

Eleanor D. Kinney

*The Emerging Field of International Administrative Law: Its Content and Potential*

54 Admin. L. Rev. 415 (2002)

Abstract by Carl Tugberk

In recent years, the establishment of free trade agreements has created a more interdependent world of economic globalization. Eleanor D. Kinney examines this economic transformation and how it will affect the legal world both within and without the United States. In order for this globalization to continue and to be effective, there has been a great deal of international regulation implemented to correct market failures and other social and economic problems arising from those failures. Kinney describes how public international organizations, such as the International Monetary Fund (IMF), the World Bank, and the World Trade Organization (WTO), and transgovernmental networks have significant power in the global market by implementing these regulations with policies and decisions. Unfortunately, Kinney observes that these organizations and the actions they take are not well understood. Despite this lack of understanding and the novelty of economic globalization, a new body of international administrative law is necessitated and has begun developing.

The major theme of Kinney's article is that economic and legal globalization has a drastic effect on the world as a whole and on the individual nations that comprise it. Consequently, there are major concerns around the world about the substance and process of the regulation being implemented by international organizations. Specifically, Kinney addresses the "democracy problem," which focuses on the procedural issues of transparency, accessibility, and accountability. Thus, much like states, public and private business entities, and individuals want to ensure a fair and legitimate administrative process in the United States, nations and their constituents want to be afforded similar rights in the international realm. Kinney concludes that in order for international regulation to succeed, it needs to solve the "democracy problem," and can do so using United States administrative law as a model.