech to world leaders...” (Tharoor 2007, 34). Lie’s initial decision to use his Annual Report as a forum to challenge Member-states and assert the role of the Secretary-General in speaking for the Organization laid the groundwork for a more political role that each of his successors followed.

Secretary-General Lie interpreted Article 99 of the Charter that enabled the Secretary-General to take on a more political role. Under Article 99’s authority for “The Secretary-General may bring to the attention of the Security Council any matter

³⁷ It is not clear whether the authors meant the five articles of Chapter XV or focus exclusively on four paragraphs within it.

which in his opinion may threaten the maintenance of international peace and security.” Trygve Lie interpreted Article 99 to mean it gave the Secretary-General the ability to speak at Security Council meetings. After an initial disagreement, the Security Council clarified its rules to permit the Secretary-General to issue statements, both in person or through writing, during its meetings. The Security Council did not heed what Lie advised at the meeting, but affirmed his right to speak (Cockayne and Malone 2007, 70). Secretary-General U Thant referred to this episode as a “constitutional battle” between the Security Council and the Secretary-General in which Lie “won” by having his interpretation accepted (Thant 2007, 19).

Lie interpreted Article 99 to empower the Secretary-General further. Lie argued that Article 99 provided the office a right to “make such enquiries or investigations as he may think necessary,” including the ability to appoint staff, authorize research, make visits, and consult with diplomats to inform his views on whether a situation should be brought to the Security Council (Bailey and Daws 1998, 112). None of these actions are explicitly addressed in Article 99, yet Lie’s interpretation found an independent and political role in the Secretary-General’s Article 99 authority and his successors followed his lead.

Lie’s successor, Dag Hammarskjöld, staunchly agreed with Lie’s interpretation of Article 99. Hammarskjöld argued against Member-state pushback to his office’s investigations of issues under Article 99 by writing “To deny the Secretary-General the right to such personal fact-finding was, in fact, to erase Article 99 from the Charter” (Hammarskjöld 1960 in Cordier 1969, 211). Hammarskjöld praised the independence of the Secretary-General as a major improvement over the Secretariat of the League of Nations, describing Article 100 of the UN Charter as “barring the

seeking or receiving of instructions from States or other external authority” (Hammar skjöld 1961 in Cordier 1977, 474). In an epitomizing example, upon entering office Hammar skjöld removed the United States’ Federal Bureau of Investigation from the UN’s New York headquarters to end the influence American authorities were exhibiting over the organization ([Urquhart](#) 1972, 64). These interpretations and actions show how Secretaries-General understood their office to be independent and political rather than purely administrative.

Dag Hammar skjöld carved out an additional political role for the Secretary-General not explicitly addressed in the Charter through his actions in crises. Hammar skjöld is credited for creating the so-called “Peking Formula” through his diplomacy as part of the 1954 US-China rift over the downing of American planes flying over Chinese airspace (Traub 2007, 187). Hammar skjöld’s diplomacy involved him flying to Peking as Secretary-General, not as a representative of any other organ of the United Nations. During this crisis Hammar skjöld’s actions reflected “the spirit, rather than the text, of the Charter” and set the precedent that the Secretary-General “had an affirmative obligation, and not merely a right, to act when peace and security were threatened” (Traub 2007, 187).

Hammar skjöld himself described his actions here under his “Peking Formula” as “acting in his role as Secretary-General under the Charter of the United Nations and not as a representative of what was stated in the General Assembly resolution” and thus freed of “undiplomatically formulated resolutions.”³⁸ Such justifications build on Lie’s view of the Secretary-General as being capable of speaking for the Organization

³⁸ Quotations found on <http://www.un.org/Depts/dhl/dag/time1955.htm>

by also setting the precedent that the Secretary-General could act to forward the spirit of the Charter, in this instance by helping reach a peaceful resolution to a tense and potentially destructive conflict. Hammarskjöld's diplomacy, and its acceptance, reflects an independent political role for the Secretary-General that is not explicitly written out in the Charter's Articles covering the Secretariat.

Hammarskjöld's successor, U Thant, "signaled that he favored the same independence his predecessors claimed" (Gordenker 2010, 12). In his last Annual Report, U Thant said "My experience has confirmed in every way Dag Hammarskjöld's philosophy concerning the powers of the Organization and, in particular, the role of the Secretary-General" (SG/SM/1533 1971, para. 124). Secretary-General U Thant argued that certain circumstances required the Secretary-General to act even without request or delegation (Firestone 2001, xxi; 104; Bailey and Daws 1998, 116).

In U Thant's last Annual Report he articulated his interpretation of Article 99:

Article 99 goes furthest of all, in clearly and expressly conferring a political role on the Secretary-General, independent of the decisions of the deliberative organs, by authorizing him to 'bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security'...As a matter of commonsense interpretation, in order to exercise his right under Article 99, the Secretary-General must necessarily have all the powers, including those of inquiry, to reach a reasoned and independent opinion on whether or not a particular matter may threaten international peace and security. He may also endeavour, through the exercise of good offices, to play a part in 'preventive diplomacy' designed to ensure that a matter does not become a threat to international peace and security (SG/SM/1533 1971, para. 125).

What is more, the Security Council did not challenge the interpretation of Article 99 by Lie, Hammarskjöld, and U Thant and thus their interpretation shaped the practical understanding of Article 99 (Bailey and Daws 1998, 113).

U Thant put his interpretation of the role of the Secretary-General into practice. As acting Secretary-General after the death of Dag Hammarskjöld, U Thant helmed the UN during the standoff between the United States and the Soviet Union over Soviet missiles in Cuba. U Thant sought to appeal directly to both the United States and the Soviet Union and present them with a plan “to allow the Soviets and the Americans to withdraw from a dangerous confrontation without losing face” (Nassif 1977, 27). U Thant would make an appeal during the emergency meeting of the Security Council in October of 1962, saying “I now make a most solemn appeal to the parties concerned to enter into negotiations immediately, even this night if possible, irrespective of any other procedures which may be available or which could be invoked” (U Thant 1962 in Cordier 1977, 238).

In another instance, U Thant weighed in on the United States’ war in Vietnam to bring about an end to the hostilities. In a speech in Europe, U Thant offered his own plan to bring about peace in Vietnam, including asking the United States to stop bombing and de-escalate its military activities and he continually criticized the United States for its unwillingness to curtail its fighting (Firestone 2001, 70). Upon U Thant’s acceptance of a second term as Secretary-General in 1966 he said “I shall seize every occasion to recall that this war [in Vietnam] must be ended and I will continue to regard it as my duty to make every effort on a personal basis to help promote a solution which will bring peace and justice to the people of Viet Nam” (Fulton 1966, A1). These events show the political nature of the Secretary-General and the ability of the Secretary-General to act, even if only using the voice and diplomacy of the office, to forward the Charter’s stated goals of maintaining peace.

Article 98 has also played into the evolving role of the Secretary-General. Article 98 reads in part “The Secretary-General shall act in that capacity [as chief administrative officer] in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs.” Bailey and Daws show that these “other functions” could confer “unusual discretionary powers on the Secretary-General” (Bailey and Daws 1998, 120). A key example from 1961 shows that resolution 169 authorized the Secretary-General “to take vigorous action, including the use of requisite measure of force” to expel belligerents from the Congo. To be sure, Article 98 does not by itself confer any new authority on the Secretary-General, but its use to expand the functions of the Secretary-General is evidence of an expected political role for the Secretary-General. The Soviet Union initially resisted this political role, but eventually “loosened its strict interpretation” of a purely administrative role for the Secretary-General (Bailey and Daws 1998, 121).

Kurt Waldheim and Javier Pérez de Cuéllar, who succeeded U Thant, were less open about their opinions on the political role of the Secretary-General and hewed to a more restrained approach in practice. Leon Gordenker describes their time in office as being restrained by “the inelastic limits set by the Cold War” and thus “usually had perhaps even less room in which to maneuver than their predecessors” (Gordenker 2010, 85). Yet, they did not contradict the interpretations of their predecessors. Pérez de Cuéllar asked for the Security Council to immediately convene and impose a cease-fire implicitly under his Article 99 authorities (S/20789 1989). Kurt Waldheim “assiduously promoted the idea that the Secretary-General should have an important role in broad international negotiations” and for his part used diplomacy behind the

scenes to mediate between states, such as his diplomatic work to galvanize the 1974 Middle East “peace process” (Gordenker 2010, 13; Ryan 2001, 44). Waldheim and Pérez de Cuéllar also interpreted the Charter to have a political role for the Secretary-General. Article 33 of the UN Charter reads:

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Article 33 does not mention the Secretary-General, yet Kurt Waldheim, and Javier Pérez de Cuéllar used its implied meaning to each create “fact-finding missions” under the rubric of seeking peaceful settlement of disputes (Bailey and Daws 1998, 113).

The effectiveness of these interpretations of the Charter have been rooted in their appealing to the spirit of the Charter as opposed to the esoteric whims of individual Secretaries-General. Ian Johnstone’s argument about the legal role of the Secretary-General and how it has affected the political functions of the office is summarized thusly: “As the executive head of the UN, the Secretary-General is in a unique position to use the norms embodied in the charter as an instrument. Secretaries-General have seen themselves as spokespersons for the values of the charter and have assumed that their political functions must be conducted in accordance with charter principles” (Johnstone 2003, 452). In a widely publicized speech by Dag Hammarskjöld’s at Oxford University, while he was Secretary-General, he intoned this when describing how the Secretary-General might resolve “controversial political situations” by considering the “principles and purposes of the Charter which are the fundamental law accepted by and binding on all States” as the Secretary-General’s primary resource (Hammarskjöld 1961, SG/SM/5870 346).

All of the examples cited above of Secretaries-General interpreting the functions of their office have relied on implications borne out of the spirit of the Charter, not explicit directives issued from other organs. Johnstone argues that getting these interpretations to take hold isn't such a simple process: "The SG's persuasiveness—his ability to get others to defer to his judgment—depends in part on the formal authority of the office and in part of the normative acceptability of positions he takes" (Johnstone 2003, 452). Johnstone's quote reaffirms that the Secretaries-General are not acting on esoteric whims when making interpretations about the role of their office, but are grounding their interpretations in the Charter. Arbitrary interpretations would not stand up to the scrutiny of Member-states, each of which has reason to vigorously challenge their power being supplanted, if not for the appeals to the spirit of the Charter that binds its Members.

In summation, the Articles addressing the Secretary-General (and the Charter itself) provided enough ambiguity for Secretaries-General to interpret the meanings and intentions for the office themselves. The Secretaries-General could not do this through sheer force of will, but through normative appeals to the intentions of the Charter. Brian Urquhart summarizes the changing role of the Secretary-General from the initial creation of the office to being:

The appointed representative of the United Nations, speaking for it, interpreting its actions, sometimes defending it, explaining its legal, political, even moral positions, especially to the media, and travelling all over the world to visit governments and show the face of the United Nations to peoples who are normally very distant from its work. He sits at the table in the Security Council, the General Assembly, and other major bodies of the United Nations, in itself a very time-consuming duty. He is the organizer and overall director of operations of all kinds in different parts of the world; when disaster strikes, he is one of the people most relied on for a rapid response. He is the organizer, recruiter, and director of peacekeeping operations..." (Urquhart 2007, 30).

The Articles concerning the role of the Secretary-General were transformed from the brief, somewhat ambiguous language into established precedent that allows for a political and independent Secretary-General. Trinh (2007) concludes that the independence of the Secretary-General is no longer a question, instead the question is how Secretaries-General must balance their use of the “bully pulpit” with the “diplomatic costs of confrontation” (119). It is this context, a history of “custom and usage,” that Boutros-Ghali stepped into when appointed to be Secretary-General.

An Agenda for Peace: Boutros-Ghali’s Exogenous-Endogenous Battle

Introduction

Boutros-Ghali took over the office of the Secretary-General during a unique time. The Cold War was over and questions about the future role of the UN in world affairs became increasingly salient. The uncertainty of the post-Cold War world was important to the future of the Secretary-General and the Security Council as traditional expectations and understandings came unmoored. Bailey and Daws explain that “during Boutros-Ghali’s tenure, not only was the role of the Secretary-General in question, but also the roles of the three principal organs of the United Nations – the Secretariat, the Security Council, and the General Assembly – and the relations between them” (Bailey and Daws 1998, 122). This was also a period of optimism toward the UN; with the end of the Cold War and the Gulf War some observers believed that the “UN could fulfil the original promise of the 1945 Charter and function as a collective security body” (Burgess 2001, xv).

The post-Cold War situation was a dramatic event for the world and as such, Boutros-Ghali was also tasked with more demands from the Security Council to deal

with the new environment. In Boutros-Ghali's own words he "had been asked to assume more responsibility than any of my predecessors" (1999, 26). Bailey and Daws elaborate that:

Throughout the term of Boutros-Ghali, whose first three years in office were marked by an enormous increase in the number and scope of United Nations activities in the field of peace and security, the Secretary-General and the Legal Counsel were 'heavily involved in legal work related to the expansion and diversification of the activities of the Security Council', ranging from the establishment of international criminal tribunals as subsidiary bodies of the Security Council, to the establishment of new peace-keeping missions, the conclusion of others, and the implementation of sanction regimes (Bailey and Daws 1998, 114).

Additionally, Boutros-Ghali describes how the unique nature of the era both thrust peacekeeping to the forefront and made it a controversial topic. Boutros-Ghali describes conflicting and contradictory pressure emanating from the external environment:

I had not been in office six months, but I was already in trouble with my major constituents. I had annoyed both the US and the European powers by resisting their calls for bigger UN peacekeeping operations in the Balkans, pointing to the fact that there was no will on the part of the Security Council to provide UN forces with the weapons and mandates they would need to operate effectively in the middle of a bitter and bloody war. Even my own homelands were unhappy with me: Africa, because of the attention I was giving to the peacekeeping rather than to development in the poorest countries; and the Islamic world, which wanted a UN war against the Serbs on behalf of the Bosnian Muslims (Boutros-Ghali 1999, 44).

Furthermore, Boutros-Ghali's demand for autonomy - in not only defending his office's existing independence, but later working to expand it - indicates he believed he would be unable to forward the mission of his post without the latitude to act on his own. He would defend invoke "Psalm 100" to defend himself against the external environment so he could carry out the goals of his office's mandate. He

characterized his perceived duty thusly, “to be true to this mandate, I would have to defend the independence of my office and confront any member-state, large or small, that opposed my exercise of the responsibilities the member-states as a whole had given me” (1999, 26).

Boutros-Ghali’s actions and quotes – e.g. that he would “confront any member-state” - demonstrate the tension between endogenous and exogenous interests, particularly when interpretation of the UN Charter and his office’s mandates contravene external expectations. Later during Boutros-Ghali’s tenure “he followed through on his claim that the Secretary-General could be effective if he were more autonomous from the United States and the Security Council” (Burgess 2001, 12). His vocal belief in his office’s independence “did not endear him to Member-states,” as will be made clear as this case unfolds (Bailey and Daws 1998, 124).

As a brief example of this in action, Boutros-Ghali utilized his ability to speak during meetings of the Security Council to push for favored outcomes. Part of the explicit duty for the Secretary-General is to report to the Security Council on peace-keeping operations, especially when requested by the Security Council. Boutros-Ghali was known to use these routine reports as “a strategic tool to shape its debates and influence its decisions” (Bailey and Daws 1998, 123).³⁹

The brief introduction to Boutros-Ghali’s term in office highlighted his following of the precedent of his predecessors in upholding the independence of this

³⁹ Bailey and Daws argue that Boutros-Ghali’s 1995 report on Bosnia omitted certain options in a way to shift the debate toward his desired outcomes. For instance, in the debate over what to do with the UN Protection Force (UNPROFOR) in Yugoslavia, Boutros-Ghali preferred that its mandate change to include “peace enforcement.” His report then omitted another alternative in keeping the mandate the same (123).

office. This sets the stage for the case at hand which examines how Boutros-Ghali's managed the post-Cold War climate. Specifically, through the lens of the exogenous-endogenous framework the following section in this chapter examines the reports and the actions surrounding UN peacekeeping to discern how the exogenous and endogenous interests of the UN interacted and how their interaction led to the veto of his second term.

An Agenda for Peace

In same month Boutros-Ghali stepped into office the Security Council tasked him with crafting a report on a new approach to international stability and security for the post-Cold War era. This request from the Security Council came during an unprecedented meeting in January 1992 which featured all of its Members' heads of state or government in lieu of their ambassador proxies. The prime-minister of the United Kingdom and President of the Security Council at the time opened the meeting remarking:

In convening this Extraordinary Meeting this morning, I intended that our discussion could serve four important purposes. Firstly, our presence today marks a turning point in the world and at the United Nations. On the international scene, we have witnessed the end of the Cold War[...] We are here not only to wish [Mr. Pérez de Cuéllar's] successor, Dr. Boutros Boutros-Ghali well but to give him our full backing in carrying out his mandate. A new situation in the world needs new ideas and a new impetus[...] We should consider anew the means by which collective security is upheld through the United Nations and consider how best to update and to develop them. It is time to review all the instruments at our disposal: preventive action; to avert crises by monitoring and addressing the causes of conflict; peace-making, to restore peace by diplomatic means; peace-keeping; to reduce tensions, to consolidate and underpin efforts to restore peace.

These remarks underline the importance the Security Council placed on maintaining international peace, even challenging conceptions of preventive action,

peace-keeping, and peace-making during the immediate aftermath of the Soviet Union's collapse. That Boutros-Ghali was asked to provide a report on maintaining security in this new era during such an "extraordinary meeting" with such emphases on how new problems needed fresh approaches shows that the external and internal environments were relatively aligned. Boutros-Ghali was seemingly given wide berth to use his office to bring fresh ideas to the UN.

With the Cold War over and new challenges facing the world Boutros-Ghali's report would be a prominent source of direction for how the UN and the world would respond to this new era. Coupling the external environment's willingness to give Boutros-Ghali such an important task and the high-profile nature of the task leads to an illuminating case where Boutros-Ghali had the discretion to create the report he thought best while knowing that his conclusions would be heavily scrutinized. Boutros-Ghali's conclusions reflected the Secretariat's interests: he had the autonomy to act and knew that he would receive feedback from the external environment, and due to the nature of the request he could safely anticipate his prescriptions would be well received. Additionally, he would be setting the agenda on the issue as a leader tasked with writing such an important report. His conclusions would thus reflect the product of the interaction of interests between the internal and external environment.

Boutros-Ghali's *An Agenda for Peace* "went well beyond traditional conceptions of post-conflict peacekeeping" and introduced the ideas of preventive deployment, peace enforcement, and early warning systems (Burgess 2001, 9). According to Bailey and Daws "Boutros-Ghali not only added a fourth concept to this request – that of post-conflict peace building; he also elevated the status of the entire document from report to *agenda*, launching an ongoing process of internal debate and

reflection, rather new to the UN” (Bailey and Daws 1998, 123). Boutros-Ghali’s elevation of the report to an “agenda” and including “post-conflict peace building” are cited by Bailey and Daws and echoed by Burgess as overreach.

An Agenda for Peace proposed expansions to the Secretary-General’s role. The larger role for the Secretariat carved in *An Agenda for Peace* reflected a combination of endogenous and exogenous interests – the Secretary-General would expand in duties, be relevant in the post-Cold War, and by taking needed action it would be more legitimate all while forwarding the chief aims of the Charter through the established role of the office. One of the principal components of Boutros-Ghali’s *An Agenda for Peace* argued for creating fast-acting peace-enforcement units. UN Member-states would supply well trained troops and combat personnel to fast-acting teams that would be dispatched into countries at the earliest signs of trouble by the Secretary-General (Boutros-Ghali 1999, 27).

This was new in that UN peacekeeping operations were typically sent in to enforce a ceasefire between consenting parties. Not only did the content reflect an exogenous interest in expansion, but its ends still reflected endogenous interests. *An Agenda for Peace* argued that the larger role for the Secretariat, including leading fast response teams and leading peace enforcement, was necessary to manage the scourge of humanitarian crises that had risen in the post-Cold War era.

Such policy prescriptions simultaneously further exogenous and endogenous interests. Evidence of exogenous interests are present here as well. *An Agenda For Peace*’s proposals not only forward the aims of relevance by making the Secretary-General more involved this post-Cold War era but additionally expanded the role of the Secretary-General in peacekeeping, such as his insistence that peacekeeping forces

be under the command of the Secretary-General for speedier responses (Boutros-Ghali 1992, 22; 5). *An Agenda for Peace* featured evidence of the desire for autonomy like “the good offices of the Secretary-General may at times be employed most effectively when conducted independently of the deliberative bodies.”

However, the exogenous and endogenous interests did not restrain one another. Boutros-Ghali took an opening from his external environment (they had asked him to do this, the post-Cold War era was a time of uncertainty and optimism) and laid out his articulation of a policy that would fulfil the Charter in his preferred manner and seemingly did so without regard for how these decisions would impact the legitimacy of his office; what if Member-states or the Security Council found them too ambitious and ignored them or otherwise challenged it? Boutros-Ghali’s elevation of the report to an “agenda” – an agenda being as well as adding in more concepts than requested show that the document was not indicative of restraint between the interests.

An Agenda for Peace was received positively and the external environment remained supportive. The *Washington Post* editorialized that it had “breathed new life into the U.N.” The *New York Times* printed that it was a “remarkable report” and that he “offers President Bush and other heads of state a forthright example of the new leadership needed in this new era” (6-28-1992). However, the Bush administration’s reception of the report was characterized as “tentative,” and Boutros-Ghali’s prescriptions in *An Agenda for Peace* garnered resistance in Washington, D.C. There were “voices asserting that *An Agenda for Peace* was an attempt to create a standing UN army under my command” (Boutros-Ghali 1999, 29; 221).

Despite criticism from Washington and other Member-states, 1992 ended with the “first example in UN history of ‘preventive deployment’” from *An Agenda for*

Peace in Macedonia on the border with Bosnia (Boutros-Ghali 1999, 50). The successful deployment was in part a success due to the United States sending troops. So, even though there had been criticisms of some components of *An Agenda for Peace*, other components were almost immediately implemented in ongoing conflicts, Member-states were participating, and the components were successful.

There were additional environmental cues to lead Boutros-Ghali to believe he was supported. When President Bill Clinton assumed office as president of the United States in 1993, President George H. W. Bush wrote a letter to Boutros-Ghali telling him that his “intent has been to be supportive of the UN and of you personally, based on my philosophy that together there is much we can do” and that he “will miss working” with Boutros-Ghali (Boutros-Ghali 1999, 66). These words from President George H. W. Bush were positive and reflected an opinion that previous disagreements could be chalked up to the process of working together. George H. W. Bush could have written the letter for public consumption or to be polite, but Boutros-Ghali writes that he perceived the words to reflect a positive relationship with the United States. The perceptions of the Secretary-General of the external environment are very important for applying the exogenous-endogenous framework. If Boutros-Ghali incorrectly perceived his external environment and thought it was more open and favorable than it was, it could explain why exogenous interests were not tempering the endogenous interests to produce his office’s actions and instead they appeared to be amplifying one another.

Additionally, Boutros-Ghali explains that he made an offer of “goodwill” to the new American president by asking for an American to appoint to a crucial post in the Secretariat (Boutros-Ghali 1999, 66). Boutros-Ghali’s description of these events

indicate that he was aware of and concerned with the UN's external environment and how it regarded his office. Boutros-Ghali said during his first meeting with the president, Clinton "praised" him and said "that he liked having an activist secretary-general at the United Nations" and that Clinton assured him that "the United States would be a good troop-contributing country" (Boutros-Ghali 1999, 72). The above paragraphs point to the perception that Boutros-Ghali had that he was supported and approved by a key component of the external environment more than he truly was.

However, despite the positive reception, Boutros-Ghali's *An Agenda for Peace* also triggered some trepidation in the external environment. UN member-states - specifically the G77 of the Global South in addition voices within the United States - were reluctant to afford Boutros-Ghali's office with more authority. The G77 states that feared peace enforcement sounded more like the UN could choose sides in a conflict. For instance, "states from the South objected to the proposal, envisioning UN-endorsed intervention in their internal affairs," (Burgess 2001, 9). , even though he had assured them that peace-enforcement units would have to be authorized by the Security Council and that the Secretary-General is already tasked with commanding peace-keeping forces after they are authorized. From Boutros-Ghali's language, it is evident that he was aware that a perceived recommendation of an expansion of power in order to better handle conflict could potentially be controversial; thus he couched his language to assuage concerns that this would be either radical or untoward.

Assertions from Boutros-Ghali that his proposals were not radical and were entirely consistent with the UN Charter are also consistent with the endogenous interests of his office. Boutros-Ghali defended his idea for peace-enforcement units saying "This was

not a radical call for a UN standing army but came from Article 43 of the Charter” (Boutros-Ghali 1999, 27).

It was also new in that Boutros-Ghali was calling on Member-states, under the authority of the Security Council, to create a *permanent* force to facilitate such a rapid deployment (*An Agenda for Peace*, 12). This is another important distinction between “peace-enforcement” from traditional peacekeeping, where Member-states could deliberate internally or amongst themselves before agreeing to participate. While the use of such a force would need to be authorized by the Security Council, this permanent unit of peace enforcers would be, as laid out in *An Agenda for Peace*, “under the command of the Secretary-General” (12). As mentioned above, for some members of the Global South, a standing, well-armed unit designed to intervene at the first stages of conflict sounded much like the UN would become a belligerent in conflicts rather than a guarantor of peace. To many in the United States, a permanent force under the command of Boutros-Ghali was too much to bear (Boutros-Ghali 1999, 29).

In addition to certain criticisms of *An Agenda for Peace*, several events early in Boutros-Ghali’s term re-shaped the external environment and unceremoniously ended the optimism surrounding the UN’s role in peacekeeping. These events, described below, led the external environment to be far more critical and sceptical of the Secretary-General. What was once as a source of encouragement for Boutros-Ghali and the role of the UN in post-Cold War peacekeeping turned into a source of confusion and antagonism. Boutros-Ghali did not adapt to these shifts in the environment by restraining the endogenous interests of his office with the new realities relative to exogenous interests. Boutros-Ghali continued to favor endogenous

interests and exogenous interests like expansion and autonomy even though the environment had shifted in a way that made these difficult.

First, there were peacekeeping failures that led to negative backlashes from the external environment (obviously in addition to the human tragedy). Somalia and Rwanda provide distinct examples of events affecting the external environment's optimism during this time – one in which the Security Council authorized an intervention and one in which it did not. In December of 1992, the Security Council authorized the use of military force in Somalia to stabilize Somalia for humanitarian relief operations (UN S/RES/794 1992). Due to the deteriorating security climate in Somalia, Boutros-Ghali had requested authorization under Chapter VII of the Charter to use force to protect the ongoing UN operation there (UN S/24868 1992). Boutros-Ghali recounts that despite this being a major UN operation that the United States had supported, he was receiving pressure from the United States to soften the course and draw back. Specifically, the United States did not want to see the mission through and hoped for a political solution that would allow them to withdraw (Boutros-Ghali 1999, 99). The United States eventually withdrew its forces without a political solution in place after footage of mutilated US soldiers made television news and enraged American politicians. Somalia fell to the hands of warlords and the Security Council dropped the cause after the American withdraw (Burgess 2001, 75).

Subsequently, the genocide in Rwanda in 1994 drew widespread reaction as something the Security Council could have been prevented or stopped had it authorized a response. Indeed, the United States “apologized” to Rwandans over its failure to act during the conflict (Burgess 2001, 102). The lack of response to what was happening in Rwanda showed that “peacekeeping had become too controversial a

topic to risk discussion by the world's most powerful countries," particularly the United States, whose president was up for re-election and weary of involvement in other crises after the intervention in Somalia had gone so poorly (Boutros-Ghali 1999, 29; 221). The events of Somalia and Rwanda show how the external environment had shifted from the optimism of post-Cold War peacekeeping to severe pessimism.

Next, the shifting concerns of the external environment concerned developments within the United States. After Congressional elections in the United States, American politicians made the United Nations a scapegoat. One example of this attitude in United States is evidenced when a member of the United States Congress informed Boutros-Ghali that "The U.S. will not pay for peacekeeping operations; peacekeeping is not popular" (Boutros-Ghali 1999, 121). The United States Congress then cut off appropriations to pay its required dues to the United Nations. The shift in attitude within the United States is significant because the United States holds a veto in the Security Council thus having an inordinate amount of influence compared to non-permanent Security Council members and because the debates within the United States, particularly in Congress, contributed to a confusion in the external environment of the UN.

Boutros-Ghali recounts that during a private meeting, Clinton blamed the issue of United States debt on the American Congress, and Clinton had told him he held a "strong belief that the United States should pay its bills to the United Nations full and on time" (Boutros-Ghali 1999, 102). Boutros-Ghali also notes that President Clinton praised him publicly, saying in a major speech at the United Nations in 1995 that "Mr. Secretary-General, you have taken the ideas of peace, help, and security that are at the heart of the UN's mission and worked hard to make them a reality" (Boutros-Ghali

1999, 254). Boutros-Ghali had clearly felt that he was receiving unwarranted criticism about things beyond his control, and that both privately and publicly he was getting cordiality and support from Clinton, for example.

Boutros-Ghali believed that the United States' turn against him was only justified through revisionist history and not reflective of his real-time relationship with the country. He believed that he had worked in consort with the United States on major issues and he had received praise from them for it. He also believed the government of the United States had only later turned against him to make him a political scapegoat, stating

I had...entangled the United States in Somalia and taken command of its forces there; I had prevented President Clinton from bombing to stop the perpetrators of war crimes in Bosnia; I had tried to impose global taxes in order to aggrandize my power at the United Nations; and I had blocked the admirable efforts of the United States to reform the United Nations.[...]I was portrayed as responsible for America's lack of faith in the United Nations and Congress's unwillingness to pay the huge American financial debt to the United Nations dated back to the 1980s, well before I had arrived at the United Nations. (Boutros-Ghali 1999, 268).

This was in contradiction to what Boutros-Ghali said were polls showing that American citizens supported the United Nations and his efforts to strengthen it. This confusion would contribute to Boutros-Ghali's misreading of the external environment and how he would fail to balance exogenous and endogenous interests against one another, or perhaps why legitimacy was not more evident in influencing his actions.

The purpose of citing the above to show that he perceived the external environment was more receptive to his actions than in reality. Indeed, the President of the United States publicly confirmed in 1995 that Boutros-Ghali was effectively forwarding the goals of his office. Boutros-Ghali then felt that the United States had turned on him, and blamed problems from Somalia to the United States debt to the

United Nations on him. In Boutros-Ghali's recounting, the United States had shifted its demands and desires after he had already taken action, therefore he could not have taken action with their demands in mind. This is consistent with the changing American political climate, with more nationalist Republicans taking control of Congress and forcing President Clinton to change course.

Yet, despite these shifts in the external environment, Boutros-Ghali pressed on with his desire to re-shape post-Cold War peacekeeping. In 1995, Boutros-Ghali released an updated report on his *An Agenda for Peace* entitled a *Supplement for An Agenda for Peace* (A/50/60S/1995/1), which was formally welcomed by the Security Council by then President Legwaila of Botswana who said "times call for thinking afresh...for creating new ways to overcome crises" (Yearbook of the UN 1995, 175). The *Supplement* laid out Boutros-Ghali's observations for making peace-enforcement more effective and attempted to troubleshoot issues that had cropped up during recent operations.

However, Boutros-Ghali had not been asked to provide any such follow-up, and more contentiously, used this as a forum to raise awareness about Member-states' failures in living up to the ideas found in *An Agenda for Peace*, arguing that the *Supplement's* "purpose is...to highlight selectively certain areas where...there is a need for the Member-states to take the 'hard decisions' I referred to two and a half years ago" (A/50/60/S/1995, 3). Several pieces of the *Supplement to An Agenda for Peace* criticized and challenged Member-states for authorizing or supporting peace-enforcement activities but not providing monetary support for them, including the obligatory dues as part of UN membership. The United States was an obvious target.

He also scolded Member-states on the other end of peacekeeping and peace enforcement operations for not being willing to accept a role for the UN when the state is involved in the conflict, writing that “Collectively Member-states encourage the Secretary-General to play an active role in this field; individually they are often reluctant that he should do so when they are a party to the conflict” (A/50/60/S/1995, 8). Boutros-Ghali explains that the solution to the issue might be best resolved through changes of public opinion or creation/strengthening of a norm for Member-states to accept help.

Despite the shift in the external environment above, Boutros-Ghali’s actions in office reflect either a miscalculation of the external environment or an otherwise disproportionate response that privileged endogenous interests over exogenous interests. His *Supplement to An Agenda for Peace* still carries the hallmarks of relevancy – he hoped to galvanize Member-states into participating - but with the external environment showing signs of pessimism and recalcitrance, legitimacy was at stake. The endogenous interests his actions embodied weren’t balanced against the external realities and their related exogenous interests. His *Supplement* differed from the *Agenda* in that it wasn’t requested by the Security Council and wagered his office’s legitimacy that the Member-states would heed his calls and not flout them.

While Boutros-Ghali hailed from a Non-Aligned country (Egypt), he was not isolated from criticism from his home region either. Boutros-Ghali’s *An Agenda for Peace* drew the ire of the developing world as they felt that “the attention given to peace and security was detracting from attention to development” (Bailey and Daws 1998, 123). Additionally, issues of development as relating to peace were gaining purchase in other UN organs. The United Nations Development Programme first tied

social and economic issues with security in March of 1994 by defining security as involving freedom from “threats of hunger, disease, crime and repression” (Human Development Report 1994; MacFarlane and Khong 2006, 11). Yet, despite calls from developing countries to do something about development, the external environment was not entirely behind him, especially wealthy Western countries. Boutros-Ghali noted that “the global context was not favorable” and that “rich countries” were “inclined to dismiss the entire subject with the assertion that development was a concept whose time had gone” (Boutros-Ghali 1999, 160). So, the external environment was divided on the issue, but this division was not equal. Countries with more influence (e.g. veto power on the Security Council) appeared not to be on his side.

Boutros-Ghali responded to these external criticisms and the new arguments within the UN with his *An Agenda for Development*, issued in as a report to the General Assembly in May of 1994. Boutros-Ghali wrote that conflicts “all too often lie in the absence of economic opportunities and social inequalities.” In post-conflict zones where the UN had authorized a peace-keeping force or where peace and security were being considered, Boutros-Ghali advocated for including these economic and social considerations into the security paradigm. Although there is a connection, many conflicts are the result of economic or social disparities, these issues had, according to Bailey and Daws, been the purview of the General Assembly (Bailey and Daws 1998, 122). Boutros-Ghali referenced his *An Agenda for Development* in arguing that “only sustained efforts to resolve underlying socio-economic, cultural and humanitarian problems can place an achieved peace on a durable foundation.”

The *Agenda for Development* was an outcome of the interaction between exogenous and endogenous interests. Actors in the external environment had expressed weariness over intervention and peace-keeping and had criticized Boutros-Ghali for not advocating for economic and social development issues, which are clearly stated as an important component of the UN in its Charter the UN Charter. *An Agenda for Development* evinces an exogenous interest in expansion and relevancy while it forwards an endogenous interest of fulfilment of the Charter and achieving its goals of maintaining peace and security and setting the agenda on an issue that hadn't garnered much enthusiasm. Yet, the interests did not restrain one another. *An Agenda for Development* was a major document that pushed an issue that was not popular with much of the external environment, particularly the wealthy Member-states who already believed they are being maxed out with assistance. Whereas the WTO's Appellate Body reacted to scepticism in its external environment by tempering its aims in a way that forwarded both exogenous and endogenous interests, Boutros-Ghali pushed forward cavalierly.

The controversies surrounding Boutros-Ghali and his actions came to a head when the United States and the United Kingdom exercised an unprecedented "double-veto" to prohibit Boutros-Ghali from serving a second term as Secretary-General. His legacy as Secretary-General is a conflicting one. Studies of Secretaries-General have shown that "Of the seven [written before Ban Ki-Moon became the eighth] secretaries-general, Boutros-Ghali was the most determined to guide the UN toward greater autonomy and power" (Burgess 2001, xv).

While exogenous and endogenous interests were identified in the actions of his office, the unprecedented veto of Boutros-Ghali's nomination shows that he had

poorly balanced these interests. His statements of his perceptions listed above show that he believed he was more supported by the external environment than he truly was and in other instances he pressed forward with initiatives he knew would be unpopular. His actions came down heavily on the side of endogenous interests without the restraint of exogenous interest, particularly legitimacy. Boutros-Ghali pressed ahead with actions that antagonized the most powerful actors in the external environment in ways that forwarded the endogenous interests of his office. This could win him praise as a fierce advocate for what he considered to be the goals of his office and the UN, but it shows that the balance and restraint between exogenous and endogenous interests was not evident during his term. He did not temper the endogenous interests of his office with the exogenous interests his external environment evoked.

Summary of Analysis

First, *An Agenda for Peace* promoted key endogenous interests of his office while simultaneously enhancing its relevancy, autonomy, and expanded its scope. Boutros-Ghali assumed office during a decidedly unique time for the United Nations and would be the first new Secretary-General to deal with the post-Cold War world. During an unprecedented meeting of the Security Council at the level of heads of states and governments, the Security Council affirmed the importance of the institution and how it would be essential to bringing peace to the new era of global politics. It was at this meeting Boutros-Ghali was asked to write a report on strengthening preventive diplomacy.

An Agenda for Peace was a bolder document than observers expected, lacking the restraint brought on by external realities that would later plague his term, yet its

prescriptions were firmly rooted in the United Nations Charter and were praised by other observers as providing a serious post-Cold War blueprint for the UN's role of maintaining peace. *An Agenda for Peace* reflected both endogenous interests with exogenous interests driven by the external environment. The new post-Cold War era as well as the focus placed on the UN presented an environment receptive to a more robust reflection of the organization's interests, one where the organization could also expand, affirm its autonomy, and relevancy as being a capable actor in this new world.

Second, *An Agenda for Peace* and his other initiatives like the *Supplement to An Agenda for Peace* and *An Agenda for Development*, demonstrated that Boutros-Ghali would forcefully advocate for his office's endogenous interests at the expense of exogenous interests. Even after being criticized by the United States and watching it and other actors pull back from peacekeeping operations, he agitated with the *Supplement to An Agenda for Peace*. He had either done this consciously or miscalculated his external environment which meant that he had not realized the advocacy of endogenous interests were coming at the expense of exogenous interests.

Boutros-Ghali additionally believed he had the support of many other important world leaders, including those in developing countries. His perceptions documented above showed that he thought he was more liked and supported than he really was. This is important because Boutros-Ghali perceived the external environment as being receptive. Therefore, Boutros-Ghali had not acted to forward the endogenous interests of the organization without regard to the external environment, but he had addressed the exogenous interests of the organization in doing so. He had either misjudged the external environment, or it had rapidly shifted after he had already taken action.

By looking at the evidence and considering the framework, a balance between exogenous and endogenous interests was not reached. Boutros-Ghali's actions were consistently tilted toward endogenous interests at the expense of exogenous interests, especially legitimacy. This was especially true after dramatic world events involving peacekeeping (or the lack of it) and the external environment shifted toward a position of scepticism of the UN. A balance between exogenous and endogenous interests would have led to a tempering of the pursuit of endogenous interests with a focus on garnering legitimacy from the external environment, which Boutros-Ghali didn't do. What is more the amplification of the interests and the lack of legitimacy led to strong rebuke from the external environment. This is the case because of Boutros-Ghali's nomination for a second term in office was vetoed. The actions taken under his leadership were rejected to the point that he had to be replaced.

Other Arguments

Boutros-Ghali's term as Secretary-General represents a deviant outcome among cases in this dissertation as Boutros-Ghali's term ended in such failure, whereas the other two organizations saw their actions tolerated. This chapter's analysis concluded that Boutros-Ghali failed to balance the demands of exogenous interests with endogenous interests and this led to his actions being rebuked in such unprecedented fashion. Yet, other compelling explanations for the actions of Secretaries-General exist, so what can an analysis through the exogenous-endogenous framework add? This section will outline alternate explanations, which are largely rooted in the individual characteristics of each of the Secretaries-General and how those characteristics affect their actions and their successes or failures. Then, this

section will turn back to the exogenous-endogenous framework to assess how this analysis can enhance our understanding.

An alternate perspective that focuses on the individual characteristics of the Secretaries-General is provided by Kille, who maintains that “What Secretaries-General are like personally will affect what they do and then these efforts can alter the path of the United Nations” (2006, 4). Kille utilizes a content analysis of how Secretaries-General responded to questions in office to code their words for particular leadership characteristics (26) and then groups the seven (in 2006) Secretaries-General into “three ideal leadership style types” gleaned from previous scholarship on the leadership of the Secretary-General (20). These ideal type categories are managerial, strategic, and visionary.⁴⁰

According to Kille, Boutros-Ghali ranks among the highest Secretaries-General for the “visionary” style of leadership, second to Dag Hammarskjöld. The visionary style of leadership is expected to lead to a Secretary-General more likely to address the peaceful settlement of disputes in “a broad interpretation of Article 99 to take center stage in peaceful settlement efforts” and will not be “aware of the negative fallout that this might provoke among countries who see their interests as being challenged” (65). Additionally, the visionary is expected to deal with intervention in a

⁴⁰ According to Kille “Managers emphasize the needs of others above task completion and do not possess a strong sense of supranationalism.” The visionary style “describes supranationalists who clearly believe in their ability to influence, focus on solving problems over the feelings of others and desire control and public acknowledgment of their efforts, but lack responsivity and a need for relationships.” Lastly the strategic style is “more responsive to contextual factors, less in need of recognition, displaying a greater need to build relationships, and recognizing the needs and feelings of others” (Kille 2006, 21).

way that “will seek to place a strong personal imprint on the character of peacekeeping operations from the beginning to the end of the mission” (66).

The visionary style of leadership is an apt descriptor of Boutros-Ghali and his actions in office. Though *An Agenda for Peace*, and especially his *Supplement* and *Agenda for Development*, was a broad policy map rather than a real-time response to a security crisis, whether a dispute or an intervention, it is consistent with the characteristics of lacking awareness of “negative fallout” from exerting the authority of office to bring matters to the attention of the Security Council. It’s also evident that his actions reflected a “strong personal imprint” on peacekeeping, not only as suggested above that Boutros-Ghali elevated the status of his *An Agenda for Peace* “from a report to an agenda,” the text itself featured a stronger role for the Secretary-General in managing crises. It is easy to see how Boutros-Ghali’s visionary style of leadership perhaps led to his misbalancing exogenous and endogenous interest. A more managerial or strategic Secretary-General would likely not have had tunnel vision regarding endogenous interests and better understood the realities of the external environment.

However, the style of leadership isn’t entirely explanatory by itself. First, Dag Hammarskjöld scored as the highest in terms of “visionary” leadership and his tenure in office is viewed in markedly different terms. Rather than pompous and agitating, Hammarskjöld is remembered as indispensable. Something more must account for the differences than style alone.

A comparative anecdote might provide an answer and it draws out how its viewing through the exogenous-endogenous framework might better explain the behaviour of the UN Secretariat than a focus on the individual leadership styles of the

Secretaries-General. Kofi Annan is considered to have a vastly different leadership style and personality than Boutros Boutros-Ghali. Of Kille's leadership categories for Secretaries-General (managerial, strategic, and visionary), Annan ranks the highest of all the Secretaries-General in the strategic category, while Boutros-Ghali ranked second to Hammarskjöld in the visionary category, a category in which Annan ranked amongst the lowest.

Yet, Kofi Annan agitated the United States and some of its allies with his declaration that the 2003 invasion of Iraq was "not in conformity with the UN charter, from our point of view and from the Charter point of view it was illegal" and his subsequent 2004 report *In Larger Freedom*, which Quang Trinh argues that "for the Secretary-General to purport to set the agenda for debate on the use of force is remarkable, given that it is usually the preserve of member-states" (Trinh 2007, 103). The basis of Trinh's assessment is that *In Larger Freedom* attempted to clarify when states could claim self-defence under the Charter's Article 51 provision, specifically arguing that "latent threats," distinct from "imminent threats," must be referred to the Security Council, a rebuke of the United States' justification for war. Importantly, the American war in Iraq was not popular in the external environment and the legitimacy and relevancy of the Secretary-General could be advanced with Annan's actions. Additionally, by 2004, the United States had lost much of its moral authority on issues of war and self-defence, meaning that although it was still a powerful actor it likely lacked the ability to pull a consensus of states together to rebuke Annan.

The purpose of drawing this very brief comparison is to show that Boutros-Ghali's tumultuous term in office can be explained by how his leadership

characteristics perhaps caused him to miscalculate or otherwise be blind to his external environment, leading to actions that did not restrain his vision, which was rooted in the endogenous interests of the organization. Annan, a very different style of leader, used his “bully pulpit” as Secretary-General to push against United States’ action in Iraq. Annan’s actions are respond to how the United Nations’ external environment threatened the organization’s relevancy and legitimacy due to the United States’ belligerence in Iraq outside of the United Nations sanctioning, and also responded to its internal environment by advocating the Charter’s clear prescriptions on when force may be authorized. The difference here is that Annan balanced the exogenous and endogenous interests in a way that Boutros-Ghali did not.

Conclusion

The case of Boutros-Ghali’s tenure as Secretary-General is an opportunity to examine the interests of an organization in an ambiguous environment complete with competing expectations and contentious demands. This case represented a deviant outcome in that the actions taken by Boutros-Ghali led to his failure to be affirmed for another term in dramatic fashion.

As the findings in this chapter have shown, Boutros-Ghali was aware of the organization’s external environment and exogenous interests of the organization were evident in his actions – he attempted to reinforce and expand the autonomy of the Secretariat through his prescriptions in *An Agenda for Peace*; he attempted to enhance the relevancy of the Secretariat by staking out a larger role for in the post-Cold War era. However, his actions tilted heavily toward endogenous interests, even when the external environment shifted to a much less receptive mood he did not act strategically to balance the interests. Whereas at the beginning of his term the external environment

was receptive to both the exogenous and endogenous interests of his office, when the environment changed – to the point that the exogenous interests of the organization competed with the endogenous interests - Boutros-Ghali didn't adapt and balance them.

Chapter 6

THE WORLD HEALTH ORGANIZATION AND A WORLD HEALTH CRISIS

You have to wonder are we making the right strategic choices? Are we ready for what's coming down the pike? - Dr. Keiji Fukuda, Assistant Director-General for Health Security, the World Health Organization, 2014

Introduction

The Ebola outbreak in 2014 thrust the World Health Organization into the international media spotlight. During this crisis the WHO faced more questions than it had answers for, notably why was its crisis response so unprepared and underfunded? This chapter seeks to understand how a major health crisis caught the principal organization tasked with coordinating global responses to outbreaks and epidemics so unaware. The exogenous-endogenous framework is applied here to understand how the interests of the organization interacted to produce the actions that led up to the crisis and the actions the organization took as the crisis unfolded.

The previous case-studies applied the exogenous-endogenous framework to other international organizations, looking at the Appellate Body of the World Trade Organization and the Secretariat of the United Nations. The World Health Organization is similarly an international organization, but it is also unique as a “UN specialized agency,” a technical agency largely reliant on its expert knowledge to maintain its independence and affect the world, thus enhancing diversity in the types of IOs examined across the three case studies presented here. This chapter examines the functions of the World Health Organization, including its empowerment to handle epidemics and crises, and traces the history of the organization and its competing

interests to understand what guided the organization to be so underprepared for an epidemic.

Section 2 will outline the internal and external environments of the World Health Organization as done in the previous case chapters. Such an outline will illuminate the sources of the organization's endogenous and exogenous interests. Section 3 will assess the organization's structure, functions, and history to show how the organization can make independent decisions. Examples of independent political action by the WHO will include disputes between the organization's Secretariat and external actors like the Catholic Church and the Soviet Union, as well as examples of how the organization handled previous health epidemics. This independence means that the decisions the organization took, particularly the way it prepared itself for future epidemics is ripe for examination through the exogenous-endogenous framework.

Lastly, Section 4 will establish a timeline of events, including the World Health Organization's response to the crisis and its external environments' reactions. Then we will examine the external and internal environments of the World Health Organization to apply the exogenous-endogenous framework and understand how these interests interacted to produce the actions taken by the WHO.

The Internal and External Environments of the World Health Organization

Both the internal and external environments of an organization evoke its interests. These are labelled endogenous and exogenous interests as they relate to the internal and external environments, respectively. The following paragraphs of this section will detail the internal and external environments of the World Health Organization.

External Environment and Exogenous Interests

The external environment of the World Health Organization includes its Member-states and other international organizations, and agenda-setting actors like the media, health-related non-governmental organizations, and world events pertaining to health. Like other international organizations, the World Health Organization's Member-states can affect the organization's scope and agenda through voting in the World Health Assembly and they have the additional power to supply money to the organization to fund its budgets.

The external environment of the World Health Organizations is distinct from other organizations in this dissertation in that the World Health Organization is a specialized agency within the United Nations framework. The World Health Organization acts autonomously from the United Nations, but it also takes part in policymaking at the UN's Economic and Social Council and also has special agreements with other UN specialized agencies, like the United Nations Development Program and the United Nations Children's Fund (Burci 2004, 74).

While the relationship between the WHO and other UN agencies is cooperative in nature, assessments of their relationship show that the WHO maintains its "independence from attempts by the UN to 'dominate' and centralize" and that "cohesiveness at the UN system level could not jeopardize WHO's privileged access to national health authorities" (Burci 2004, 75). Such an assessment demonstrates that the external environment of the WHO is unique in its relationship to the UN and other UN agencies compared to the other organizations examined in earlier chapters.

The World Health Organization is given constitutional powers to interact with other international organizations beyond the UN agencies described above. Article 70 of the WHO constitution stipulates that "The Organizations shall establish effective

relations and co-operate closely with such other inter-governmental organizations as may be desirable” and Article 72 enables the organization, with a two-thirds vote of the Health Assembly, to “take over from any other international organization or agency whose purpose and activities lie within the field of competence of the Organization such functions, resources and obligations as may be conferred upon the Organization by international agreement.” These articles firmly place other IOs in the external environment of the World Health Organization and additionally empowers the WHO to take over their functions if it is approved by the Health Assembly. Taking over other organization’s functions is described by Burci as being a necessary provision for consolidating older or defunct organizations into the WHO framework, such as the Health Organization of the League of Nations, but the WHO has more actively reached binding agreements with other organizations in addition to many informal agreements (Burci 2004, 73).

As mentioned above, other actors without voting rights or agreements with the World Health Organization comprise its external environment. Other actors in the external environment have the ability to affect the perceptions of the world regarding health and affect the way the World Health Organization responds to health issues. Additionally, the World Health Organization accepts and receives donations to fund its budget, and thus does not rely entirely on Member-state contributions. Article 57 of the constitution outlines that the organization “may accept and administer gifts and bequests” and these “gifts” have become a large portion of the funding for the organization. Roughly 77% of the World Health Organization’s budget comes from voluntary contributions rather than mandatory dues from Member-states. Yet, Member-states still contribute the most voluntarily (in addition to their basic,

mandatory contributions), with only 28% coming from other international organizations, non-governmental organizations, and private capital (WHO “Working for Health” 2007, 20).

Lastly, the external environment of the WHO is comprised of ideational actors, such as the media, public opinion, and health knowledge. Salient global health issues then affect the organization’s external environment, especially major health emergencies like outbreaks that garner widespread coverage in the media. Health emergencies and other health issues are beyond the control of the organization, but the organization is also responsible for responding to them. Therefore, these ideational factors are important for understanding the external environment.

Internal Environment and Endogenous Interests

The internal environment and its associated endogenous interests are similar to the other organizations’ in previous chapters in that these interests are largely derived from the organization’s constitution, binding agreements, and how these have been interpreted and applied by the organization. As an expert agency, the World Health Organization has important endogenous interests in clarifying issues and in agenda-setting. Since the organization has the expertise to collect and analyze global health information it can clarify best practices and in turn disseminate these to its Member states. Relatedly, due to its expertise it has an interest in agenda-setting. What the organization deems to be the best practices for health, the information it disseminates, and the advice it gives Member-states are all part of its interest in promoting better health outcomes, but specifically in its ability to lead on that topic. The organization would not be living up to its mandate, and its interest in fulfilment, if it stood idle. Therefore agenda-setting will be assessed as an endogenous interest in this case.

The endogenous interest in fulfilment can be gleaned from the governing documents of the organization and how those within the organization interpret them. The World Health Organization is tasked with an explicit objective from its constitution's Article 1: "The objective of the World Health Organization...shall be the attainment by all peoples of the highest possible level of health." The organization is further empowered to achieve this goal through a list of functions in Article 2, including the broadly worded directive "to take all necessary action to attain the objective of the Organization." Article 1 constitutes the major endogenous interest for the organization, but there are other aspects of the constitution that direct the organization.

Article 2 outlines a list of specific functions for the organization, with the chief function being "to act as the directing and coordinating authority on international health work." This is listed as the first function of the organization under Article 2, however, the Technical Preparatory Committee considered the "directing and co-ordinating authority" to be its chief objective with the subsequent functions being the means to pursue this end (Minutes of the Technical Preparatory Committee for International Health 1946, 70). Directing and coordinating on matters of health "was seen by WHO's founders as its essential purpose" (Burci 2004, 156). The Programme of Work by the World Health Organization governing the year 2001 summarized these directing and coordinating functions thusly:

WHO's directing and coordinating functions include the search for international consensus on health problems of global priority and the most effective ways of assisting countries to solve them, and advocacy of measures to mobilize international resources and action for health, including humanitarian assistance. They also comprise what is often referred to as the normative function of the WHO, that is, monitoring the health situation and trends throughout the world; proposing conventions, regulations, norms,

standards and guidelines related to health; and stimulating research, the advancement and application of knowledge and the sharing of information in the field of health (EBPC18/WP/4, 11).

The purpose of the above quote is twofold. First, it provides a recent example of how the language in the constitution describing directing and coordinating functions were put into practice. Second, it provides an apt summary of these functions. This summary shows that advocacy to mobilize action as well proposing new standards related to health are an important part of the organization's internal environment.

The constitution also contains language on the response of the organization to global health emergencies, like epidemics. The World Health Organization's constitution in Article 28 directs the organization to "take emergency measures within the framework and financial resources of the Organization to deal with events requiring immediate action." Article 28 further empowers the Director-General, with the authorization of the Executive Board, "to take the necessary steps to combat epidemics" and "to participate in the organization of health relief to victims of calamity." Responding to global health crises, particularly epidemics, is thus a key endogenous interest of the organization.

Lastly, the Director-General of the organization is also explicitly asked not to curry favor or accept outside influences in the course of its duties. Article 37 of the WHO Constitution states:

In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.

Article 37 closely matches the language found in Article 100 of the United Nations Charter and what former Secretary-General of the United Nations Boutros Boutros-Ghali referred to as “Psalm 100” for enshrining the independence of his office. Thus, the independence of the organization’s executive is an important endogenous interest.

In sum, the World Health Organization’s endogenous interests are derived through its internal environment, namely its governing constitution. The organization is tasked with a broad directive to bring the highest possible level of health to the world and is given further specific directives to attain this goal, including providing directions and coordination, as well as emergency measures to combat epidemics. In order to achieve these objectives, the constitution provides for a level of independence for the Director-General to avoid currying favor or accept influence from outside actors.

The World Health Organization, Politics, and Health Epidemics

The above section outlined the external and internal environments of the World Health Organization. This section will outline the practical functions of the World Health Organization, with an emphasis on historical precedent. What does the organization do and how has it traditionally done it? This section will further emphasize the independence of the organization to determine the capacity it has to make its own decisions as well as how the organization has historically handled health epidemics, including its preparation for them. To start with, the creation of the organization and the organization’s constitution will be outlined, followed by an examination of past actions by the organization.

The World Health Organization was created as the “single universal public health agency” and was intended to replace previous international health regimes, which were disparate and uncoordinated (Burci 2004, 124). Previous international health agreements weren’t entirely done away with, instead these health agreements were amalgamated into a single framework within the WHO. This “revision and consolidation” of previous international agreements finished in 1951 during the Fourth World Health Assembly (Burci 2004, 135). The 1951 revisions became “The International Sanitary Regulations” which begins in paragraph one with its “principal aims”: the “eradication of disease” and “to limit the extension of outbreaks of disease” (WHO 1951, 5). Thus, an endogenous interest emerges in the achievement of eradicating disease and limiting outbreaks.

The constitution of the World Health Organization created three main organs: The World Health Assembly, the Executive Board, and the Secretariat. The World Health Assembly is comprised of representatives from Member-states who vote to determine the policies of the organization, including selecting the Director-General and approving the organization’s budget (Article 18). The World Health Assembly is a forum for Member-states to air their opinions during its meetings and to vote on issues brought to its attention. The Secretariat and Executive Board are, but are entrusted to make decisions and carry out the duties of the organization.

The Executive Board and Secretariat have explicit authorities outlined in the constitution. The Executive Board, comprised of persons elected by Member-states to serve on the Board for three year terms, is given a list of functions under Article 28. These functions include submitting advice and proposals to the Assembly, creating the budget (to be voted on and approved by the World Health Assembly), executing the

policies of the organization, and taking “emergency measures” and “necessary steps” to combat epidemics (Article 28). Specifically, the Executive Board is empowered to “authorize” the Director-General to take necessary steps to combat epidemics, to participate in the organization of health relief to victims of calamity” (Article 28(i)). Furthermore, the WHO’s constitution assigns additional authorities directly to the Secretariat and its Director-General not delegated by the Executive Board.

Under “Chapter VII – The Secretariat,” the Director-General of the World Health Organization and the staff appointed the Director-General comprises organization’s Secretariat. The Director-General “shall be the chief technical and administrative officer of the Organization.” The most significant authority assigned to the Secretariat is the ability to establish relationships with Member-states health administrations, governmental or non-governmental. Article 37 stipulates the Director-General must act in a way that reflects the international character of the organization and refrain from being influenced from Member-states or anything else external to the organization. Article 37 also stipulates that Member-states must not seek to influence the Director-General or corrupt its international character. As mentioned above, Article 37 is important for the independence of the Secretariat.

Although the constitution spells out the functions, authorities, and constraints placed on each organ of the organization there is considerable room to interpret their meanings and what effect they might have. Therefore, to clarify and understand the interpretation of the constitution and the practical functions of the various organs, it is necessary to turn to the actual history and practice of the organization. An outline of the history of the practice of the organization will further support the authority and independence of the Executive Board, and more specifically the Secretariat.

A Brief History of the Executive Board and Secretariat

The Secretariat of the World Health Organization has an important role in this case study. First, the World Health Organization is both a forum of states to make collective decisions and an independent political body capable of making its own decisions. As far as the latter goes, the Director-General and the Executive Body are the major, independent drivers of the organization. Secondly, the Secretariat is comprised of the Director-General, the person who is looked to for guidance and for leadership. Burci explains:

The Director-General is also vested with responsibilities of a political nature which, unlike its administrative duties, may demand direct action by him. The Director-General's competence extends far beyond what is laid down in the official texts. He exerts remarkable influence...(Burci 2004, 50).

Additionally, the crafting and approval of the organization's budget is an important aspect of the organization that Directors-General have carved a role for themselves not explicitly outlined in the organization's constitution. Burci argues that the Director-General has a "supreme weapon" for "obtaining a favorable vote in favor of the Director-General's preferred outcome during budget debates (Burci 2004, 51). Burci argues that the "political responsibility" of Directors-General to advocate for their preference in these debates coupled with the authority of the Director-General to make a statement at any time during a budget meeting, including the last word, has provided an advantage for Directors-General in achieving their desired results.

Importantly, Burci notes that neither the "political responsibility" nor the "power" to weigh in on budget approval decisions are defined in the constitution of the World Health Organization, but "evolved from the way the Director-General carries out his duties" (Burci 2004, 51). Therefore a history of the Secretariat and some of the precedents set by past Directors-General will be outline below.

The first Director-General of the World Health Organization, like the first Secretary-General of the United Nations, had an outsized role in defining the practical operation of the organization and establishing precedent for the future (Hoole 1976, 94). Director-General Brock Chisholm helped define the organization's independence from Member-states and was not shy about wading into controversial issues when necessary. For Chisholm, "world health could never be divorced from world politics" (Farley 2008, 204).

Brock Chisholm led the organization through several contentious moments during the organization's early existence that help contextualize the organization's behavior today. The first of these contentious moments manifested immediately after the creation of the World Health Organization: the Cold War played out within the organization, meaning that "the functionalists' dream of an apolitical approach to health would not be realized" (Farley 2008, 62). The immediate crisis emanating from Cold War politics in which Chisholm took a significant role in mediating began with which countries would become or remain Member-states.

After the WHO constitution was created and states began to ratify and join the organization, the United States indicated that it would only ratify the constitution of the WHO and join if it could withdraw its membership at any time. There was no such provision in the constitution to allow for a country to rescind its membership and thus the United States was asking for special and extra-constitutional treatment. As explained by Farley, "Realizing that the WHO could not function without US financial backing, delegates led by Britain, India, and the Soviet Union were willing to overlook this technicality and extend full membership to the United States" (Farley 2008, 63). While the decision to allow the United States to enter the World Health Organization

with its own, special conditions was made through vote by the World Health Assembly rather than the Executive Board or the Secretariat, it shows the fears within the organization of losing support from a major country.

It was this charged environment that Chisholm stepped into. Seven months after Chisholm became Director-General the Soviet Union did what the United States had asked special consideration to do itself – the Soviet Union withdrew its membership in the organization, followed by eight more countries, including Poland, Ukraine, and Belarus. Chisholm's response was to not recognize the withdrawal of these countries, as the WHO constitution did not allow for this, even though the United States had demanded an exception for its entry (Farley 2008, 83). These countries came to be known as "inactive members" rather than "non-members."

Chisholm's decision-making reflects a much more political and independent role to the Secretariat than described in the organization's constitution. The World Health Assembly voted "that the countries would not be welcomed back and that no further action would be necessary" (Farley 2008, 83). However, Chisholm had worked to persuade the Soviet Union and its allies to remain in the organization. Chisholm did so of his own accord and without compulsion from either the World Health Assembly or from the Executive Board. Chisholm had to reckon with the lack of funds streaming in from what the World Health Assembly had declared "inactive members." He pushed a budget that would raise the contributions from the "active" Member-states commensurate with the decline in the budget produced by the "inactive" Members. This was a calculation he had to make between the need to fund the budget and to retain political support from less developed and poorer countries, even in the face of wealthier countries' opposition (Farley 2008, 86).

A second major test for Chisholm came as the Catholic Church began to counter publicly some of the medical proposals emanating from the World Health Organization. India made requests to the World Health Organization about help with family planning and population control, to which Director-General Brock Chisholm is reported to have responded favorably (Farley 2008, 173). He wrote that India faced “mass starvation and death for millions” if it did not take effective birth control measures immediately. He asked “Will anyone dare to suggest that India should chose death?” (Chisholm 1951, 1462).

The Catholic Church resolutely opposed the use of the World Health Organization to promote or supply birth control outside of the most “natural” methods and even considered Chisholm to be an enemy (Farley 2008, 173; 177). India’s request for assistance with birth control and Chisholm’s affirmative response, coupled with his history associated with birth control, set off a major crisis involving the World Health Organization. Chisholm took action to dispel it.

Chisholm reversed course on his ideas for population control in India and instead developed a birth control plan acceptable to Catholic doctrine so long as the WHO could help with India’s population efforts (Farley 2008, 180). Such a policy contradicted Chisholm’s past supporting more scientific birth control efforts and also contradicted what the experts within the Secretariat were advising him to do. Chisholm responded that the WHO should “experiment” with natural birth control methods which are “universally acceptable, even to the Roman Catholic Church,” all the while acknowledging his advisor on the matter “would rather consider all possible methods of birth control” (Chisholm 1951).

The controversy with the Catholic Church again demonstrates the political and independent decision-making capacity of the WHO Secretariat. The Catholic Church had no formal authority in the WHO as it is not a member (its main advocate within the organization was Ireland). So, the WHO switched its policy course not because its Member-states had asked it to, but to respond to its external environment. The above timeline of the controversy shows that Director-General Chisholm reversed course on a policy he had supported and his advisors asked him to support in an effort to appease an external actor, the Catholic Church. Had the Secretariat waited for votes from the World Health Assembly or adhered to the technical knowledge of the Secretariat's staff, Director-General Chisholm would have had no reason to experiment with natural birth control methods as part of WHO programming.

The above examples demonstrate that even from the earliest stages of the organization's existence the Secretariat was involved in and attempted to settle political disputes. The demands of the organization's external environment would additionally affect how the organization responded to global health problems, including epidemics. The following subsection traces how the organization got involved in providing a solution to smallpox and how it was able to ultimately find success. The following section will further clarify the Secretariat's role in the organization through practice.

Epidemics and Politics

To provide a baseline for the later analysis of the WHO's response to the Ebola epidemic in 2014 the WHO's response to smallpox will be examined. While smallpox was not a fast-moving outbreak that required emergency mobilization, it was an epidemic in which the solution was fraught with budget problems and politics. The

eradication of smallpox is a major example of the WHO's success. This subsection assesses how it achieved success, particularly how the organization's balancing of its exogenous and endogenous interests led to the policies the WHO implemented.

In the early 1950s the World Health Organization proposed global programs to eradicate smallpox. Cold War politics threatened the proposed programs, with the United States preferring to continue an ongoing a program to eradicate malaria and the Soviet Union campaigning for an additional program to eradicate smallpox (Tucker 2001, 46). During the third ever meeting of the World Health Assembly, the Soviet delegate argued that socialized medicine and a deconstruction of colonialism would be the only way to eradicate diseases or manage epidemics, much to the consternation of the United States (Farley 2008, 62). The WHO would take up both campaigns. In 1959, the World Health Assembly voted to approve the proposal to eradicate smallpox, reportedly as a sign of cordiality to the Soviet Union, which had returned as part of its post-Stalin "peaceful coexistence" policy with the West (Tucker 2001, 45-46). Starting with a small budget of \$300,000 a year, the program to eradicate smallpox was underway. The following paragraphs will describe how the organization undertook this challenge.

Director-General Gomes Candau, like his predecessor in Chisholm, found himself in the middle of the Cold War standoff playing out inside of the World Health Organization. Candau was caught between the Soviet Union demanding a much larger scale smallpox eradication program and the United States unwilling to agree to the increase in funding such a program would require. During the debate over ramping up the WHO's eradication program (without a commensurate increase in funding),

Candau used the authority of the Director-General also referred to as the Director-General's "supreme weapon," to interject during debates. As Tucker summarizes:

In a gambit to torpedo the proposed resolution, Candau called for a supplementary allocation of \$2.4 million for smallpox eradication on top of the WHO regular budget. He declared that if the member countries did not approve the additional money, it would be impossible to launch the new initiative. Having established this condition, the director-general believed that the United States and other wealthy countries would reject an intensified smallpox program because they would have to foot the lion's share of the bill (2001, 58).

The significance of Candau's actions are that the Director-General used the authorities of his office to push for his office's preferred outcome against an external environment divided by key actors. Candau recognized that the organization would be burdened if it was mandated to scale up its efforts to eradicate smallpox without being given the funds to do it. The organization would be in a terrible position – it would be incapable of solving the problem and it would be blamed for not solving the problem. So, instead of allowing the organization to be bogged down with a gargantuan task without the requisite funding, he demanded the funding to go along with the proposal. The exogenous interest of legitimacy and autonomy are evident here. The organization was going to be burdened with a task it couldn't achieve against its will, which impacts autonomy, and it would simultaneously lose legitimacy when it proved incapable of seeing it through. Similarly, the endogenous interests pursued here were agenda-setting and fulfilment; Candau sought the funds to combat smallpox rather than pursue a toothless policy in name only. The result of Candau's efforts was that "Washington finally decided to make common cause with Moscow" and agree to the funding Candau had asked for (Tucker 20001, 58). Candau's intervention had worked. It also reflected an action that balanced exogenous and endogenous interests.

Furthermore, Director-General Candau demanded that the United States supply an experienced technocrat to run the campaign, which, according to Tucker was so that “the United States would bear most of the blame” if the campaign, which was ambitious, failed, even with the funding (Tucker 2001, 59). Candau’s demand for D.A. Henderson, and American scientist from the Center for Disease Control, again paid off in terms of bolstering the WHO’s perception in its external environment. At first, the Soviet Union complained that an American was appointed to run the eradication campaign. However, the Soviet Union told Henderson they approved of him as he “was a serious scientist and not a political operative” (Tucker 2001, 62). Such an action again reflects a balance between exogenous interests, namely legitimacy, with the endogenous interests of fulfilling the organizations mandate to improve health.

While the pursuit and eventual resolution to eradicate smallpox was an important policy, it also contextualizes how the World Health Organization would eventually treat Ebola. The WHO showed that it had the knowledge and capacity to administer a large-scale operation to eradicate a disease. Importantly, the WHO was able to cajole states into compliance with its policies, something that would become a problem during the Ebola outbreak. This is a clear reflection of the endogenous interests of agenda-setting.

The regional offices of the organization also resisted the implementation of a policy they disagreed with, or at least did not find feasible (Tucker 2001, 64). Tucker cites part of the success of the smallpox eradication program to Henderson’s willingness to “bend long-standing rules” in the bureaucracy to overcome the problem of the unwilling regional offices.

Henderson and the WHO's efforts were additionally successful due to their willingness to work with member countries in an effective manner. These decisions proved to be pragmatic. For instance:

Although the government of each smallpox-endemic country was nominally responsible for directing its own vaccination campaign, WHO staff epidemiologists served in an advisory capacity, providing technical and administrative support and training local health workers, who were often poorly educated and undisciplined. Between two and four expatriate staff members were assigned to a given country[...]When recruiting personnel, [Henderson] decided not to require any prior experience working with smallpox. Instead, he sought out people with basic intelligence, good problem-solving skills, and the motivation needed...(Tucker 2001, 65).

Another hurdle in the way of the World Health Organization was the obstinacy of its Member-states affected by smallpox. The World Health Organization was only effective to the point that the states affected by the disease cooperated. Some countries, particularly countries who were affected by smallpox, refused to admit that it was a problem or that smallpox was present in their countries and thus did not cooperate with the smallpox eradication campaign (Tucker 2001, 67).

The World Health Organization responded to these obstinate Member-states in varying ways. The organization offered free resources to these countries, including transportation, fuel, and the vaccine itself. The WHO also attempted to shame countries that didn't go along with the program through a review in the organization's weekly and annual reports. The health ministers of countries that failed to meet expectations had to account for their countries' lack of progress during the annual World Health Assembly meeting (Tucker 2001, 67). This shaming proved effective as health ministers were embarrassed to give lackluster reports. The WHO was able to goad states into compliance, which demonstrates the influence of IOs on states and further makes it important to understand the interests that guide their behavior.

In sum, the Secretariat of the World Health Organization had several challenges in developing and implementing its plan to eradicate smallpox. The Director-General successfully exerted the powers of his office to demand the necessary funding for such an endeavor, knowing that a mandate without a budget would cost the organization its credibility and respect. The implementation of the program required administrators to work through a muddy bureaucracy and with Member-states less inclined to participation. At each of these obstacles, the Secretariat made decisions to increase the effectiveness of the program, including pushing back against Member-states and even cajoling Member-states into action by making the health ministers report on their progress to the Health Assembly. The success of the smallpox eradication policy can be compared to how the WHO responded to Ebola. Why was it effective at eradicating smallpox and why did the campaign to control the Ebola outbreak fail? Were there changes in the organization that reduced its effectiveness and if so why were they made? The following section on Ebola will refer back to the smallpox campaign to identify changes and disparities in the organization that affected its effectiveness.

Exogenous-Endogenous Response to the Ebola Outbreak in 2014

Introduction

The Ebola outbreak of 2014 was just the type of epidemic the World Health Organization had been designed to combat. It was international in scope, it was fast-moving and required centralized coordination to lead Member countries and relevant agencies, and it demanded expert opinion to implement a solution. The WHO's constitution commissions the organization to manage international health issues, but it

specifically commissions the organization to control outbreaks and epidemics that travel across international borders. Yet, the accounts in this section will show that the World Health Organization's and its Director-General Margaret Chan's responses were widely derided as inadequate or inept and other international organizations, states, and non-governmental organizations eventually had to fill the void.

The following section will analyze the crisis through the lens of the exogenous-endogenous framework to understand how the interests interacted leading to the WHO's preparedness and execution. Additionally, this section will determine whether the organization's actions were tolerated by stakeholders or whether they retaliated against the organization. At the conclusion of the section, other views will be assessed. Principal-agent theorists would privilege the organization's Member-states in explaining the outcomes: agents shirk when the principals do not hold them in line and agents work when their principals actively manage them. However, this section will show that the WHO was not shirking. Interpretivists would explain that the organization's actions emanated from organic changes within the organization, whether through re-interpretation of its charter or through bureaucratic pathologies, in a way that caused it to be ineffective. This section will make clear that such organic changes from within the organization do not explain its actions.

The following section will also address the World Health Organization's ongoing response as the Ebola crisis unfolded. Faced with an increasingly critical external environment and an increasingly devastating epidemic, what guided the WHO's response to the crisis? Ultimately, does this balancing of endogenous and exogenous interests explain the World Health Organization's response in real-time?

The Build-Up to Crisis

How had the World Health Organization prepared itself to handle an international health emergency - especially an outbreak crisis? Furthermore, the organization had won praise for its response to the 2003 SARS outbreak from its external environment, so the organization had recently succeeded in handling a crisis (Tharoor 2003, 78). However, as the subsequent evidence in this case will show, the World Health Organization's response to the Ebola outbreak was not only ineffective in immediately stopping or limiting the spread of the outbreak, but widely criticized from a wide-range of external environment actors, as well as by the organization itself. So, what was the organization's plan for an emergency health crisis and why was it so ill-prepared?

In 1995, the Ebola virus struck the Democratic Republic of Congo, killing 245 people. (Altman 5-10-1995). The 1995 Ebola outbreak set the WHO into action, creating a better response mechanism for dealing with such a crisis:

The W.H.O. took the lead, at the request of its member nations. A crew of passionate outbreak veterans assembled a unique department, using an early form of electronic crowdsourcing to detect outbreaks and dispatching experts to the field. Three years after the effort solidified, the W.H.O. played a big role in responding to a cluster of deadly pneumonia cases in Asia. The new virus became known as SARS, and it was contained within the year, with most cases occurring in China (Fink 9-3-2014).

Despite what appeared to have been successful operations by the WHO to combat epidemics as well as a concerted effort to evolve and make the organization more effective in that capacity, the WHO's response to the 2014 Ebola outbreak failed to live up to these expectations.

As recently as 2007 the World Health Organization had focused its attention on epidemics and health security, titling its 2007 World Health Report "Global Public

Health Security in the 21st Century” (Heymann *et al* 2007). The report had a definition of global health security tailor-made for the eventual 2014 crisis, considering the achievement of global health security to “minimize vulnerability to acute public health events that endanger the collective health populations living across geographical regions and international boundaries” (Heymann *et al* 2007, 1). The report explains that an “interdependent and interconnected world provides myriad opportunities for the rapid spread of infectious diseases” and lists “epidemic-prone diseases” as its first example of “public health threats confronting people today” (Heymann *et al* 2007, x).

In its definition of epidemic-prone diseases, the WHO stressed that Ebola poses a threat to health security and that “During outbreaks of these diseases, rapid assessment and response, often needing international assistance, has been required to limit local spread.” The 2007 World Health Report reflects an effort to prepare the organization to achieve a key endogenous interest, while also capitalizing on its external perception from the last emergency of it being a competent and useful organization. The focus on global health security and awareness of the risks posed by infectious disease epidemics spreading across borders is precisely what was missing from the World Health Organization’s response to the Ebola outbreak in 2014. What changed in the intervening years between 2007 and 2014?

The *New York Times* reports that in the years between the 1995 Ebola outbreak, the SARS epidemic, and the Ebola crisis in 2014, the World Health Organization’s budget was slashed as the global financial crisis made money scarce, particularly in the form of voluntary donations (Fink 9-3-2014). In 2009, Director-General Chan addressed the fears that the financial crisis would affect global health

investments by warning that a failure to “maintain the integrity of systems that protect us from cross-border health threats” would come “at our collective peril” (Chan 2009). Despite this warning of cross-border threats, the World Health Organization prioritized health issues like “fighting chronic global ailments, including heart disease and diabetes” at the behest of donors (Fink 9-3-2014). The 2008-2009 WHO budget stresses targeting increased budget priorities for addressing “chronic non-communicable diseases” and child mortality, a major cause supported by one of the WHO’s largest donors in the Bill and Melinda Gates Foundation (2008-2009 WHO Budget, 109; Evans 2009; WHO A63/4).

The WHO’s World Health Reports corroborate the change in priorities. Reports from 2008 to 2013 place the need for expanding access to primary health care at the fore of the world’s health agenda, replacing the earlier focus on “global health security.” While these Health Reports focus on the inequities of healthcare systems in many parts of the world, which are in-line with the organization’s endogenous interest of supporting global health, the reports still reflect a shift in the priorities of the World Health Organization away from issues like outbreaks and epidemics after the financial collapse. Thus, the organization’s re-prioritization of health issues correlates to the change in its external environment where less discretionary money was available to pay for voluntary contributions to the organization. This re-prioritization is reflective of a balance of exogenous and endogenous interests. The WHO responded to changes in the external environment by adopting a different priority list, which enhanced the organizations relevancy and legitimacy, while also pursuing its endogenous interests of agenda-setting and fulfilment by continuing to pursue important world health

issues. The organization could continue fulfilling its mandate while simultaneously responding to changes in its external environment.

This response came at the expense of its older priorities. The *Scientific American* reported that the WHO was faced with a \$300 million deficit in 2010 and brought it back to even by the budget of 2013-2014 (Butler 2013). The budget was balanced by making “hard choices,” like a \$72 million cut to fighting infectious disease and the allocation for “outbreak and crisis response” was halved from \$469 million to \$228 million for the 2013-2014 budget (Butler 2013). The budget cuts caused the WHO’s units dedicated to emergency preparedness to suffer “particularly deep losses, leaving offices that look, one consultant said, like a ghost town” (Fink 9-3-2014). The office responsible for epidemic and pandemic responses was removed entirely. Specifically, “Across Africa, the ranks of the agency’s regional emergency outbreak experts, veterans in fighting Ebola, were cut from more than a dozen to three,” reports the *New York Times* (Fink 9-3-2014). Controlling outbreaks and epidemics were no longer among the WHO’s top priorities according to its annual lists. Coupled with the budget constraints it makes sense the organization would ask states to bear more of the responsibility in managing epidemics as it shuffled funds elsewhere.

The WHO was aware that these cuts and these changes would weaken its ability to respond to an emergency. Dr. Francis Kasolo, a WHO coordinator for the response to Ebola in 2014, wondered that with budgets for emergency preparedness slashed “how can you immediately respond to an outbreak?” (Fink 9-3-2014). Dr. Bruce Aylward, the WHO’s Assistant Director-General for Polio Emergencies stated “You can’t make a cut that big, that deep, and it’s not going to have an effect on your

operational capacity” (Fink 9-3-2014). Such sentiments were not hindsight talking. Gaudenz Silberschmidt, one of Director-General Chan’s advisors, said in 2013 that budget cuts to outbreak responses meant that the organization would have to rely on “emergency funding from Member-states” if a crisis ever occurred (Butler 2013).

In response to these cuts, the WHO proposed small solutions, which amounted to helping Member-states in affected regions to develop their ability “to respond to public health threats on their own” (Fink 9-3-2014). In 2013 Silberschmidt said that countries would have to respond to health crises themselves rather than rely on “the WHO as an emergency fire brigade” (Butler 2013). A report from the WHO’s Secretariat at the 2013 World Health Assembly noted that 110 Member-states failed to meet “the initial deadline [June 2012] for establishing national core capacities” to respond to health emergencies (A66/16).

External actors viewed the solution to bolster Member-states’ capacities to handle crises as fanciful: “[B]y 2012, the deadline it set, only 20 percent of nations had enacted them all. In Africa, less than a third of countries had programs to detect and stop infectious diseases at their borders.” Dr. Scott Dowell, an infectious disease expert with the U.S. Center for Disease Control, pointed out that “There never were the resources to put those things in place in many parts of the world.” The above evidence shows that the WHO knew such cuts would have adverse ramifications if there were a crisis as the WHO had cut its budget for managing emergency outbreaks and states had failed to fill the void. When controlling epidemics topped the organization’s priorities list it was not pushing for poor or weak states to develop their own response capabilities as a solution.

The miserly reaction of Member-states to the financial crisis is understandable – less money coming into government coffers means less discretionary spending. However, the WHO's decision on how to prioritize its limited funding and how to address expected shortcomings was not obvious. Some clues are available as to why the organization chose to prioritize issues like diabetes over emergency epidemic preparedness. For one, the external environment of the WHO exerted pressure on the organization to prioritize more “popular” issues, like heart disease. Mandatory dues from Member-states only make up about 23% of the WHO budget, while the rest of their funding comes from voluntary donations, which aren't limited to Member-states, but include other agencies, NGOs, and individuals. For the 2014-2015 budget, 77% of funds came from voluntary contributions (Butler 2013). These actors in the external environment were asking for their donated funds to be used to address their favored causes rather than what the WHO itself deemed most necessary (Fink 9-3-2014). The WHO was of course free to accept or reject the donations and their earmarks, but the reliance on these donations reflects the relationship between exogenous and endogenous interests. The WHO could maintain and expand relevancy and legitimacy while at the same time pursuing endogenous interests to improve health. To shun the donations would come at the expense of legitimacy, relevancy and its ability to fulfil its mandate.

Director-General Chan was candid that the reliance on donations to fund the organization constrained the organization's response. Dr. Chan says of the WHO's budget, “My budget [is] highly earmarked, so it is driven by what I call donor interests. When there's an event, we have money. Then after that, the money stops coming in, then all the staff you recruited to do the response, you have to terminate

their contracts” (Fink 9-4-2014). In 2009, some media criticized the WHO and Dr. Chan for overstating the ramifications of the “swine flu,” or H5N1, by updating the definition of “pandemic” to make the swine flu appear more of a threat (Fumento 10-16-2009). The WHO’s previous definition of a flu pandemic required “enormous numbers of deaths and illnesses,” but changed to “the occurrence of cases of disease in excess of what would normally be expected in a defined community.”

The allegation of why the WHO changed its definition of pandemic was to justify more funding. The logic is intuitive: if the organization was short on funds for handling an emergency, then the threat of an emergency might kick the world into action. However, the change of definitions could have been a mere coincidence. In September of 2009, Director-General Chan gave a speech to the WHO’s Regional Committee for Europe, a body comprised of representatives from regional Member-states, in which she discussed effects of the financial crisis on global health, stressing that the hardest hit countries were also the countries most in need of health aid. She said “Public health had no say in the policies that seeded the financial crisis or set the stage for climate change. But public health has much to say about the influenza pandemic, how it is managed, and how its impact can be reduced” (Chan 9-15-2009). Here Director-General Chan invokes the threat of pandemic in her calls for the wealthier Member-states to continue their financial contributions in the wake of the economic crisis.

The above evidence suggests that the external environment exercised considerable pressure on the World Health Organization as a result of the global economic collapse. The WHO’s re-prioritization away from epidemics shows that the organization had to also consider its exogenous interests along with its endogenous

interests. The organization did not re-prioritize its issues because of Member-state votes in the Health Assembly or through formal compulsion, but because the organization pursued interests in relevancy and legitimacy. The WHO changed its issue priorities to put more popular (with donors) issues at the top of its priority list that also coincided with its endogenous interests to improve world health. This is not explainable as the result of purely internal, bureaucratic politics or an internal surge in interest for non-communicable diseases that caused the organization to displace health security and emergency preparedness on its priority list. Had the World Health Organization held fast to its original prioritization (or the one it had used for the previous decade) it might have lost clout and, importantly, funding, which all affect the organization's exogenous interests of legitimacy, autonomy, and relevancy. Failing to act strategically with its external environment would invite repercussions. The organization balanced its endogenous interests of bringing the highest level of health to the world against exogenous interests relating to its external environment, particularly its interest in relevancy, leading to the organization to re-prioritize toward more popular health issues.

The new re-prioritization and the organization's limited budget affected the WHO's capacity to respond to a crisis. Once Ebola spread across borders and was no longer an isolated incident, the WHO struggled in managing the emergency response and neutralizing the epidemic, a central endogenous interest as outlined in its constitution and precedent. The WHO's external environment would harshly react against it as the organization struggled to effectively manage the crisis. The Ebola outbreak would be a "perfect storm" for the organization, where its exogenous interests were threatened because the organization could not achieve its most basic

endogenous interests. The organization's legitimacy, autonomy, and relevancy were at stake since the organization could not manage the Ebola outbreak. The result was an organization that continued to downplay the threat of Ebola publicly, ostensibly to maintain its image as a capable organization, all the while scrambling to react to the crisis with its limited capacity. The organization would eventually have to trade in certain exogenous interests like its autonomy and would face contractions as other actors took over functions, all for the pursuit of its endogenous interests of effectively controlling the outbreak. Without the epidemic being brought to a halt, the World Health Organization would face disastrous external consequences.

The 2014 Ebola Crisis

The first Ebola victim in the outbreak of 2014 was traced back to a two-year old in Guinea who died in December 2013 (Mazumdar 12-10-2014). At the time of his death no one knew Ebola was responsible and it was a full year later that the cause was discerned. The BBC reports that the Ebola virus had not been seen in West Africa before the outbreak, which aided in catching the world by surprise. Director-General Chan concludes that "it is fair to say the whole world, including the WHO, failed to see what was unfolding, what was going to happen in front of our eyes" (Mazumdar 12-10-2014).

Guinea's Ministry of Health officially reported the Ebola outbreak to the World Health Organization on March 21, 2014. The WHO details its response in a situation report on March 25, stating that the "WHO and other partners are implementing measures to control the outbreak and further spread" and sending "multidisciplinary teams" to the affected regions to "educate the public [and] manage cases" (WHO 25-March). The WHO concludes its report stating that the "WHO does

not recommend that any travel or trade restrictions be applied to Guinea in respect to this event.” Such a response is indicative of what Director-General Chan described above as failing to see what was unfolding in front of their eyes and also a reflection of how the budget constraints had impacted the WHO’s ability to monitor counties’ health situations effectively.

Meetings between the U.S. Center for Disease Control brought to light that the WHO experts based in the affected countries were not filing reports on the disease and its spread, thus meaning the Secretariat of the WHO was not getting up to date information (Cheng 10-17-2014). A leaked document from within the WHO additionally points to a specific example of the WHO’s regional offices creating more hurdles, with the Associated Press reporting “that the head of [WHO’s] Guinea office refused to help get visas for an expert Ebola team to come in and the \$500,000 in aid was being blocked” (Cheng 10-17-2014). While the Associated Press also reported that Director-General Chan had replaced the WHO’s country office heads in Guinea, Liberia, and Sierra Leone to help improve the responses there, it was only after experts within the WHO sent a letter to her criticizing the WHO’s response. This sequence reflects that the Secretariat was not receiving timely or accurate information from its ground operation.

Actors in the external environment, particularly NGOs and the media, criticized the WHO for its handling of the Ebola outbreak. Doctors Without Borders, a medical NGO created to provide medical help to populations in distress (DWB Charter), came to loggerheads with the World Health Organization over the extent of the crisis. A representative from Doctors Without Borders, Andre Heller Perache, said that his organization had released a series of press statements in June that he regarded

as a “desperate cry for help” to make people understand the severity of the crisis (Mazumdar 12-10-2014). He recounted that the WHO “rebuffed” their claims regarding the severity of the crisis.” Later in the summer, on July 30th, Doctors Without Borders pressured the WHO Secretariat to declare Ebola an international health emergency, but Dr. Chan responded that Doctors Without Borders was being “very pessimistic” (Sun et al 10-4-2014).

Eventually, Director-General Chan’s eyes would be opened. Chan realized the shortcomings in the WHO’s response to the crisis. The World Health Organization reported that it had requested additional funding in March when reports of Ebola spreading were first emerging and had raised US \$4.8 million from 18 major donors ranging from Member-states to private companies (Salaam-Blyther 2014, 11). By July the WHO reported that it had exhausted these funds and it needed more. The budget for Ebola and other epidemics has been low, but it had also resulted in a loss of staff and experts who would have proven valuable during the emergency (Sun et al 10-4-2014).

The budget cuts and the resultant loss of staff comports with the findings in the previous subsection: the organization re-prioritized its focal issues when its external environment shifted. Money was less available to the organization, and much of what was available for the organization was coming from Member-states and organizations that had their own goals in mind. The Secretariat then reapportioned its budget away from certain health issues and towards others because of new external pressures, and thus its exogenous interests balanced with its endogenous interests to produce the new issue prioritization away from epidemics toward universal healthcare and non-communicable disease.

While funding cuts had slashed the organization's epidemic response, the World Health Organization still took several important steps to combat the outbreak of Ebola, even as it had tried to downplay the extent of the crisis. In early July 2014, the World Health Organization "convened a special Ministerial meeting on the outbreak" (WHO Roadmap 2014, 4). According to the World Health Organization:

The objective of the meeting was to obtain consensus from Member-states and partners on the optimal ways to interrupt ongoing EVD transmission in West Africa in order to reduce the human, social, and economic impact of the current outbreak and any future EVD outbreaks. The meeting focused on attaining a clear understanding of the current situation and response, including gaps and challenges; developing a comprehensive operational response plan for controlling the outbreak; implementing priority preparedness activities by countries considered to be at risk; and engaging with national authorities to optimally respond to EVD outbreak (WHO, 7-2014, 4).

The result of this special Ministerial meeting was the WHO's "Strategic Action Plan for Ebola Outbreak Response." The plan called for the WHO to provide leadership and coordination of the response, deploy WHO experts to afflicted areas, disseminate information on the outbreak, and to provide "necessary support to strengthen core capacities," among other duties (WHO Roadmap 2014, 5). The WHO additionally published a budget for its strategic action plan that totaled US \$37 million in spending for the WHO itself, with an additional US \$58 million of spending for the afflicted Western African countries of Guinea, Sierra Leone, and Liberia (WHO Roadmap 2014, 11). The WHO's "emergency committee" convened several times regarding the Ebola epidemic about what should be done (Mazumdar 10-22-2014). All of this demonstrates the Secretariat of the WHO was reacting to the events on the ground and attempting to manufacture a more effective response, even if its public statements to this point had been dismissive of the scope of the emergency.

On July 24, 2014, Director-General Chan re-graded the outbreak to a “Level 3” from a “Level 2” event, which, according to the WHO, moved the WHO’s response from “moderate support to the affected countries” to a now “substantial” response, including the mobilization of resources and requests for additional funding (WHO Roadmap 2014, 3). Additionally, the WHO declared Ebola a global health emergency on August 8th after meeting with the leaders of Guinea, Liberia, and Sierra Leone, which was roughly a week after Director-General Chan labeled Doctors Without Border’s response to the crisis as “pessimism” (Barbash 8-8-2014). On top of its declarations, the WHO also welcomed a stronger presence from the U.S. Center for Disease Control, which it had initially resisted. (Sun et al 10-4-2014).

In late August 2014, the World Health Organization produced an “Ebola Response Roadmap” meant to clarify the roles and direction of the international response to Ebola. Here, the WHO outlined its major responsibilities to include providing leadership, making health information available, and monitor “the impact of interventions in order to guide allocation of resources in line with operational plans” (WHO Roadmap 2014, 15). The WHO’s role was nominally and substantively smaller than in its July strategic action plan, and the WHO’s “Roadmap” also specified much larger roles for the World Bank, UN Agencies, NGOs, and private-sector actors.

While the organization tried to deal with the crisis with its limited budget, it was ravaged in the media and by other actors over its shortcomings. The *New York Times* characterized the WHO’s response as a reflection of an inept organization, writing “[a]ll the same, the crisis points precisely to the weaknesses of the world body. The United Nations has already come under withering criticism for not reacting more swiftly to the epidemic. The W.H.O., its main health agency, declared Ebola an

international health emergency only in August, months after it had spread across borders, and it has been unable to handle the rise in infections” (Sengupta 9-18-2014). The emergency coordinator for Doctors Without Borders claims that “There is no one to take responsibility, absolutely no one, since the beginning of the crisis” (Fink 9-3-2014). The criticism of the World Health Organization’s response was damning. The *Washington Post* summarized the response to the Ebola outbreak thusly:

More than six months into the worst Ebola outbreak in history, there is no clear sense of who is leading the international response, how funds are being collected and disbursed, which organizations are providing equipment and personnel, and when any of these efforts will make a significant difference in slowing the epidemic in West Africa (Sun 9-11-2014).

More precise remarks place the blame of the organization’s lackluster response to cuts to its budget over the preceding years, neutering its ability to be effective when it needed to be in quick order: “The WHO has been so ravaged by budget cuts and the loss of staff in recent years that it is ‘a shadow of its former self, racing to regain its own credibility in this crisis,’ said Laurie Garrett, senior fellow for global health at the Council on Foreign Relations and author of a book about the 1976 Ebola epidemic and another about the global health system” (Sun 9-11-2014).

On August 13th Director-General Chan invited a larger response from the United Nations, testifying in front of the Security Council over the severity of the outbreak and the need for a more robust international response, one that went beyond the capabilities of the WHO. The Security Council’s involvement, described as “a highly unusual move” ended with “the Security Council declar[ing] the Ebola epidemic in West Africa a threat to international peace and security, passing a resolution that calls on countries worldwide to send medical personnel and supplies urgently to contain the outbreak” (Sengupta 9-18-2014). Director-General Chan would

invoke the same language, declaring Ebola a “crisis for international peace and security” (Cumming-Bruce 10-13-2014).

Chan said at the meeting of the Security Council that “This is a social crisis, a humanitarian crisis, an economic crisis and a threat to national security well beyond the outbreak zones[...]for these reasons, Mr. Secretary-General and I are calling for a UN-wide initiative that draws together all the assets of all relevant UN agencies” (Eptsein 2014). Director-General Chan would reiterate her comments in a public statement released in October, writing “I have never seen a health event threaten the very survival of societies and governments in already very poor countries. I have never seen an infectious disease contribute so strongly to potential state failure” (Cumming-Bruce 10-13-2014).

While certain media outlets perceived the UN’s increased role in the crisis as a reprimand of WHO, the Director-General of the WHO had advocated for such a response, specifically because she argued the crisis had eclipsed public health and was spilling into other areas, like security. What is unique about the WHO is that part of its constitution allows it to join with other organization on issues. This is also an endogenous interest of fulfilment, described in Section 2 above. So, while the media interpreted the WHO’s invocation of security as a tacit admittance of failure, it is actually an endogenous interest to coordinate with relevant organizations in the pursuance of better health outcomes. The WHO might have had a strategic reason not to coordinate with other organizations, because it might lead to precisely what the media alleged. However, when considering their actions through the exogenous-endogenous framework and the events on the ground, the organization needed more help in ending the crisis or else it would have faced even more severe criticism, the

organization has an interest in ending the crisis, and the organization has an interest in coordinating with other organizations when necessary. So, its coordination with the UNSC is consistent with the product of exogenous and endogenous interests balancing one another rather than being reprimanded or reeled in by other actors.

On September 19, 2014, through votes in the General Assembly and the Security Council, the United Nations created its first mission for a public health emergency in UNMEER, the United National Mission for Ebola Emergency Response (WHO 9-19-2014). Ban Ki-Moon, the Secretary-General of the United Nations, appointed a “senior UN system coordinator for Ebola” in David Nabarro, an experienced physician who had served at all levels of the global health system including his current position within the UN Secretariat as a representative to the Food Security and Nutrition Coordinator, to run UNMEER. While the above quote from the *Washington Post* had characterized the UN’s increased involvement in managing the Ebola crisis as a reflection of the weaknesses and lack of faith in the World Health Organization, Director-General Chan spoke at the Security Council and advocated for the creation of UNMEER before the *Washington Post*’s criticism.

Besides the Security Council’s declaration and subsequent creation of UNMEER, the press release from the Secretary-General’s office explained that the Nabarro “will provide strategic and policy direction for a greatly enhanced international response” (UN SG/A/1511). The *Washington Post* interpreted UNMEER’s creation as a sign of weakened confidence in the WHO (Sun et al 10-4-2014). The Secretary-General’s description of Nabarro’s responsibilities sound much like the coordination responsibilities of the WHO.

The purpose of UNMEER, according to Nabarro, was to “harness the capabilities and competencies of all germane UN actors under a unified operational structure to reinforce unity purpose, effective ground-level leadership and operational direction, to ensure a rapid, effective, efficient and coherent response to the crisis” (Wang 11-12-2014). In a statement on September 5, 2014, Nabarro again stressed the necessity of coordination with the WHO, specifically the role of UNMEER in handling the donations coming in earmarked for the Ebola response “so that everybody knows what funding is coming in and how it spent” (Environmental News Service 9-5-2014). Nabarro’s words affirmed the role the WHO would be playing rather than taking the WHO’s responsibilities away from it.

The World Health Organization’s Secretariat changed much of its assessment of the Ebola epidemic during the fall. A leaked document from the World Health Organization – a timeline of the Ebola outbreak and a troubleshooting of what went wrong – placed considerable blame on the WHO itself. The document reads that “Nearly everyone involved in the outbreak response failed to see some fairly plain writing on the wall” (Cheng 2014). The document focuses its attention on problems with the structure of the WHO, specifically its regional apparatuses. The document complains that the head of the WHO’s regional director for Africa, Dr. Luis Sambo, was a “politically motivated” choice and was unwilling to cooperate with his superiors (Cheng 2014).

Besides the admissions of failures, Director-General Chan appeared contrite over the organization’s earlier responses and tried to amend some of the public statements that made the organization appear out of touch. Director-General Chan admitted that the “international community” failed to act quickly enough (Mazumdar

12-10-2014). Director-General Chan explained that ill-advised community reactions limited the WHO's effectiveness. She says that "When [communities] see people in space suits coming into their village to take away their loved ones, they were very fearful. They hide their sick relatives at home, they hide dead bodies" (Mazumdar 12-10-2014). Director-General Chan explains that "In all the outbreaks that WHO were able to manage successfully" community support and participation were essential, yet she states that such support is "not happening in this current situation" (Mazumdar 12-10-2014).

On September 4, 2014, Chan said in response to her resistance to the Doctors Without Borders request to label the crisis an emergency, "Well, we use different language to mean the same thing. I did say that the outbreak is running ahead of us" (Fink 9-4-2014). On top of this, Director-General Chan's earlier pushback against Doctors Without Border's "pessimism" over the scale of the response was recast: Chan claims in later statements from October that the WHO's public statements had always indicated that Ebola outbreak was an emergency and that it was not being contained (Fink 9-4-2014).

Furthermore, Director-General Chan relates that "with the benefit of hindsight, if you ask me now...we could have mounted a much more robust response" (Mazumdar 12-10-2014). The Director of the WHO's Department of Emergency Risk, Richard Brennan, admitted that "In retrospect, we could have responded faster. Some of the criticism is appropriate" (Sun et al 10-4-2014). The WHO has promised a comprehensive analysis of the crisis and the response, with Director-General Chan taking responsibility for the shortcomings saying "this happened on my watch and I have a duty and responsibility to see it through and learn lessons and to make changes

in the organization to make it stronger” (Mazumdar 12-10-2014). A new report by an independent investigation panel tasked with assessing the WHO’s response affirmed much of what was relayed above in terms of the organization’s poor response and proclaimed that the organization lacked the ability to respond to another major outbreak at this time. However, while the organization was chastised for its poor response, the report’s proposed solution is completely different than the outcome in the previous chapter. “The panel recommended that a \$100 million contingency fund, suggested by WHO for future emergencies, be fully financed by member-states” (Newsweek 7-7-2015).

Conclusion

The change of heart by the WHO’s Secretariat to move beyond public statements downplaying the Ebola crisis, to inviting the UN to help, to then appearing contrite about how the WHO had responded makes the WHO’s behavior appear contradictory. The change in public statements shows how the organization’s endogenous and exogenous interests affected one another. The organization had initially dismissed the public outcry over the Ebola crisis as “pessimism” and insisted that it had a handle on the crisis, but would soon come around and admit that the crisis was much more severe than it had let on and that the organization itself had failed to respond. What accounts for this change?

The organization had not achieved its endogenous interests of maintaining global health, especially outbreaks, during the early and middle stages of the Ebola crisis. Simultaneously, the critical reactions of the external environment threatened its legitimacy, autonomy, relevancy, and expansion. The organization was widely chastised for its response and had to invite other organizations and actors to help.

Initially, the WHO attempted to assuage external criticisms of the extent of the Ebola crisis while simultaneously trying to deal with the crisis on its own. This is logical when viewed through the exogenous-endogenous framework. The organization attempted to manage its external environment with public statements downplaying what was going on – an attempt to maintain its legitimacy and relevance in the face of public criticism. Simultaneously, the organization attempted to get control of the crisis, its endogenous interest, by rallying for emergency funding and directing action in Western Africa. Yet, by mid-summer the crisis was only worsening and public criticism mounted, putting increased pressure on the organization.

The organization's shift to inviting external help and changing its public rhetoric to be more contrite is explained by the exogenous-endogenous framework. Although ceding functions to other organizations comes at the expense of some of the organization's exogenous interests, like expansion and autonomy, benefits endogenous interests in ending the crisis. Additionally, the organization could not sustain public backlash from its external environment and it could not stop such criticism without being more effective. Continued denial and confrontation with its external environment would further erode the WHO's other exogenous interests like relevancy and legitimacy and would hurt its ability to achieve its endogenous interests of curtailing the crisis. Thus, the WHO's real-time response to the Ebola outbreak led to a policy outcome that balanced its endogenous interests of improving global health, managing epidemics, coordinating with other organizations with exogenous interests of relevancy, autonomy, and legitimacy.

From the analysis above, the WHO's actions reflected a balance between exogenous and endogenous interests. When the global financial crisis struck and

money grew tighter the organization adjusted its actions to maintain the organization's relevancy and legitimacy while still pursuing its endogenous interests. Even during the analysis the organization continually balanced its exogenous and endogenous interests: first striking a defensive stance as it attempted to handle the crisis, to adopting a stance of contrition and cooperation when it realized the crisis was too much to handle. This showed the organization was trying to achieve both of its interests simultaneously. It was reluctant to cede autonomy or agree to the criticisms leveled at it early in the crisis, but once it could not fulfil its duties to handle the crisis it had to be forthright.

While the organization was bludgeoned with criticisms it has consistently remained a part of the process and continues to handle the Ebola crisis now that it has died down. Its pledge to seek answers from an independent arbiter produced more criticism and judgement of the organization, it was recommended that a large contingency fund, funded by Member-states, be created. The organization was heavily chastised, but not uprooted by formal stakeholders. The conclusion that the WHO balanced its interests as the environments shifted is the variable that explains why the organization was not re-contracted.

Other Arguments

Since the Ebola outbreak of 2014 is so recent, there are not yet scholarly accounts of the World Health Organization's response from the perspective of understanding an organization's behavior. So, this section will examine the events that led to the World Health Organization's ill-preparedness for the outbreak and its reaction as the outbreak unfolded through the lens of alternative explanations derived from arguments cited in earlier chapters. The purpose here is to show that the

exogenous-endogenous framework of interests helps us understand the organization's behavior in ways that focuses on either external or internal environments cannot.

The two major actions taken by the WHO in this case were its decision to re-prioritize its top issues away from emergency preparedness and towards healthcare for non-communicable diseases and its behavior during the Ebola outbreak, first publicly spinning what was happening and then asking for other organizations and actors to help manage the crisis. These two actions are not easily explainable by existing theories of IO behavior.

Principal-agent theory is a logical choice for understanding the WHO's decision-making as the WHO is an agent of its Member-states. As described in Chapter 2, principal-agent theory theorizes a relationship between principals and their agent that is marked by tension. The principals want the agent to forward their goals, or to work, and the agent wants to shirk, i.e. pursue its own self-interest or autonomy. A principal-agent theorist might view the WHO's initial decision to alter its priority list as an agent being managed by its principals and made to work in the interests of the principals. Budgets were tight and member-state priorities had changed and could no longer fund all of the WHO's goals. Additionally, a principal-agent theorist might account for the organization's unwillingness to admit the crisis was out of its control in 2014 as an organization shirking its principals. The WHO's eventual change toward a more conciliatory tone and asking for other organizations to step in and stem the crisis could be explained as principals again reacting to make the organization work again, even going to so far as to punish the organization by weakening its autonomy by connecting it to other organizations on this issue. However, this explanation is less convincing for a few reasons.

First, the WHO's re-prioritization of its top issues can't be explained solely through the desires of its Member-state principals. The organization's budget is largely derived from voluntary donations, including donations from non-state actors like the Bill and Melinda Gates Foundation. Principal-agent theorists would only consider the formal actions of the agent's principals as relevant explainers in its behavior. However, the external environment outlined as part of the exogenous-endogenous framework accounts for more than exclusively Member-states, considering not only NGOs important influencers of organizations, but ideational factors like public opinion and norms as relevant to IOs. Additionally, Member-states had not formally exerted pressure within the organization by requiring it to change its priorities. The WHO's Secretariat developed the new priority list and then presented it to the World Health Assembly in its 2008-2009 budget. The cuts to emergency outbreak preparedness were made to balance the budget, while issues like cardiovascular disease, cancer, and universal healthcare were given more funds. The WHO had attempted to soften the blow of these cuts by asking Member-states to take on a larger responsibility of their own. The exogenous-endogenous framework thus includes an accounting for shifts in public perception, including the desires of the Bill and Melinda Gates Foundation as part of the WHO's external environment, affecting the WHO's actions. The organizations' exogenous interests of legitimacy and relevancy vis-à-vis its external environment better explain the organization's shift away from what had been its prior focal issues.

Second, the outbreak of Ebola and the WHO's response are not in line with the principal-agent framework. A principal-agent perspective might contend that the explanation for the WHO's inability to respond to the crisis effectively was that it was

“shirking” and pursuing its own self-interest, not doing the work the principals had assigned for it. The principals then might corral the WHO by forcing it to cede authority to other organizations. However, there is little evidence the organization was shirking. Principals were happy that the organization had balanced its budget despite its shortfall of funding and had approved changes to the organization’s priority list. Additionally, the WHO’s attempts to manage the limited funding for emergency outbreak preparedness asked Member-states to pick up the slack and 110 Member-states failed to meet WHO expectations.

Director-General Chan eventually argued that the Ebola outbreak had eclipsed public health and had spilled into other issue-areas like security, and thus she requested support from other UN agencies in containing the crisis. Member-state principals had not directly forced the WHO to do this or had otherwise attempted to exert formal authority to bring it back in line. Additionally, the WHO is given specific directives in its constitution to formally coordinate and share functions with other IOs when necessary. This action is an example of the WHO voluntarily taking an action informed by its interests rather than other organizations taking control away from it. Through the lens of the exogenous-endogenous framework, the WHO’s response is more easily explainable. The WHO balanced its exogenous interest of relevancy and legitimacy with its endogenous interest of combating the crisis by asking for help from other organizations. Had the organization continued to deny the extent of the Ebola crisis and not been able to contain it, the WHO would have lost legitimacy and had its relevancy threatened. Director-General Chan’s invocation that Ebola had eclipsed public health and constituted a threat to security simultaneously brought in other

actors to help combat the crisis and contain it, but did so in a manner that attempted to salvage the organization's legitimacy.

Conclusion

The analysis of the World Health Organization's response to the Ebola outbreak above shows that the organization was unprepared to manage an unfolding international emergency, that the organization publicly downplayed the existence and scope of the emergency for some time, that the organization came into conflict with external actors over its response to the emergency, and eventually ceded some of its role as a global coordinator of health issues to other agencies. These reactions by the WHO's Secretariat are in line with its calculation of endogenous and exogenous interests. The WHO's budget was imperiled after the global financial crisis and it adjusted its issue priorities to better reflect donor desires. Exogenous interests of relevancy, expansion, and legitimacy were at stake if the organization could not secure funding by favoring more donor friendly issues. While the organization responded to its external environment, it did so in a way that reflected its endogenous interests of bringing the world's people "the highest possible level of health." The organization balanced its policy priorities that put health issues that donors were interested in at the top and attempted to encourage Member-states to better handle issues that slid out of the top priorities.

When the Ebola outbreak spread, the WHO didn't have the resources or the focus on epidemics to respond as effectively as it had done in the past. Additionally, the outbreak hit a region of Africa where state resources were almost non-existent and reliant on outside help, further compounding the emergency. While the Secretariat directed a response to the emergency, the Secretariat simultaneously waged a publicity

battle with external actors about the scale of the outbreak. This is explainable as an attempt to manage the reactions of its external environment to what was unfolding on the ground and thus guard against the possibility of a reaction against its exogenous interests. The attempt to manage the external reactions comports with protecting the organizations legitimacy and relevancy; the Chan had to make the case that the WHO was capable on in control lest the external actors might circumvent the WHO.

The WHO eventually lost the public perception campaign over the summer, when it could not withstand the barrage of criticism from its external environment and could not break through with an effective response on the ground. The organization admitted that it was not capable of effectively managing the crisis, as its constitution had charged the organization to do, and the organization had to subsequently cede authority and function to other actors. This cession of authority is not explainable through its strategic relationship with external actors, as its re-prioritization had been. Instead, the WHO's eventual shift from public defensiveness to contrition and cooperation with other organizations reflected a balancing of interests. The organization had to admit its shortcomings and ask for help to maintain legitimacy and relevancy. Continued denial would erode both of them. It also could not achieve its mandate by acting alone and needed the help of other actors.

Chapter 7

ANALYZING EXOGENOUS AND ENDOGENOUS INTERESTS

I think [some governments] don't necessarily understand how the international system has come about and how it exists[...]. If all of us stuck rigidly to mandates given us by governments, there would be no peace on this planet. - Zeid Ra'ad Zeid al-Husseini, United Nations High Commissioner for Human Rights

Introduction

This dissertation began from the premise that international organizations are autonomous actors capable of making their own decisions. The premise departs from much of the literature on IOs which holds that these organizations, being comprised and controlled by states, are therefore lifeless entities. IOs are unique entities in that they are both capable of autonomous action that affect states and are formally overseen by their member-states (through voting, leadership appointments, funding, and withdraw). There is an interesting contradiction inherent between these two characteristics. From this contradiction a key puzzle emerged: If IOs are simultaneously autonomous actors and formally overseen by member-states, then how are IOs able to pursue their own interests without formal state reprisal, particularly when their actions contravene member-state interests? What this dissertation has found is when organizations' internal and external interests temper one another through the interest of legitimacy the organization is successful and when the organizations' interests amplify one another in the absence of legitimacy the organization is punished.

To work through the question posed above I turned to the interests within IOs. If organizations are acting autonomously, then what interests were motivating their actions? This dissertation began by outlining a set of internal and external interests,

proposing a framework for analyzing interests in IOs, and then applying it to three cases of organizations in contentious circumstances. The framework developed in Chapter 3 proposes that an international organizations' endogenous and exogenous interests interact to produce the action of the organization. Examining these cases by focusing on the interests of the organization can uncover how these interests interact, how different circumstances affect which interests are salient, and how the interaction between these interests affects the success of the organization in terms of member-state reaction. The framework was developed because organizations do not speak explicitly in terms of interests, but by identifying the internal and external environments of the organization and the broad interests organizations' have relative to these environments we can analyze their actions in a way that accounts for their interests and how their interests affect these actions.

By analyzing three cases of IOs contravening state interests through the lens of this framework we can understand how interests interact to produce IO behavior. Further, we can learn under which circumstances the pursuit of these interests lead to the organizations' success or whether the organizations' face serious reprisal from the states that oversee them. For example, in Chapter 3 the WTO's Appellate Body faced competing pressures between faithfully fulfilling its mandate to mediate trade disputes between Member-states and pressures emanating from its external environment to be a more transparent and accessible organization. Its decision best balanced inclusion of non-state actors into the process while retaining the Member-state oriented adjudication outlined in its mandate. The decision was neither a narrow interpretation of the organization's charter, nor was it servile appeasement of the external actors that chirped the loudest, but rather action that simultaneously addressed both the fulfilment

of its mandate and the pressures of the external environment in a way that produced legitimacy and protected the organization from re-contracting by member-states.

As stated above, the broad conclusion reached here is that organizations in which internally and externally-oriented interests temper one another -- that is when the action of the organization is a result of a simultaneous restraint between internal and external interests and where neither set of interests are privileged over the other -- are able to make their own decisions in line with their interests without facing serious state reprisal. Additionally, we can learn through the application of the framework to the cases how the interests interact, namely what tempering and amplification mean, what other possible interactions exist, and how the specific internal and external interests relate to one another. The future research section will outline how researchers can apply the framework to new cases and how the conclusions presented here can be built on to further understand how interests affect IO behavior.

This research is important for several reasons. The literature on IOs has largely focused on the state politics that play out in international organizations or focused more on the structure and functions of the organization rather than how they influence the international system. Yet, international organizations have proven to be powerful and important actors in the international system. It behooves us to understand how their actions are motivated and what this means for the organizations, particularly in terms of their actions' acceptance or whether the organizations are corrected by member-states.

Research that has accepted the premise of IO autonomy has been divided between two distinct schools of thought. In terms of understanding organizations' actions, we can move beyond these two approaches by looking at the interests within

IOs and determine how these interests interact. Constructivists have shown that IOs are inherently bureaucracies with distinct cultures and pathologies that affect their actions. Principal-agent theorists posit that IOs act in line with member-state desires when the organizations are closely watched and flout member-state desires when the organizations are not carefully controlled. While principal-agent theory comes closest to addressing the questions posed here, there are certain weaknesses inherent in principal-agent theory that are ameliorated by an approach that accounts for the interests of the organization and how these interests interact. For instance, principal-agent theorists identify a self-interest inherent in agents, but research involving principal-agent approaches hasn't fully clarified what this self-interest is or how it affects the organization.

Principal-agent models also focus on member-states as they are the principal actors in the principal-agent relationship. The conclusions reached here show that while member-states, and even specific member-states, are important as part of the organization's environment, other actors also comprise this environment and exert pressure on the organization. Lastly, principal-agent models account for changes in the actions of organizations as being either a pursuit of their self-interest or as being controlled by overseeing states. This dissertation shows more specifically how the relationship between an organizations interests affect their actions, providing more specific color to our understanding, but also shows how organizations can also pursue their own interests without inviting principal member-state control, an outcome that is outside of the principal-agent model.

Analysis

The dissertation provides insight into how the interests of organizations interact to produce the actions of the organization. All of the accounting of the internal and external environments of the organizations' examined in the case studies is meant to show that the decisions taken by these organizations were not pre-ordained and were not neatly explainable as the product of either external pressures or of internal design, exclusively. Nor were the actions explainable solely through a principal-agent model of state demand and oversight. Indeed, each organization faced competing and fragmented pressures from their external environments, including numerous actors and forces outside of states, and each organization featured broad internal goals derived from the foundational agreements, cultures, and precedent that had to be applied to specific situations. In each case the ultimate actions taken by the organizations are best explained in terms of exogenous and endogenous interests interacting with one another to produce the actions taken by the IO. But, larger questions loom. How do these interests interact and how does this interaction impact the consequences of IO action?

Four main conclusions derived from an analysis of the case studies are presented below. First, exogenous and endogenous interests interact by tempering or amplifying one another.⁴¹ Second, specific relationships between exogenous and endogenous interests are evident and are the epicenter of where tempering and amplification take place. These relationships are between relevancy and agenda-setting, autonomy and fulfilment, and expansion and clarification. Third, exogenous and endogenous interests temper one another when legitimacy is pursued. When legitimacy is not pursued the interests amplify one another. Fourth, when interests

⁴¹ Other possible interactions will be examined later in this conclusion.

temper one another through the pursuit of legitimacy the IO is able to avoid formal reprisal by member-states. Thus, this dissertation provides an answer to the puzzle outlined above: How do IOs pursue their own interests without serious state reprisal, particularly when their actions contravene member-state interests?

To briefly summarize these conclusions we start with the exogenous-endogenous framework proposed in Chapter 3. The framework began from the premise that there are both externally and internally-oriented interests and that these interests interact in a way that leads to the actions of IOs. The framework was designed to provide an approach for gleaning the interests of the organizations that undergird their actions. The framework provided a way to define what these interests are in the context of each organizations' external and internal environment then provided a starting point for understanding how these interests led to the actions of the organization. After analyzing the three cases through the lens of this framework, more detail has emerged about how the interests interact. The findings are that the interests can temper one another, where the action of the organization is a product of a counteracting relationship between exogenous and endogenous interests leading to more diplomatic actions, or can amplify one another, where the action of the organization is enlivened by the relationship between interests leading to more aspirational actions.

The mechanism by which interests are tempered is through the interest of legitimacy and that without requirements of legitimacy the interests amplify one another. Even though each case involved organizations acting under contentious circumstances where their actions were criticized by member-states, the cases where the organizations were successful and avoided formal re-contracting were the cases

where the interests were tempered. In the case where the interests amplified one another, and thus legitimacy was not in evidence, the organization faced serious punishment.

The definition presented here of success is not that the organization's actions achieved its goals or solved the problems it set out to solve, but that the organization's actions were accepted by stakeholder states. The opposite outcome, labeled here as formal reprisal or rebuke, is when the actions are not accepted by stakeholder states and the stakeholders punish the organization. Thus, the definition of formal reprisal is that the member-states use their authority within the organization to control, correct, or punish the organization. Member-states have the ability to amend the founding agreements of the organization to limit the organization's authority, re-define the specific role of the organization -- a process described here as "re-contracting" -- or states may weaken budgets, overturn decisions, or change leadership. All of these fall under the umbrella of "formal reprisal or rebuke" used throughout this dissertation.

Beyond tempering and amplification, the conclusions reached here are that there are specific relationships between the external and internal interests. Specifically, the exogenous interests of relevancy, expansion, and autonomy are related, respectively, to the endogenous interests of agenda-setting, clarification, and fulfilment. These relationships are not ironclad, but there is a strong association between them, both logically and empirically. There is a plausible relationship between each interest, but the conclusion reached here is that the tempering or amplification occurs at the nexus between these specific interest relationships.

Relevancy logically connects with agenda-setting. To be relevant the organization needs to be a global leader on the issues it is concerned with and to be a

global leader it must affect other actors or lead by example. By “setting the agenda” the IO is affirming and pursuing its relevance. The connection between expansion and the clarification makes logical sense as well. In Chapter 3 when the bases of these interests were discussed, research that focused on how organizations have expanded over time discussed how IOs have interpreted their founding agreements and mandates in more expansive ways. In essence, organizations have been able to interpret their founding documents and they’ve been able to do it in a way that expands their roles. Such interpretations are forms of clarification, especially when there is disagreement or uncertainty over precisely what the role of the organization should be. As long as the organization itself is able to clarify it is able to do so in a way that expands its role. Lastly, autonomy and fulfilment of mandate’s relationship to one another is logical as well. Organizations require autonomy to do the work they’ve been tasked with and is a major reason behind their creation. An organization effective at fulfilling its goals can earn increased autonomy, whether more independence is delegated to it or it develops the respect of member-states that states do not want to restrain it. These relationships will be further explored below, specifically to better demonstrate how tempering and amplification affect these interests.

Tempering

When the organization’s exogenous and endogenous interests temper one another it means that neither category of interest is privileged over the other. The interests interact to produce the policy action of the organization, but they interact in such a way that their relationship demands simultaneous restraint. Two cases exhibited tempering between interests: The Appellate Body’s decisions on *amicus* briefs and the WHO’s re-prioritization away from outbreak preparedness and eventual shift toward

contrition and cooperation during the Ebola crisis. This brief section will outline how tempering impacted the actions of the two organizations and then expand on how it specifically impacted each interest relationship: relevancy and agenda-setting; expansion and clarification; and autonomy and fulfilment.

In the case of the WTO's Appellate Body, the organization pursued both its exogenous and endogenous interests, but neither more strongly than the other. The Appellate Body simultaneously pursued its endogenous interests in fulfilling its mandate by settling disputes and resolving disagreements over the interpretation of its foundational text in a way that increased its capabilities and its relevancy to global politics. In addition, despite increasing its own authority through interpretation it did not increase it by a dramatic magnitude.

What had happened in the case of the WTO's Appellate Body is that a question had arisen over whether non-member, non-state actors could submit legal briefs during trade disputes between member-states. The Appellate Body, being the highest adjudicative body in the organization, had to determine whether these briefs should be accepted by lower dispute panels and whether the Appellate Body itself could accept these briefs. The Appellate Body did not initially respond to requests from these non-state actors, but would eventually – and especially after major protests in Seattle over the lack of accountability and efficacy in the organization – began carving out a process to accept these briefs.

The case demonstrated that the organization had externally derived interests in relevancy, expansion, and autonomy that could each be pursued by not only deciding what to do about these briefs but by deciding to accept them. At the same time, it had internally derived interests in providing clarity to the disagreement and fulfilling the

duties outlined in its founding agreements, which included settling disputes through interpreting the DSU. The Appellate Body's actions on this issue found a middle ground between these two sets of interests that allowed it to achieve both, albeit somewhat weakly, and insulate itself from member-state retribution.

The case of the World Health Organization and its response to Ebola additionally exhibited temperance between exogenous and endogenous interests. There are two components to the case involving the Ebola epidemic. The first regards how interests interacted to lead to the organization responsible for global outbreaks and epidemics to be so ill-prepared for an epidemic. The second regards the organization's actions in responding to the Ebola outbreak.

The evidence presented in the case study showed that the WHO made a substantial shift in its prioritization of health issues after 2007. The organization moved away from placing a high priority on preventing global outbreaks and moved towards a high priority on preventive issues like heart disease and diabetes. To understand this action, the case investigated the interests at play and how they interacted. Their findings were that exogenous and endogenous interests tempered one another.

The second, related action focused on in the case study is how the WHO responded to the Ebola outbreak once it began. In short, the organization was ill-prepared to stop the spread of Ebola across state borders due to limited capabilities, weakened early warning systems, and poor coordination across the states at the center of the outbreak. In public statements regarding the crisis the organization downplayed the extent of the crisis as well as its own shortcomings. After a summer of seeing the disease spread and heated denunciations from external actors increasing, the

organization made an about-face, admitted the response had been poor, and formally asked for help from other international organizations, even ceding some of its roles and functions to these organizations, such as coordination of global epidemic response. The case examined how the exogenous and endogenous interests of the organization would lead to these actions, both in first downplaying the epidemic and then in drastically switching course.

The WHO's response to the Ebola outbreak reflects a tempering between exogenous and endogenous interests. The organization has endogenous interests that make it vested in resolving the crisis, particularly through leadership. But it also has exogenous interests in maintaining its relevancy, autonomy, and expanding. The conclusions of the case study showed that the organization tempered these interests by first responding to the crisis through public, defensive posturing, downplaying the threat. This would be illogical for the organization if not for its exogenous interests. The organization could have potentially lost its relevancy and autonomy or been minimized had it openly admitted to being ill-prepared and sounded the alarm for another organization or group to help stop the spread of the disease.

Yet, the organization was still concerned with achieving its endogenous interests. Once it became clear that the WHO and the states affected by Ebola were not going to stymie the crisis and world opinion began to shift against the organization, the WHO had to make certain cessions to achieve its goals, eventually asking for help from other organizations and expressing contrition for being ill-prepared. Coupling these interests together we see that the organization did not privilege its internal or external interests and the relationship between these interests did not lead to excesses (though it did lead to a poor outbreak policy). What we see is that the exogenous and

endogenous interests pulled against one another leading to the actions of the organization.

Neither endogenous nor exogenous interests by themselves impacted the actions of the WTO or the WHO. Instead, we must couple them together to see how they acted in concert. The subsections below will build on this analysis and present how specific endogenous interests relate and interact with exogenous interests, thereby enriching our understanding of tempering.

Autonomy-Fulfilment

The WTO's Appellate Body made the decision that it had the authority to accept briefs from non-state actors who could not, by definition, be members of the organization. But the Appellate Body took their decision no further by refusing to formally rely on these briefs when deciding a case nor did it otherwise expand access to non-members or non-state actors. What would restrain the Appellate Body from relying on third-party, non-member briefs if it otherwise believed it had the legal authority to not only accept them but to set up a process for their submission?

The WTO fulfilled its mandate by adjudicating these disputes according to the DSU, its foundational text. The DSU outlines that the Appellate Body is to interpret the agreement (the DSU itself) "in accordance with customary rules of interpretation of public international law." As such, it fulfilled its mandate by resolving the dispute over *amicus* briefs fulfilling its obligations under the DSU.

However, the Appellate Body, by addressing this issue and taking this interpretation, affirmed its autonomy to make important decisions like these. Many member-states claimed that the Appellate Body had made a political decision by creating the process through which *amicus* briefs could be submitted. Under the DSU,

political decisions are left to the WTO's General Council which is comprised of member-states. Thus, the Appellate Body had taken its decision on its own instead of either asking the General Council to do it or ignoring the issue until the General Council took it up. By fulfilling its duties under the mandate, the organization had exercised and increased its autonomy. The Appellate Body could have refused to decide and left the decision to the states themselves, but it did not, instead resolving the dispute by interpreting that it had the authority to make the decision itself.

What is more, the member-states of the WTO were divided in their opinions of what the Appellate Body had decided regarding these briefs. Had the member-states reached a consensus they would have been able to amend the DSU and restrain the Appellate Body, thereby limiting its autonomy. Had the Appellate Body moved beyond simply allowing briefs to be sent in by actually relying on them -- and thus actually impacting member-state's trade policies based on non-member, non-state actor briefs -- a member-state consensus could have emerged. Similarly, had the Appellate Body allowed for more participation from non-states actors it could have galvanized a member-state consensus. Thus, the Appellate body protected its autonomy by not moving too quickly toward relying on these briefs once member-states began reacting. The Appellate Body's action is not fully explained without recognizing this tempering process between autonomy and fulfilment.

For the World Health Organization, the relationship between autonomy and fulfillment of its mandate emerged in the aftermath of the 2007 financial crisis. As the case detailed, the WHO relies on both mandatory contributions from member-states as well as voluntary contributions from states, other organizations and individuals. In the wake of the global economic downturn, the organization was concerned over receiving

less voluntary contributions and how the organization would deal with the ensuing budgetary impacts. A reduced budget for the WHO would have forced the organization to rely more on mandatory member-state contributions which would have restricted its autonomy.

The WHO decided to reprioritize which issues it would focus on to be more in line with what wealthy donors were concerned with, thereby hoping to maintain a budget substantially more than one funded only through mandatory dues. The WHO shifted to issues like chronic, non-communicable diseases and issues like child mortality which were favored by large donors, such as the Bill and Melinda Gates Foundation. Even though the WHO's actions were informed by exogenous interests, the organization still prioritized issues that were rooted in its constitution. Achieving the highest attainable level of health is explicitly part of the WHO's constitution. Heart disease and child mortality easily fall under attaining the highest level of global health. So, the WHO did not invent something new or outside of its mandate to pursue for an enlarged budget, it simply changed its priority in line with external concerns.

Thus, autonomy and fulfilment tempered one another leading to the organization's actions. The organization shifted towards a different form of fulfilment in a way that maintained autonomy from its formal stakeholders. Had the organization chosen to focus exclusively on fulfilling its mandate without consideration of exogenous interest it would have had no reason to re-prioritize. Similarly, if it had sought to re-prioritize its priorities without the restraint of its constitution it could have potentially chosen popular issues not found in its constitution or only tangentially connected.

Expansion-Clarification

In the cases of the Appellate Body and the WHO, the relationship between expansion and clarification led to the simultaneous restraint of both and led to outcomes that were accepted by stakeholders. In both of these cases, the organizations were able to tentatively expand through clarification, but in neither case did they clarify disagreements or the meanings of their agreements in such an expansive way that it led to formal punishment from member-states.

The WTO's Appellate Body took actions that forwarded the endogenous interests of the organization. The organization sought to clarify an important issue where disagreement existed. When the issue of non-member participation arose and it became clear that member-states and non-state actors alike were concerned over whether unsolicited *amicus* briefs could be accepted, the organization acted to clarify its answer, eventually creating a process for the submission of these briefs and sticking to this process to further clarify through predictability.

The Appellate Body additionally pursued its interest in expansion through its interpretation of the DSU. The Appellate Body increased its capabilities by broadening what information it could rely on, which in this case was unsolicited information from non-members and non-states. Though the Appellate Body based its decisions on its interpretation of the DSU, its decision was not obvious. Its interpretation rested on the DSU's language regarding the Appellate Body's powers, namely whether unsolicited briefs could be accepted under the body's authority "to seek" information. The Appellate Body could have just as easily interpreted an inability to accept unsolicited briefs (instead, reserving the ability to solicit, or seek, briefs from organizations or individuals it might consider important experts), but it took the decision that expanded its capacities as an actor. Yet, the interest of

expansion was tempered by the internal need to do what was most appropriate based on its founding documents and functions. The result was expansion, but only in a limited sense of *amicus* briefs and not something greater, such as full-blown acceptance of non-state actors into the dispute settlement process.

The World Health Organization prioritized issues towards what voluntary donors were looking for during a time when money was increasingly scarce. Not responding to the external environment would have led to the organization accepting a reduced budget, the opposite of expansion. Furthermore, when the organization came under heavy criticism over its response to the Ebola outbreak the organization initially pushed back against the media and other critics, clarifying that the outbreak was not as worrisome or dire as it was being made out to be. By attempting to clarify the extent and seriousness of the ongoing outbreak toward an understanding more charitable to the organization, it protected against potential constraints being placed on the organization through a stripping of its responsibilities associated with managing the crisis. In other words, had the organization addressed the uncertainty surrounding the emerging Ebola outbreak by admitting it was ill-equipped to handle the crisis, other organizations would have been called to step in and the WHO's role would have been contracted. This would be an eventuality for the organization once it became clear the crisis was unmanageable without increased external help.

When tempering exists between expansion and clarification, disputes are clarified in a way that expands the organization, but only to the extent external stakeholders would not override it and limit the organization. In other words, extreme interpretations or resolutions of disagreements toward expanding the organization might lead to strong pushback, so the organization chooses to clarify subtly in a way

that keeps its independence but doesn't result in re-contracting. This is what happened in both the cases of the WTO and the WHO. The organizations' interests in clarification were tempered by their interest in expansion (the Appellate Body clarified towards an expanded role for itself, the WHO clarified the scope and scale of the Ebola crisis was such that it didn't need help). The result was that in both cases the organizations' actions were successful in terms of their acceptance by stakeholder states. The member-states of the WTO were unable to form a consensus to solve the *amicus* brief problem and the WHO, despite receiving scathing criticism from external actors, was not punished or formally reprimanded for its shortcomings.

Relevancy-Agenda Setting

There is a smaller body of evidence for the endogenous interest of agenda-setting in the Appellate Body's decisions regarding *amicus* briefs than in other cases, but there is evidence that this interest matters. The Appellate Body must set the agenda for the organization as a whole, most importantly its Dispute Settlement Bodies which are not permanent and are formed on ad hoc bases. The Appellate Body provides these bodies with the guidelines through which they make their decisions. On top of this, the Appellate Body signals to its external environment not only which issues it considers important as it relates to trade disputes, but signals how the Dispute Settlement Bodies should treat these issues in future cases. In the case of *amicus* briefs, the Appellate Body is effectively demonstrating that it is concerned with non-state actors' access to the process, which is certainly important in terms of demonstrating to its member-states and external environment which issues it considers important.

The Appellate Body's decisions on accepting *amicus* briefs through a formal process, yet never formally relying on these briefs in cases, is not fully clear without

considering the organization's exogenous interest of relevancy. There is clear evidence for the interest of relevancy behind the Appellate Body's actions as it extended the organization's reach beyond its member-states and toward non-state actors.

Importantly, non-state organizations and individuals were criticizing the WTO and hoping to push the organization toward some degree of irrelevancy because they had such limited access to the organization.

However, the organization did not push too far in its pursuit of relevancy. It allowed for the creation of a predictable process for the submission of unsolicited, non-member briefs – giving non-state groups who had been critical of the WTO's exclusivity some access to the organization, but then going no further. In addition, the Appellate Body outlined a predictable submission process for these briefs in a way that showed to the rest of the organization, its member-states, and non-state actors how it was going to address this issue, which is a form of agenda-setting. But, the Appellate Body steadfastly refused to rely on the arguments or information contained in these briefs when issuing their reports. This is indicative of the tempering between the exogenous and endogenous interests. Both sets of interests were simultaneously forwarded but the exogenous interest of relevancy could not be pursued any further through putting non-member participation on its agenda without further agitating member-states.

Similarly, the World Health Organization responded to a changing external environment by prioritizing issues more in line with what external actors were desiring. This demonstrates the interest of relevancy since the organization wanted to be seen as addressing concerns important to its external environment. At the same time, the organization was explicitly setting the agenda for global health by outlining a

priority list of the health concerns it considered most important. Therefore, both interests were simultaneously forwarded and an explanation of the organization's actions that totally focused on member-state desires would miss the importance of relevancy to the larger external environment. What is more, a focus on the organization's internal dynamics would also miss the tempering of its agenda-setting interest by its external interest in relevancy. The organization neither exclusively forwarded its interest in agenda-setting by prioritizing issues its internal environment considered most important, and it neither chased relevancy by choosing interests and priorities outside of its constitutional purview. A middle ground was reached involving both interests.

The conclusion in the case of both the WTO and the WHO is that the organizations acted to forward their exogenous interests of relevancy and it did so through setting the agenda on which issues it considered most important. Further, we also find that these interests tempered one another. The organization's decisions were both important for addressing concerns in their external environments but they did go to such lengths that would have invoked formal state reprisal.

Amplification

The primary conclusion of the case study of the Secretary-General under Boutros-Ghali was that he had forcefully advocated for the endogenous interests of the office of the UN Secretary-General in a way that simultaneously advanced the organization's exogenous interests of fulfilment, agenda-setting, and clarification. Amplification between the interests occurs when legitimacy is not pursued. As will be described in greater detail below, each exogenous interests has a specific relationship with an endogenous interest counterpart. These interests are pursued simultaneously in

each case, but when amplified more aggressive and ambitious actions are the result. In the case of Boutros-Ghali and the UN Secretary-General, his actions to forward the goals of the UN Charter and the duties of his office were amplified when coupled with the external interests of the organization, like expansion, relevancy, and autonomy. Whereas in the case of the WHO and the WTO's Appellate Body these exogenous interests were pursued through restraint with endogenous interests.

Why were the endogenous interests amplified in this manner? Any explanation is incomplete without considering how Boutros-Ghali's actions simultaneously forwarded the exogenous interests of the office, which are autonomy, expansion, and relevancy. His actions were in line with the UN's Charter, the Secretary-General's history, and clarified the role of the UN in the post-Cold War era by placing peacekeeping on the top of the world's agenda. But he acted in a way that demanded the autonomy of the Secretary-General, expanded the role of the UN and the Secretary-General, and affirmed the organization's relevancy in a post-Cold War world (indeed member-states said they wanted this, but Boutros-Ghali also embraced it as an opportunity), all in a very ambitious manner, even in the face of an external environment that would shift away from its post-Cold War optimism as conflicts, failures, and disagreements emerged.

Autonomy-Fulfilment

Boutros-Ghali's prescriptions outlined in *An Agenda for Peace*, his *Supplement to An Agenda for Peace*, and *An Agenda for Development* were firmly rooted in the United Nation's Charter and in the historical precedent of his office in that past Secretaries-General were willing and able to highlight issues they found important. This is evidence of the endogenous interest of fulfilment and the interest was pursued

in strong manner; there was no softening of the proposals to make them more palatable or to avoid controversy. As described before, fulfilment necessitates more independence for the organization. Boutros-Ghali used the opportunity to draft his *An Agenda for Peace* which staked out greater independence for the office of the Secretary-General.

An Agenda for Peace affirmed and protected the autonomy of the Secretary-General with language explaining the effectiveness of the office could be increased “when conducted independently of the deliberative bodies.” Such language surely affirms the further autonomy of the office and was simultaneously designed to help forward the endogenous interests of the organization. Additionally, Boutros-Ghali would go further in his actions.

Boutros-Ghali’s later reports, both his *Supplement to An Agenda for Peace* and his *An Agenda for Development*, were unsolicited by member-states. This is in contrast to his *An Agenda for Peace* which was requested during a major meeting of the Security Council. These reports were rooted in the UN’s Charter and relied on the autonomy of the Secretary-General’s office. In order to help fulfill the aims of the Charter, Boutros-Ghali relied on his office’s ability to act independently, even when it led to sharp criticism. Furthermore, when faced with such criticism from the external environment, Boutros-Ghali invoked what he called “Psalm 100,” referring to Article 100 of the Charter which called for the Secretary-General to not receive or seek instruction from external authorities. Therefore, Boutros-Ghali’s actions were undergirded by the relationship between fulfilment and autonomy, but their relationship amplified one another, leading to ambitious actions that eventually led to his rebuke.

Expansion-Clarification

The endogenous interest of clarification is evidenced here as well. *An Agenda for Peace* was a deliberate attempt to clarify the UN and Secretary-General's post-Cold War role. Simultaneously, the proposals in *An Agenda for Peace* advocated for a greater expansion of the Secretary-General's role in security, advocating for the creation of new, fast-responding peace-enforcement units in which the Secretary-General would have the authority to dispatch into conflicts. This expansion of the Secretary-General's role would later be a source of controversy, but again reflects that the amplifying relationship between key endogenous and exogenous interests.

The *Supplement to An Agenda for Peace* is further evidence of clarification. This was also an unsolicited proposal aimed to "highlight" areas where member-states needed to live up to the initial goals outlined in *An Agenda for Peace*. Due to the increasingly controversial nature of peacekeeping and peace-enforcement during this time, particularly in light of the United States' fears and criticisms stemming from its failed operation in Somalia, this supplemental proposal was meant to clarify that member-states still ought to follow-through with their post-Cold War ambitions and the related policy proposals outlined in *An Agenda for Peace*. Similar to the other interest, Boutros-Ghali's clarifications were not done to be amiable with member-states, but to remind them of the obligations he believed they were backsliding on.

Both *An Agenda for Peace* and its later *Supplement* contained proposals for expanding the role of the UN and the Secretary-General. The controversial proposal for fast-responding units was discussed above. In his *Supplement*, Boutros-Ghali also advocated an expanded role for his office in preventive diplomacy, not only asking for a larger budget to conduct diplomatic operations but "to enlarge the existing provision for unforeseen and extraordinary activities and to make it available for all preventive

and peacemaking activities, not just those related to international peace and security strictly defined” (A/50/60/S 1995, 8).

At the same time, these proposals had bases in the clarification of how to apply the Charter to a complex world or to clarify the organization’s position when disagreements between member-states arose, particularly on the Security Council. The relationship between expansion and clarification is indicative of amplification in the case of Boutros-Ghali because the proposals made by Boutros-Ghali, the actions of the organization, simultaneously provided clarity to these issues in a way that necessitated a greater role for the Secretary-General. Restraint between these interests was not evidenced in the actions. This restraint is additionally evident as the external environment of the Secretary-General’s office shifted. For example, the environment shifted drastically between his *An Agenda for Peace* and his later *Supplement*, specifically in the pessimism over peace-keeping in the wake of Somalia, but also over some of his proposals, yet his actions were not re-directed through tempering and he pressed ahead with an ambitious move to call out member-states for their unwillingness to follow his proposals.

Relevancy-Agenda-Setting

Each of Boutros-Ghali’s actions in terms of his major proposals were calls to action that would attempt to set the agenda for the organization while pushing for the relevancy of the United Nations to the world. The proposals in *An Agenda for Peace* provided a blueprint for an engaged and important organization in a post-Cold War world. Such a proposal is indicative of relevance. A less involved or more lifeless policy would have diminished the UN and Secretary-General’s relevancy during an uncertain, and thus opportunistic time.

While Boutros-Ghali was specifically tasked with drafting a report on post-Cold War peacekeeping, observers found his prescriptions to be bolder than expected. Additionally, Boutros-Ghali's *Supplement to An Agenda for Peace* and *An Agenda for Development* both dramatically tried to advance the relevancy of the UN and Secretary-General. In the case of the *Supplement*, Boutros-Ghali realized after a series of controversies that states were not living up to the proposals of the earlier *An Agenda for Peace* so he attempted to inject the UN back into the post-Cold War security debate. Similarly, sensing a lack of importance placed on issues of development from and a skepticism of the UN on the part of developing countries, he wrote *An Agenda for Development* attempting to make the UN the relevant actor on this issue. While development is an issue covered under the Charter of the UN, member-states, particularly the wealthy developed countries, were not receptive to this issue being brought up in such a highly public manner. This again shows that while *An Agenda for Development* forwarded both exogenous and endogenous interests in a way that amplified both rather than restraining one another. Lastly, *An Agenda for Democratization*, which was not examined in the case study chapter, was another controversial proposal that attempted to raise a major issue to the fore of both the UN and the world's consideration (Lombardi 2001, 253).

So, not only is there evidence for a relationship between relevancy and agenda-setting, but the actions created through these interests were deliberately vigorous and meant to challenge member-states. In this case, the relationship between relevancy and agenda-setting was not restrained and thus Boutros-Ghali's actions were amplified. Boutros-Ghali put pressure on member-states, even shaming them for their failure to act and live up to their agreed to responsibilities. His bringing these issues up and

refusal to let them fade exhibited an agenda-setting interest while simultaneously insisting on the relevancy of the United Nations and his office. Other actors within the external environment, from weaker states to individuals concerned about these issues would be less likely to find the UN relevant if it the organization were unwilling to speak on their behalf. Importantly, even as the external environment began to sour on Boutros-Ghali's ambitious proposals, he did not respond with a re-direction of policy but pressed on.

Summary

We can summarize from the above that exogenous and endogenous interests do not exist in a vacuum by themselves, but interact to produce the actions of the organization. The reactions between interests took the form of amplification in Boutros-Ghali's case and his office was eventually punished with a double veto of his nomination for a second term, and the reactions between interests took the form of tempering in the cases of the Appellate Body and WHO, both of which were able to escape unscathed. What we now need to discuss is what mechanism caused interests in two cases tempered and why interests in another case were amplified and, further, how this mechanism led to the success of the organizations' actions in terms of acceptance when interests were tempered and led to formal punishment when the interests were amplified. For this analysis, we now turn to the interest of legitimacy and how it affects the consequences of organization action.

Consequences and the Role of Legitimacy

As described at the beginning of this conclusion, the key question asked here is how IO interests interact. The previous sections outlined that interests interact through

tempering or amplification, but a follow-up question remains concerning what mechanism leads to tempering or amplification. What makes this an important question is that IOs have both autonomy to act and are formally controlled by member-states, creating a tension between IO independence and the reception of their actions. Thus, is there a relationship between how interests interact and how stakeholders react to the organization's actions? The conclusion reached from an analysis of the case studies utilizing the framework of interests is that legitimacy necessitates the tempering of exogenous and endogenous interests, which leads to IO success in terms of member state acceptance, and when the interests amplify one another, IO's are formally punished for their actions.

The evidence for an interest in legitimacy and the tempering of interests was found in the cases when the organizations responded to changes in their external environments by re-directing their actions. In the case of the Appellate Body, the organization's first major decision to accept *amicus* briefs came after widespread agitation from non-state actors over the unaccountability of the organization. When member-states began criticizing the Appellate Body and attempting to address the question themselves, the Appellate Body took their decisions on *amicus* briefs no further, never relying on these briefs for decisions and offering no other opportunities for non-member participation.

Additionally, the WHO responded to changes in its external environment with regard to health priorities when funding became tight, leading in part to the organization being ill-prepared for a global health epidemic. During the Ebola outbreak the organization changed its actions when a groundswell of criticism from external actors threatened to bury the organization over its response. As will be

detailed below, both of these cases show how exogenous and endogenous interests tempered one another to create the actions of the organization. The answer for what caused this restraint is the interest of legitimacy. In the case of the Secretary-General's office under Boutros-Ghali's leadership, dramatic shifts in the external environment occurred, yet the Secretary-General's actions were not re-directed through restraint between exogenous and endogenous interests. Instead, the interests amplified one another leading to continually bold action.

In both of the cases where tempering was evident, the organizations' actions were tolerated by the stakeholders. The Appellate Body faced criticism from stakeholders, but there was not a consensus enough to re-contract or punish the Appellate Body. Similarly, though more intensely, the WHO was heavily criticized for its inability to manage the Ebola outbreak, but again was not formally punished. Instead, a series of recommendations were offered to it by an outside panel. What happened in the case of the UN Secretary-General, on the other hand, was a double veto on the Security Council of Boutros-Ghali's second term in office.

In the framework, legitimacy is labeled as an exogenous interest due to its external orientation. This is because legitimacy is acquired through the perception of external actors and thus to pursue legitimacy the organization would have to act with regard to these external perceptions. However, after conducting the research for the case studies and analyzing the results, legitimacy no longer appears to be an exclusively exogenous interest, but something that relates to both external and internal environments. An organization cannot pursue or achieve legitimacy without simultaneously pursuing internally-based goals with regard to external expectations, therefore it is not a standalone externally-oriented interest. In other words, the

legitimacy of an organization is imperiled in instances where the organization overreaches on its internal goals against external expectations or, conversely, in instances where it exhibits complete fealty to powerful states. This makes legitimacy a higher order interest than what can now be described as the basic interests described above. Therefore, the interest of legitimacy exists, but it requires specific actions to pursue it, whereas the basic interests are always present and evident.

On top of this, all cases exhibited a relationship between the basic exogenous interests of relevancy, autonomy, and expansion along with their basic endogenous interests of fulfilment, clarification, and agenda-setting. Only in two cases – the case of the WTO and the WHO - was the interest of legitimacy apparent, which shows that it is an interest distinct from the others. It is an interest of higher order that can only be pursued through a specific relationship between exogenous and endogenous interests.

The interest of legitimacy requires that organizations temper their internal interests, like fulfilment, agenda-setting, and clarification with external interests, like autonomy, relevancy, and expansion. To completely pursue one over the other is untenable. An organization that is not pursuing its endogenous interests will lose legitimacy. Under such a circumstance it may be viewed as a pawn of powerful member-states doing their bidding instead of achieving the goals it was created to. Conversely, organizations that do not pursue exogenous interests will lose legitimacy. External actors from member-states to NGOs to the media may consider the organization undemocratic and unaccountable, costing it legitimacy. Thus, a pursuit of legitimacy demands a tempering between the exogenous and endogenous interests that guards against each set of criticisms and protects the organization from state reprisal.

Legitimacy also includes the perceptions of actors beyond member-states to all people and groups affected by the organization, but when member-states threaten to formally challenge the organization then the organization has to respond. The tempering mechanism causes organization to respond to external constraints by taking a softer stance on their internal interests, but still pushing their internal interests against their environment because this might be what other actors consider important (not caving to powerful states), just not so aggressively. This does not imply that organizations *should* temper their interests or that it leads to universally desirable outcomes, but it answers the question of how organizations can simultaneously pursue their own interests without invoking punishment from member-states. The tempering of interests is a form of diplomacy for organizations operating under contentious circumstances because it allows them to pursue their interests without inviting state retribution.

An example of how the absence of legitimacy led to an amplification between endogenous and exogenous interests comes from Boutros-Ghali's failure to react to changes in the external environment and his eventual punishment from member-states. Specifically, his *Supplement to An Agenda for Peace* was both unrequested and came after a series of controversies emanating from earlier conflicts involving peace-keeping, making his renewed call for member-states to more fully support his earlier proposals a risky proposition. He wagered that member-states would respond positively to his calls and not ignore them and ostracize his office. Considering the external environment and its dynamic, the latter was a much more likely scenario, yet he pressed on regardless. Thus, had legitimacy been evidenced here, the exogenous and endogenous would have tempered one another rather than the amplification that

we saw. It is possible Boutros-Ghali made such calculations due to his particular personality traits or because he misunderstood his external environment and thought it was more agreeable than it really was. In either event, his office's failure to pursue the higher order interest of legitimacy led to an amplification between base interests and his rebuke.

Conclusions: From Framework to Theory

The main conclusions reached here must be built on to expand our understanding of international organizations. When IOs are operating under contentious circumstances, they are able to forward their interests without major state reprisal when their exogenous and endogenous interests temper one another. The interest of legitimacy requires tempering between the basic interests which protects the organization from reprisal. Under contentious circumstances organizations face state reprisal when these interests amplify one another. Here, legitimacy is not evidenced, leading to the amplification of basic interests and more aggressive action.

To build on these findings and to turn them into a model that can be tested across a larger body of cases, Table 7.1 is presented below. The rows of the table are oriented according to the relationship between the organization and its external environment. The key distinction is whether there is conflict between the organization and its environment or if the organization and its environment are defined by respect and civility. The columns of the table present the possible responses of the organization based on its exogenous and endogenous interests. Here the possibilities are that the organization's actions are either what I term aspirational or diplomatic. I define aspirational actions as being what the organization privileges what it believes it ought to do regardless of consequences. This is born out of the case study on the

Secretary-General. I define diplomatic as the organization privileging the need to be strategic to avoid re-contracting and to accomplish its goals. This is born out in the cases of the Appellate Body and the WHO.

This table was constructed based on the conclusions of the study presented here. The exogenous-endogenous framework proposed that organizations have interests relative to their internal and external environment and that these interests interact to produce the actions of the organization. The conclusions of examining the case study are that these interests can interact through amplification or tempering. However, the cases here only examined organizations operating in contentious environments. Controversy and disagreement were at the heart of each case. So, the table gleans two other possible interactions between exogenous and endogenous interests based on a situation where the organization is in harmony with its environment.

Another important conclusion reached here is that the pursuit of legitimacy led to the tempering of exogenous and endogenous interests. Conversely, without the pursuit of legitimacy the interests interacted by amplifying one another, leading to more aggressive policies in pursuing both interests. “Tempering” is italicized in the table below to indicate that it is the interaction produced as a result of a pursuit of legitimacy. In the outline of cases involving a harmonious environment with an organization I expect that the aspirational interest relationship will be produced through the pursuit of legitimacy. This is a prediction based on the conclusions presented above.

Organizations tempered their interests and thus were able to assert themselves against member-state stakeholders while also pursuing the mandates they had been

created for. Tempering solidifies external perceptions that the organization is neither the pawn of powerful states nor unaccountable. Thus, under a situation where the external environment and the organization are in agreement and there is no conflict, legitimacy will lead to an internally-focused relationship between interests. Because the external environment of the organization is not pressuring or disagreeing, then the organization can achieve legitimacy by doing what it is designed to do. The plausible reaction that an organization that chooses to pursue exogenous interests more strongly under an agreeable environment would not be through the pursuit of legitimacy and I expect would lead to reprisal from states.

Table 7.1 Legitimacy and Organizational Interest Relationships

		Interest Relationship	
Environmental Status		Aspirational	Diplomatic
	Conflict	Amplify	<i>Temper</i>
	Comity	<i>Internal Bias</i>	External Bias

These conclusions and expectations produced here need to be tested against a larger number and a larger variety of cases. The rest of this section will outline a process for replicating this study and applying the framework to other cases. Then this section will discuss what types of cases can be sought to advance our understanding of IOs, especially in terms of the pursuit of legitimacy leading to the success of the organization, as well as what other types of research questions are raised by the conclusions presented here.

Being an interpretive study, the researcher cannot fully withdraw themselves from the analysis (Schwartz-Shea and Yanow 2012, 80). As Schwartz-Shea and Yanow expand, “A different researcher, possessed of different characteristics and prior knowledge...examining the same materials, may (co-)generate data that vary in content and form from those produced by another researcher” (80). The purpose of discussing the nature of interpretive research here is to set this study’s conclusions in the context of the methodology employed to reach them. The researcher’s own interpretations affect the generation of data and that this “is not perceived as a threat to knowledge claims or research trustworthiness,” unlike in positivists studies where data is “given” and immutable and thus replicability ensures academic legitimacy (80). However, this does not mean an explication of the interpretive process that led to the conclusions reached here cannot be utilized to guide readers and future researchers in their application of this study’s framework to new cases. The paragraphs below will provide an overview of how this data can be generated and these conclusions reached in future studies.

To examine interests and how they interact and affect the actions of organizations a few things have to be considered. First, international organizations are unique actors in global politics in that they are founded by states to achieve an identifiable set of goals and yet they have the ability to interpret these goals and their authorities in pursuing them. The uniqueness of these organizations means that they exist in situations where they are simultaneously empowered and constrained by both their external environments and their founding documents. Second, the organizations and the individuals who work inside of them are not likely to talk in terms of interests as identified here (they may speak in terms of goals, wants, desires, expectations, but

they are unlikely to speak in terms of agenda-setting, relevancy, autonomy, etc.).⁴² This means that to understand the interests of an organization and how the interests interact we have to first account for the unique structure of constraints and empowerment these organizations operate within and then account for how the organizations' interests exist relative to this structure.

To do this, both the internal and external environments of the organization have to be identified and explained. In the case studies here, internal environments were explained beginning with the foundational agreements that created the organizations and specified their goals and responsibilities. Internal environments were further explained by examining how the organization had operated in practice to show how its goals and responsibilities had been practically interpreted as well as to show the precedent that had been set. Then, how the organization is comprised and functioning at the time of the case in question rounds out the internal environment.

From this accounting of the internal environment the endogenous interests that exist relative to it can then be gleaned. In other words, what an endogenous interest like fulfilment means in terms of the WTO's Appellate Body is distinct from what fulfilment means in terms of the UN's Secretary-General. Outlining the internal environment of the organization then applying the definition of fulfilment detailed in Chapter 3 creates a range of possibilities that can account for this interest.

⁴² To make an analogy, it would be very strange to hear a human refer to their daily activities in terms of interests even though we know all humans share certain interests. For instance, a human might deliberate over where to eat lunch or what food tastes the best, but outside of extreme circumstances it would be unusual to hear an explanation like "I will now eat lunch because I have an interest in survival." This logic is applied here as well. We don't expect an organization to release a statement detailing its interest in expansion, but we can glean that interest from its actions.

For the external environment there are multiple actors and issues that can influence the organization. Most importantly, member-states are in a unique position to affect the organization due to their ability to change how the organization operates, whether through a re-contracting, punishment, new leadership, or cutting back on funding. However, more than member-states affect IOs as part of their external environment, so accountings of external environments must account for other actors and sources of pressure on the organization. As identified throughout the dissertation, NGOs, other IOs, events, the media and public opinion all have the potential to affect the organization. How these other actors and events can affect or influence the organization, (to the extent possible) how these actors expect the organization to act, and how these external actors exert influence as the case unfolds all need to be detailed.

The exogenous interests can be made more specific once applied to the unique external environment of the organization. Relevancy, for instance, has idiosyncrasies based on its external environment when applied to the UN's Secretary-General – like the role of the UN in the post-Cold War security environment – than it does when applied to other organizations. Similarly, how the organization is able to set the agenda and on which issues it does this for is also unique to each organization. Therefore, researchers have to apply what the relationship between relevancy and agenda-setting is based on their accounting of external and internal environments for each organization, then they must determine how this relationship actually functions throughout the course of the case (whether tempering, amplification, or another relationship emerges).

Additionally, the pursuit of the interest of legitimacy is defined here as an organization re-directing its actions in the wake of changes to its external environment. Therefore, future scholars can determine if legitimacy is being pursued and whether tempering is occurring based on how the organization responds. If it changes course to bring its actions in-line with its updated environment then legitimacy is being pursued. If it continues in the same way as though nothing has changed then legitimacy is not being pursued and the interests are amplifying each other.

Future research can then test the aptitude of legitimacy as an explanation for how organizations are able to pursue their interests without state reprisal. Future research that would be especially important based on these conclusions would be the selection of a crucial case where an organization was in a copacetic relationship with its external environment, took actions in accordance with the desires of stake-holding states, and yet still faced formal re-contracting or rebuke. This would be a case the research and conclusions reached here could not explain and would thus help better understand interests in organizations. Similarly, cases could be chosen where organizations did temper their interests and respond to shifts in their external environment and still faced rebuke from stakeholders. This would again be outside of the explanation offered here and would enrich our understanding of how interests interact in organizations and how and under what circumstances organizations are able to pursue their own interests.

Lastly, according to Table 7.1 there are two other possible interactions between interests that were not explored here. Both of these possible interactions exist under circumstances where there is harmony between the external environment and the

organization. My conclusion was that under such circumstances legitimacy would be pursued when the organization acted aspirationally according to its endogenous interests. This conclusion can be easily tested to help hone the model into a more robust explainer of interests in organizations.

Additional Research

The work and conclusions of this dissertation can be built-on to further understand international organizations, their interests, and how these interests interact. A few possibilities will be discussed here. First, a future study would need to apply these conclusions to new cases where the circumstances are much different than those examined here. As explained throughout, the cases chosen here were chosen due to the contestation surrounding the organizations' actions, or, put differently, featured cases where IO action conflicted with member-state desires. The cases each shared these circumstances in common, yet the results of the cases differed (two organizations were successful and one organization was formally rebuked) leaving the cause of those differences to be explained through investigation.

A future study could examine cases where the outcomes were all the same, either success or rebuke, but where the circumstances surrounding the organizations were varied: an organization in harmony with its member-states, an organization in contestation, and an in-between case. This would be a "most different" case study. The conclusions of which could provide more insight as to how the exogenous and endogenous interests interact, especially in terms of how the uber interest of legitimacy affects this interaction.

Another avenue of research would delve into a single-case study on an organization that has been substantially re-contracted by its stakeholders and assess

the process that led to such an outcome. Such research would illuminate how the factors that contributed to organizational failure and why it never tempered its interests to avoid continued rebukes. Difficulties in this research would be in finding an organization that meets the requirements. To start with, organizations that are now defunct or have been significantly “re-contracted” – i.e. substantially amended to lessen the authority and scale of the organization – or that have withered sustained criticism would provide a good start for this proposed study. Additionally, a hypothesis asking whether the reason IOs have almost never collapsed or been destroyed by their creators is because IOs balance their interests when in peril would prove illuminating.

Charges that IOs are designed to fulfill the desires of powerful states are rife in the critical literature on international relations and international organizations. It would be worth engaging with critical views of IOs as pawns of great powers or tools of powerful oppressors or the wealthy. If IOs were simply cowering to the whims of the loudest or most powerful external actors, IOs would not be doing what they were created to do.⁴³ This critical perspective contrasts with the exogenous-endogenous framework. If IOs took bold action against the desires of their external environments then external actors, particularly Member-states, could flush the organization into irrelevancy. Future research would attempt to delve into critical perspectives to determine whether the exogenous-endogenous framework can hold up. It would be quite easy to produce a list of organizations accused of acting in the interest of wealthy

⁴³ That international organizations are simply tools of powerful states is a criticism of organizations more broadly and is something that can be more fully addressed in future research.

Western states and use these as cases to adjudicate between critical perspectives and the exogenous-endogenous framework.

Regional organizations might also be examined to determine if their specific situations catalyze different reactions between interests. For instance, are regional organizations monitored and controlled more closely by member-states and does this affect how exogenous and endogenous interests in these specific bodies interact? Mercosur, ASEAN, and the GCC, among others, are each potential regional cases that could be used to assess the framework at the regional level. Such research could additionally help inform our understanding of the differences between regional and global organizations. Does the regional environment allow for member-states to more easily challenge actions made by organizations or are regional environments more harmonious with the organization compared to the much larger (and varied) global organizations? Is there anything unique to the construction of regional organizations that changes their endogenous interests compared to their global siblings? These are each important questions that can be answered by extending this dissertation's line of inquiry to the regional organizations.

As discussed above, future research could seek to classify organizations according to their autonomy and capacity for independent decision-making. Categories of IOs already exist, but capacity for independent decision making isn't a distinguishing category as of yet. Feld and Jordan (1996) create a list of categorization of IOs which focuses on issue areas, functions, and the type of agreement that created the organization. Instead of dividing IOs up by issue area or by function they should also be categorized by their capacity to take independent action, because this is a significant difference between organizations and could empower future research to

examine IOs with independence specifically or compare the actions and effectiveness of organizations with more autonomy against those that lack it.

Conclusion

What is the practical importance of these findings? The findings summarized above show the international organizations are neither mindless drones that work to benefit powerful states nor are they sentient robots that have outsmarted their state masters. What the findings show is that organizations' actions are a product of the interaction of exogenous and endogenous interests and that when these interests do not temper against one another, the organization faces serious consequences. It also means that organizations as autonomous actors are able to act in accordance with their interests, even when these actions contravene the desires of member states, so long as the organizations pursue legitimacy.

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