ETHICS MANAGEMENT FOR INTERNATIONAL ORGANISATION: THE CASE OF THE UN ETHICS OFFICE

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Abstract

This research investigates the suggestion that the launch of the UN Ethics Office in 2006 represented a 'culture change' in ethics management for the international organisation. The influence of ideas upon the development of the office, in particular the dominant public sector ethics discourse of 'integrity', is assessed. Taking a discursive institutionalist approach to institutional change, it is asked whether ideas were constitutive to the creation and mandate of the UN Ethics Office. Tracing the process of change within the UN, evidence is sought in support of two alternative explanations for the ethics reform: one favouring the role of external shocks on existing institutions (chiefly, the 'Oil for Food' scandal); the other emphasising the independent, causal role of ideas which had been embedded in new trajectory of reform activities. The analysis finds most support for the former explanation- ideas exerted independent influence in the reform process, but did not play a constitutive role in the creation and mandate of the UN Ethics Office.

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1. Introduction

1.1. The UN Ethics Office: A new era of organisational integrity

The United Nations (UN) Ethics Office was established on the 1st of January 2006 to provide four new functions in support of ethical exercise of administrative discretion at the UN:

1. The administration of a new financial disclosure programme (conflict of interest declaration).

2. The protection of staff against retaliation, when reporting misconduct or participating in investigation and audit (whistleblower protection).

3. The provision of confidential information, guidance and advice to staff, including a new ethics helpline.

4. The development of ethical standards and education and training programmes (including compulsory annual ethics training).

(UN, 2005b)

Prior to the establishment of the Office, the UN was in no sense bereft of institutional architecture in support of ethical conduct. The existing system had its roots in the original UN Charter, and was evolving and expanding organically. Since the foundation of the UN, staff had relied upon clear descriptions of what was and was not appropriate conduct. This explicit, rules-based approach to ethics management aligned with the more fundamental organisational logic of the UN: safeguarding organisational interests, goals and mandates, and those of member states. The introduction of the Ethics Office, however, represented the ascendancy of a new logic of *integrity*, which advanced the ideas of *accountability* and

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transparency as the constitutive elements of ethical administration within international organisation. In doing so, the UN self-consciously mirrored international trends in public sector ethics management (see Armstrong, 2005). The Secretary-General's Bulletin to establish the Office stated that:

"the objective of the Ethics Office is to assist the Secretary-General in ensuring that all staff members observe and perform their functions consistent with the highest standards of integrity required by the Charter of the United Nations through fostering a culture of ethics, transparency, and accountability" (UN, 2005b: 1).

Indeed, despite the substantive new functions of the Office, listed above, this promise of a cultural shift was the dominant theme in public statements in introduction and support of the new office. For example:

"Whereas in the past members of the UN staff were merely expected to comply with the rules and regulations governing their service, in today's UN they're being persuaded and encouraged to go beyond mere compliance and to understand the true nature of public duty in the public interest, with all that this implies."

Tunku Abdul Aziz, Special Advisor to the Secretary General on ethics, quoted by UN News, 11 May 2006 (UN News, 2006c)

"It's not a 'gotcha' or enforcement office."

Melissa Parke, UN Department of Management, quoted in UN News, 2006b

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The events, decisions and motivations which provide the background to this emphatic delineation of the Office from the institutional approach to ethics preceding it are the objects of this research. It will be asked whether the role of ideas was as determinative in the creation of the Ethics Office as the *ex post* public accounts suggest. The alternative public narrative to that presented by the UN is that the Office was created in response to a large-scale scandal surrounding allegations of financial misappropriation on the Oil for Food programme in Iraq (BBC, 2005a). The claims made above would therefore be considered cynical, for public relations purposes.

This project will take a sceptical stance towards both narratives, and precisely trace the influence of both sets of factors- ideas and external pressures- across time. The drivers of institutional change will be highlighted at key moments across more than five years of internal and public processes culminating in the opening of the Ethics Office. The investigation will hinge on the central research question,

were ideas constitutive to the creation and mandate of the UN Ethics Office?

The decision to view the research problem of institutional change within the UN ethics system through the ideational lens will not be at the detriment of attention to relevant 'material' factors- chiefly, external pressure from stakeholders and the threat that public scandal posed to the perceived legitimacy of the UN and the ability to carry out its mandate. It may be taken for granted that the impact of such factors are always present in political analysis (Berman, 1998), and there are clear circumstantial reasons for considering the impact of the Oil for Food scandal, particularly, in this case. Nonetheless, to suggest the possibility that ideas played a *causal* role places them at the centre of the analysis- not just one element of the context in which institutional change is mediated, but an independent cause of the change. In suggesting that ideas may have exerted a causal role in the process of institutional

change which produced the UN Ethics Office, this research draws upon the propositions of discursive institutionalism.

1.2 Ideational path dependency: A discursive institutionalist approach

The discursive institutionalist approach is still a nascent methodology[1] within the broader new institutionalist family of approaches. Its key point of different from other institutionalisms is the determinative status it allows to ideas in the analysis. It can be regarded as a development upon theoretical gaps left by historical institutionalism: chiefly, how to account for change of relatively stable trajectories, without automatically resorting to external shocks (such as political scandals) (Hay 2001; Schmidt 2008). Moreover, the approach also extends the concept of historical path dependency to encompass *ideational* path dependence (Hay, 2008). Through this process, past commitments to particular ideas and discourse become embedded and hard to shift, and may be considered themselves institutions (Schmidt, 2009).

Discursive institutionalism likewise offers an alternative to the functionalist gloss given to change within rational institutionalism; and the fatalist image of one-way institutional norm socialisation offered by sociological (organisational) institutionalism (Schmidt, 2009). The researcher in the discursive approach may not simply assume that the institution exists for its stated purpose: institutions are "structures whose functionality or dysfunctionality is an open- empirical and historical- question" (Hay, 2008: 65). Taking this approach, this paper will problematise any tacit assumption that a reformed integrity management system for the UN has taken a particular form for the singular purpose of minimising unethical behaviour and unacceptable conduct within the administrative boundaries of the organisation. The organisation clearly has these interests, but as the

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[1] The new institutionalism is here regarded as a methodology for understanding political action, not just a theory or model of politics (see also Schmidt, 2009)

alternative explanations already sketched above suggest, there may have been other driving concerns shaping the process.

The chief methodological challenge in testing ideational explanations is to separate ideas and discourse which may be considered determinative, from the myriad of ideational factors at play in any political outcome. To ensure precision, this analysis will employ the concept of 'programmatic ideas', drawn from one of several frameworks developed by ideational theorists (see for example Campbell's 2001 typology). Programmatic ideas have the operational advantage of being both abstract (not simply a logical best-course reaction to material factors), and limited in scope (compared to a discourse, ideology or worldview) (Berman, 1998). They are identifiable from resulting concrete, predictable courses of action (Berman, 1998; Campbell, 2001). It is also possible to identify the 'carriers' of such ideas, where they would be expected to be found in the system, and how they would respond to external pressures based on a particular set programmatic beliefs (Berman, 1998; Campbell, 2001). As such, it will be ideas of this type which will be sought in developing an explanation for the reform of the UN ethics regime.

1.3 Competing explanations: Tracing the process of institutional change

The discursive institutionalist approach also suggests methods and tools which are well-suited to the aim of describing causal relationships and testing hypotheses in a within-case analysis. Process tracing will be the dominant method in the research design, using the tools of documentary and archival analysis (Tansey 2007). In process tracing, the researcher hypothesises causal chains of factors (independent variables) which may have led to the observed outcome (Checkel, 2005; George & Bennett, 2005). This step-by-step nature of process tracing accommodates for the illustration of path dependency and the identification of 'branching points' in an institutional trajectory- how decisions at key points may determine

future possibilities and outcomes (George & Bennett, 2005).

As well as the practical applicability to problems of institutional change (see for example Bates, 1998; Parsons, 2002; Rosenthal, 1998), process tracing lends conceptual and methodological rigour to the analysis of factors which present a measurement challenge to ideational explanations. The first such quality of process tracing is the forced consideration of equifinality, that is, the possibility that several alternative paths, combinations or sequences of events, may lead to an equivalent outcome (George & Bennett, 2005). As such, the key activity in process tracing analysis is the testing of alternative explanations, or causal mechanisms, for the phenomenon of interest. In this research, two alternative explanations will be advanced,

a. That the creation and mandate of the UN Ethics Office is consistent with the ideational *status quo*, and that institutional change in the UN ethics infrastructure is best explained by exogenous shocks (the Oil for Food scandal).

b. That the creation and mandate of the UN Ethics Office is a product of the embedding of a new ideational trajectory in ethics management for international organisation, characterised by the ideas of integrity, accountability and transparency.

1.4 Prior positions: Seeking explanations in the ethics literature

Before a convincing exercise in process tracing can be embarked upon, however, key prior positions and assumptions informing the analysis must be established. The apparent 'culture change' of integrity at the UN will be contextualised within relevant ethics literature, to assess whether the ideas mobilised around the Ethics Office are as revolutionary as the public statements suggest. It will be seen that there is no dedicated ethics management field

for international organisation (IO), and that the adoption of the integrity management framework represents an upwards transfer of ideas from the field *domestic* public sector ethics. These ideas are not endogenous to IO. The literature review thus both establishes the status of these concepts as programmatic ideas which may have driven institutional change, and destabilises any easy assumption that could be made concerning the inevitability, rationality or functionality of the application of these ideas to the IO context.

1.5 Branching points: Five periods in the process of institutional change

Having established the validity of the ideational component of the explanations advanced, the analysis will trace the process of institutional change over five chronological periods, separated by key turning points in the process that culminated in the development of the UN Ethics Office. The influence of the ideas of interest- integrity, accountability and transparency- will be pinpointed in each period, as will the influence of exogenous pressures upon the existing ethics management system. At the end of the exercise, conclusions will be drawn about the precise causal role played by ideas in prompting the creation and determining the functions and mandate of the UN Ethics Office.

2. Prior positions

When engaging in process-tracing as described above, proper attention to prior assumptions about the case study is vital. One such assumption behind this research has already been introduced in the discussion of the chosen methodology: that the mandate of the UN Ethics Office does not exist for purely functional reasons, or as a simple or functional response to exogenous shocks. However, there is room for more detailed consideration of the 'priors' of this case, so that the relative importance of the evidence that is found can be more easily weighed. Chiefly, there is a need to articulate a prior position about the novelty and the potency of the ideas in question. It needs to be established whether these ideas, if embedded in a trajectory of reform activities for administrative ethics, would yield genuine institutional *change* and not simply evolution along existing paths (see Thelen & Steinmo, 1992). As such, this chapter will seek to identify if within IO there is an organic source for the programmatic ideas of interest- integrity, accountability and transparency- which may have informed ethics reform at the UN.

There is no dedicated ethics literature for IO; as such, this review will seek relevant insights from the study of both international affairs and public administration. It will be seen that there is no dearth of philosophical consideration of the ethical dimensions of international affairs. However, even where there is attention to the ethical dimensions of mandate of IO, this does not readily translate to frameworks for ethical *administration* of this mandate, nor the development of an organisational culture which fosters ethical decision-making. By contrast, the literature dealing with frameworks of administrative ethics for domestic civil servants reveals possible parallels and the potential to apply principles of ethics management to the IO context via an upwards transfer of administrative principles and organizational logic. It is by no means inevitable that ethics management for IO would be

informed by the principles of accountability and transparency which are endogenous to the modern civil service. These are not a natural fit. As such, this review will reject any prior assumption that the developments in ethics management at the UN were a simple continuation of an existing ideational trajectory. It will also introduce key concepts of organisational ethics which set a backdrop for the process tracing exercise in the next chapter.

2.1 Traditions in international affairs- Ethical dimensions

It is not possible to distil what it is essentially an entire discipline- the ethical and normative dimensions of international affairs- to a comprehensive summary for application to the problem at hand. However, some key trends and cleavages in the literature are worth highlighting.

2.1.1 State-centred approaches: Idealism and Realism

State-centred approaches to international ethics rely upon a model of international affairs of relations between nations, with the self-determination of peoples and political communities as the primary ethical consideration (Frost, 1996). Within these dimensions of interest, there are two distinct camps of international relations traditions- realism and idealism- with equally disparate implications for ethical practice. The division between the two approaches hinges upon the treatment of morality within international relations, described by the 'domestic analogy' (see Graham, 1997). The domestic analogy proposes that relations between states in an international setting are morally analogous to relations between human-beings within a domestic setting. This analogy is central to the idealist approach (Amstutz, 2005). Therefore, nation-states may be seen to have developed an ethical code in the form of international law and norms to constrain action, just as individuals create and enforce moral codes in a Lockean model of human society (Graham, 1997). Within this model, the UN in may be ethically situated as the 'policeman' for ethics in international

affairs (Graham, 1997).

The realist tradition, by contrast, rejects the domestic analogy (Cohen, 1985; Graham, 1997). The realist conception of the international order is Hobbesian and anarchic, and in the absence of a sovereign authority, international relations can only ever be characterised by competing national interests (Hare & Joynt, 1982). The UN may only be considered as a fundamentally purposeful cooperative arrangement. As such, they may be considered ethically neutral (or a-moral), or to have at best an ethical character comprised of the inputs from the organization's constitutive elements (nation-states) (see for example Vincent, 1992). As state-centred approaches, however, the ethical dimensions considered by realists and idealists alike are still primarily matters of intergovernmental relations, and have only indirect suggestions for IO ethics. In this respect, approaches which take the international society itself as the unit of analysis may yield greater insights.

2.1.2 International society and global community approaches

Whereas the approaches described above are built on a conception of international relations as the decisions made by states in their interactions with other states, the other main set of contributions to the ethical dimension of international affairs are those traditions which describe a global community (see for example Dryzek, 1999; Erikson & Fossum, 2000; Higgot & Ougaard, 2002). Certain international norms are considered as evidence of the distinct ethical identity of international society, in particular human rights (see for example Nickel, 2002), but also other "settled norms" such as non-intervention, self-determination, collective security, the diplomatic system and economic cooperation (see complete list in Frost, 1996).

The key debate within this literature is between cosmopolitan and communitarian versions of international society, reflecting disparate degrees of willingness to exclude the role of the state altogether in proposing an international ethics (Amstutz, 2005; Cochran,

1999). Cosmopolitanism describes an approach to (global) ethics based on universalism and individualism: essentially, a global order in which humans are not reliant upon nation states for ethical decision-making (Amstutz, 2005; Cochran, 1999; Linklater, 2001; Mapel & Nardin, 1998). As the protector of international treaties guaranteeing universally-observed ethical principles (chiefly, human rights), the UN has a special place within the cosmopolitan vision of ethics. In more extreme versions, the UN may even be considered a "prototype of cosmopolitan government" for an international order built upon the organising principles of deliberation, agreement and consent (Graham, 1997: 15).

Communitarianism is less dismissive of the ongoing significance of states within international society. This approach is highly critical of the individualism at the centre of cosmopolitan international ethics, which it perceives as a "pre-social" description of human interactions and morality, which continue to be situated in existing social structures, even within a broader global community (Cohran, 1999). Communitarianism suggests that international ethics may therefore only be particularist, not universal. In this approach to international ethics, the UN and IOs generally may find a place in the socialisation of specific international norms, such as human rights and principles of democratic government. As with all major approaches to international ethics, however, the roles ascribed to IOs do not come inclusive of a framework for ethical decision within the organisation- the ethical discharge of the administrative functions offered by IO in international ethics is bracketed out and taken for granted. For this reason, the review will now turn to another body of ethics literature, focused entirely on administrative aspects, and make a domestic analogy of a different sort.

2.2 Ethics in Public Administration

The relevance that the ethics literature around public administration holds for IOs is

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largely self-evident: given the lack of concern for intra-organisational ethics within the international affairs literature that IO would be expected to inhabit, the literature on public administration may fill some gaps. Whereas the ethical insights of the international affairs literature is largely inferred from more general propositions, and primarily concerned with political ethics, the public administration ethics literature offers guidance for administrative ethics- that is, the ethical exercise of individual discretion (Rohr, 1998).

As the UN follows the International Civil Service Commission (ICSC) in considering itself part of an 'international public sector', public service ethical standards may offer appropriate sources of guidance. However, this link remains tacit, and no dedicated attention to the ethical management issues of IOs has been made within the public service ethics literature. Indeed, where there is any attention to IO within the context of government ethics, it is to the extent that the former has created a framework of best practice for the latter (see Ghere, 2005; Menzel, 2007). Given the potential relevance, therefore, it is worth briefly outlining key themes in contemporary public administration ethics management research which have bearing on the case study.

2.2.1. Dichotomy or continuum? Compliance and Integrity

'Ethics management' should be considered a short-hand description for any set of systems or structures to promote integrity within an organisation; it should not be taken to imply direct *control* of the ethical content of individual decisions (Menzel, 2005). A frequently-made distinction among these systems (treated variously as a dichotomy, continuum, or set of mutually-enforcing principles) is between those which emphasise the creation and enforcement of rules, regulations and processes; and those which take an aspirational and essentially unenforceable approach to developing organizational cultures of 'integrity' (Maesschalck, 2004-5; OECD, 1996). The former is conventionally labelled a

'compliance' approach, and the latter the 'integrity' approach. (OECD, 1996). Much the same distinction is made by Cunningham's (2003) deontological (comprehensive rules) and principle-based (relying on conscience) management styles, or Cooper's (ed., 1994) external and internal systems distinction.

2.2.2 Multi-dimensional frameworks

Even if treated as two ends of a continuum or complementary dimensions of ethics management, the compliance/integrity framework is appealing because of a strong and simple contrast. The concepts have also been developed into more nuanced typologies for analysing ethics infrastructure. One more sophisticated approach from Maesschalck (2004-5) takes as its starting point a conventional continuum, ranging from integrity approaches (the "high road") and compliance approaches (the "low road"), which is developed using sociological grid-theory to create a fourfold typology on two dimensions, adding approaches based on "competition" and "contrived randomness" to complete the range of options. OECD (2000: 61) likewise builds upon the continuum, in this case adding the second dimension of the "overall management" style of the public agency, to show how these aspects of organisational logic interact with the chosen style of ethics regime in practice.

2.3 Prior Positions: Integrity in International Organisation

The rough overview given of the case of the UN Ethics Office in the introduction raised the possibility that mandate of the office was at least partly constituted by the influence of the concept of integrity, presented in opposition to the 'lower road' to ethics management, based on compliance. A thorough exploration of the influence of this idea, and other dominant constructs of public administration ethics such as accountability, transparency and openness, will be made in the next chapter. It is sufficient to note at this stage, however, that

it is questionable whether the treatment of IO as an international civil service is a natural or even appropriate translation of the public sector ethics literature. To apply principles of civil service ethics management to the IO context suggests that there is a strong parallel connecting the relationship between a national government and its citizens, and that between IOs and their stakeholders. To make such a claim with any certainty requires the identification of the stakeholders to whom IOs may be held accountable, and are obliged to make efforts for transparency towards. This exercise is already complex within the nation-state context (see Martin, 2003), but, if it is accepted that IO *is* the civil service of a global community, the public that is served is, conceivably, limitless. The application of the principles is awkward; these are not endogenous sources of integrity for the UN.

While, in the absence of a dedicated ethics literature for IO, the appeal of apparently transferable principles from domestic civil service is understandable, it is not an organic extension of the literature. Nor is the adoption of contemporary best-practice from the domestic sphere an inevitable direction to be pursued within the management of administrative ethics for the UN. As such, the pursuit of a programme of institutional change driven by the goal of 'integrity' would represent a new ideational trajectory for IO ethics management. It is the purpose of the next chapter to establish whether these ideational factors were constitutive in the creation and mandate of the UN Ethics Office.

3. Tracing the process of change

The previous chapter introduced the key prior deduction against which other evidence will be judged: that the ethics discourse of integrity, accountability and transparency is not endogenous to IO, and thus any observable alterations in the UN ethics infrastructure which embed these ideas represent institutional change, rather than evolution. They would not otherwise have happened, regardless of any shock or pressure upon the system. The aim of the analysis which follows is to establish whether such a shift occurred. Following from the research question, chosen methodology and the literature review undertaken, evidence of the influence of ideas, and the dominant ideas of domestic public ethics in particular, will be sought. For a process-tracing project to be analytically sound, however, it is essential that the researcher does not selectively pursue only explanations of personal interest, and ignore the causal relationships hypothesised by others (George & Bennett, 2005). The interest in ideational factors could be considered biased either by theoretical preferences (the chosen methodology), or analytical laziness (focus on the UN official narrative). For this reason, the process tracing exercise will seek evidence in support of two alternative explanations of the constitutive factors behind the creation and mandate of the UN Ethics Office.

The first explanation is that the development of the UN Ethics Office and its founding mandate represented a continuation of the ideational *status quo*. That is, the mandate of the UN Ethics Office and the motivations behind its creation fall along the same ideational trajectory that has shaped ethics management since the foundation of the UN: based on oversight and compliance, with appropriate attention to the particular organisational characteristics of the UN (e.g. 'immunity', assurance of staff loyalty to organisational interests). Within this explanation, any institutional change to occur would be the result of exogenous shocks to the system. This is the hypothesis that would be generated by historical

institutionalism, and when applied to this case study the focus inevitably shifts to the impact of the major ethical shock created by the Oil for Food scandal.

The alternative explanation is that made publicly by UN spokespeople, that the UN Ethics Office reflects a 'culture change' in the ethical outlook of the organisation. This is the ideational explanation, and would be supported by evidence that the discourse of 'integrity' has been embedded in a set of programmatic ideas (accountability, transparency), which have created a new institutional trajectory for ethics management. For this explanation to be convincing, there needs to be evidence indication that UN Ethics Office would not have taken on its five key functions in the absence of such a cultural shift, and, indeed, that this new direction in ethics management is sustainable.

In the analysis which follows, evidence the influence of each set of factors will be sought within key events and turning points in the institutional trajectory of ethics management in the UN. The narrative will be presented chronologically, and is divided for clarity into five distinct periods of reform, separated by pivotal points, events and decisions which had a determinative affect on subsequent possibilities. Three defining stages in the process of institutional change will be discussed, sandwiched between a description of the gradual evolution of the *status quo* prior to institutional change, and a review of the implementation and evolution of the new system to date.

3.1 Period 1: Evolution and Review (1945-2001)

Prior to the reform process which culminated with the introduction of the UN Ethics Office, the institutional architecture shaping ethics management within the UN consisted of the following elements, presented chronologically by date of establishment. According to UN statements throughout the reform process, none of the responsibilities of functions described have been changed or eliminated. The new office is considered an additional

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element to fill gaps and address more fundamental issues in organisational ethics.

3.1.1 The Charter, Staff Regulations and Staff Rules

All institutional arrangements to ensure ethical conduct at the UN refer back to the priorities espoused in article 101 of the UN Charter, that

"the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and *integrity*." (UN, 1945, emphasis added).

Fleshing out these principles are the more regularly updated Staff Regulations and Staff Rules, which clearly outline appropriate behaviour within UN organisations. The Rules and Regulations cover practical issues in the exercise of administrative discretion such as independence from national governments, immunities, primacy of organisational over personal interests, gifts, and conflict of interest (UN, 2002a; UN, 2008).

3.1.2 The International Civil Service Commission

The International Civil Service Commission (ICSC) is appointed by the UN General Assembly as a body of fifteen independent experts in public administration, to make informed recommendations on conditions of service within the UN Common System (ICSC, 1987). It has existed in its current form since 1974 (ICSC, 1987). Prior to this time, the International Civil Service Advisory board played a similar role, and was responsible for the initial drafting of the cornerstone of administrative ethics advice within the UN, the *Standards of Conduct in the International Civil Service*, in 1954 (ICSC, 2002). The ICSC revised and updated these standards in 2001. The Standards in the current form were

endorsed by the General Assembly, as were the ICSC's *Framework for Human Resource Management* in 2000 (ICSC, 2002).

The Standards remain a reference point for all ethical judgements in the UN. These build upon the concept of integrity introduced in the *UN Charter*, noting that it encompasses "honesty, truthfulness, impartiality and incorruptibility", and provides a guiding principle for the action of all international civil servants (ICSC, 2002). The Standards offers detailed guidance on appropriate relations of UN staff with each other, national governments, the public and the media, as well as expectations around personal conduct, and policies on gifts and conflict of interest (ICSC, 2002).

3.1.3 Joint Inspection Unit

The Joint Inspection Unit (JIU) was created in 1966 on a pilot basis, and made permanent in 1978 (JIU, 2004). It undertakes investigation and evaluation independently of all branches of the UN. The eleven inspectors have a mandate to ensure that UN operations are effective and that funds are used and accounted for appropriately. JIU reports provide a high-level view over management issues across the organisation (UN, 2005f)

3.1.4 United Nations Office of Internal Oversight Services

Internal to the UN but functionally independent of the rest of the organisation, the Office of Internal Oversight Services (OIOS) was established in 1994 to undertake compliance monitoring, internal auditing, investigation, inspection and evaluation and reporting role with respect to observation of the Regulations and Rules of the UN (UN, 1994). This occurs closer to the ground than the investigations undertaken by the JIU, and with more explicitly 'ethical' issues. Investigators pursue allegations made by staff, relating to "misconduct, abuse of authority, mismanagement and waste of resources" (UN, 2005e: 3).

Staff are obliged to report suspected misconduct to either the OIOS or to a higher-level official (UN, 2005e).

3.1.5 The United Nations Ombudsman

The Office of the UN Ombudsman was established in 2002 with the intention "to make available the services of an impartial and independent person to address the employment-related problems of staff members" (UN, 2002b:1). The Ombudsman offers advice and, where appropriate, facilitates mediation or informal conflict resolution. The Ombudsman does not act as an advocate for any party in disputes, but is designated as an 'agent for change' at a policy level, providing feedback for improved rules and procedures in UN employment matters (UN Ombudsman, 2009).

While each subsequent element of the ethics infrastructure has a different function, all are complimentary, and contribute to the same broad project. If the programmatic ideas behind the project were viewed through the frames of national public administration, it would be easily classified as a compliance-based regime. However, in all guiding documents there is also frequent acknowledgement of the unique features of the UN as an international organisation. There is attention to ensuring that officers are made aware of their obligations to protect the interests of the organisation, which equates to fulfilling roles effectively and efficiently. What constitutes appropriate and inappropriate behaviour is clearly delineated, and left to be mediated by the individual's personal integrity. After 2001, however, there is evidence that the approach to ethics and integrity was subject to a major ideational shift, with its origins external to the realm of IO.

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3.2 Period 2: Planning an organisation of integrity (2001- 2004)

As the excerpt presented above shows, integrity has been central to the UN concept of acceptable exercise of administrative discretion since the drafting of the UN Charter in 1945. However, it is only from late 2001 that the locus of this integrity can be seen to shift from individual officers to the organisation as a whole. In this first major ideational shift in the UN approach to ethics management, the quality of *organisational* integrity is introduced as a key determinant of the quality of personal integrity demonstrated by officers, as well as a value *per se*. Over a period of around three years, various threads of administrative and management reform grounded in this idea ran in parallel and dovetailed into larger initiatives.

This period in the process of institutional change can be traced from December 2001, when the Office of the Deputy Secretary-General assigned the United Nationals Office of Drugs and Crime (UNODC) responsibility for inter-agency coordination and harmonisation on the treatment of ethics, with an emphasis on anti-corruption systems (UNODC, 2003). The UNODC described the ethics cooperation project in strategic, operational terms: as an essential prerequisite for successfully managing the global anti-corruption campaign (the Convention on Corruption) that the UN was embarking upon in member states (UNODC, 2003).

3.2.1 Launching the Organisational Integrity Initiative

As part of fulfilling its mandate, the UNODC joined the OIOS in developing the UN Organisational Integrity Initiative (OII) (UNODC, 2003). The OII aimed to foster a culture of organisational integrity, in which ethical conduct "goes beyond mere compliance with written requirements, but honours the values that lie behind them" (Fourcault, 2004). When the OII was formally launched by the OIOS in May 2003, then Under-Secretary-General for Oversight Services, Dileep Nair, also explained his motivations in functional terms,

connecting the reforms to the introduction of the Convention of Corruption:

> "We must 'walk the talk' that our development agencies address to Member States
>
> in the field of good governance and encourage our senior managers to become
>
> 'champions of integrity' to lay a solid foundation for future integrity building."

<div align="right">(UN Press Release, 2005)</div>

These tactic-laden descriptions of the planned reform of the UN ethics infrastructure show a desire to connect the newly embraced concept of organisational integrity to a more familiar focus on the interests of the organisation (and its member states). The strategy described is essentially to lead by example with a demonstrable commitment within the UN to high profile ideas about ethical public administration, lending greater credibility to the organisation's anti-corruption campaign. In 2003, Nair noted in his preface to the OIOS Annual Report (entitled *Integrity, Accountability, Transparency*) that one objective of the OII was simply,

> "to enhance the profile of the United Nations' integrity-building and corruption-control efforts [The Convention]" (UN, 2003: 3).

In 2002, while the OII framework was still being developed, Nair addressed the International Institute for Public Ethics (IIPE) biennial conference about the UN's seminal "organisational integrity system" (Nair, 2002: 2). The same reputation-centric context for the reforms was reiterated, but the speech also revealed key conceptual influences on the initiative. As well as expertise from within UN agencies, Nair acknowledged the "advice and inspiration from our colleagues in the World Bank, Transparency International, and the Ethics Resource Centre" (Nair, 2002: 2). This could be considered a fairly definitive roll-call (with the OECD as a notable exception) of research and policy centres in ethics for national public

administration, and the likely carriers of programmatic ideas from public sector ethics.

3.2.2 Implementing the OII

The OII was intended to run for two years, and encompass two main elements: staff ethics training for the senior executive downwards; and an organisation-wide survey of staff perceptions of organisational integrity to inform the new integrity system (UNODC). The first round of training was conducted for Senior Officials in June 2003 at Harvard's Kennedy School of Government, with a second round in January 2004 (Fourcault, 2004). The Office of Human Resource Management (OHRM) developed ethics training modules for all other staff (Fourcault, 2004).

In early 2003 the UN issued a Request for Proposal for the study into staff perceptions of integrity; in July consultants Deloitte & Touche LLP were engaged for the project (Deloitte, 2004). Their research, which was published in 2004, recommended that the top priority for the organisation- judged in terms of impact- was on changing "the tone at the top" so that senior officers are perceived by staff to "lead by example" (Deloitte, 2004: 7). The second most important priority identified was to improve perceptions of "staff accountability" (Deloitte, 2004: 7). Although the term accountability is used frequently within the Deloitte report, it is at no point clarified who is considered accountable to whom, in the organisation of integrity the UN aspires to become. Inferring from the specific recommendations made, however, which include better follow-through on allegations of misconduct, investigation practices and protection for whistleblowers, this accountability is framed in terms of the *organisation's* accountability to its individual staff members. This is not the dominant image created by the term when used abstractly, which is more likely to tap into associations from public administration, of the accountability of decision-makers to stakeholders. The extension of this metaphor to the UN would make the organisation as a

whole accountable to those affected by its operational and policy decisions (not its human resource management ones).

The results of the integrity survey, and the progress of the OII overall, was presented by Elia Yi Armstrong of the UN Department of Economic and Social Affairs, to the Forum for a Global Integrity Alliance (GIA) at a March 2004 meeting in Istanbul, Turkey. The GIA is comprised of the same NGO actors from the field of domestic ethics already mentioned, as well as representatives of the private sector and national governments. The presentation indicated how the findings of the survey would be used in the creation of benchmarks for organisational integrity, and would inform programmes and activities for integrity promotion (Fourcault, 2004). These comments were in line with Deloitte's recommended actions following the study, to provide a safe milieu, follow up on survey findings, enhance integrity training and development improve the performance management system and provide continuous employee feedback (Deloitte, 2004). At this point there is no mention of the development of a new Ethics Office, or of significant overhaul or augmentation of the ethics infrastructure of the UN, but these priorities are conceptually consistent with the founding mandate of the Ethics Office. Moreover, despite earlier comments from spokespeople such as Nair that the uptake of the accountability and transparency agenda was strategic and thus superficial, this presentation showed that these programmatic ideas had been reinforced internally through a new programme of activity.

By the time that Armstrong was announcing the OII's progress to the forum in Turkey, however, external interest in the management of ethics at the UN had altered entirely. In January 2004, allegations of improper use of funds in the Oil for Food programme had been made public (BBC, 2005a). By April of 2004, investigations were underway (BBC, 2005b).

3.3 Period 3: Oil for Food (February 2004- September 2005)

In this period the UN responded to the Oil for Food fallout, in urgent, immediate ways. Chiefly, this involved direct investigation into allegations. During this time, no new action was taken on the reform of the system (this began with the World Summit in September 2005, which marks the beginning of the next time period discussed). The OII continued along an already established trajectory throughout 2004 and 2005, relying upon the same ideas of integrity, accountability, and transparency. Some activities towards this agenda acknowledged the ongoing crisis response; others did not.

This period was defined, though, by a new, external, attention to ethics within the UN. A new set of actors- chiefly, elected representatives of member states- called for reform of the management of ethical decisions within the UN. They too engaged the dominant ideas of the 'integrity' approach, and the emphasis was on organisational culture, beyond compliance. Unlike the attitude of considered diagnosis, strategic interest and gradual change which characterised the OII, the need for change was now imperative. Reforms were no longer justified in operational support of specific ethics-related programs, but for the very survival of the organisation. The voice of national governments likewise took on a different character and significance- some were implicated, others were demanding account. Some were both: the United States Government was chief among Member States in stressing the urgency of introducing integrity and accountability within the UN.

3.3.1 Investigations into the Allegations: Internal and External

There is no need for this paper to detail or analyse anew the Oil for Food scandal. It is suffice to note that in April 2004, three months after a newspaper in Iraq published allegations that 270 individuals had benefited from the illicit sale of Iraqi oil during the Oil for Food Programme, the UN initiated an inquiry (BBC, 2005b). The investigation panel was

known as the Volcker Committee, as it was headed by Former Chairman of the Board of Governors of the United States Federal Reserve System, Paul Volcker. The Volcker Committee was charged with determining whether rules had been violated; illicit or corrupt activities had occurred; and financial decisions could be accounted for (UN News, 2004). The committee found that a total of US$1.8billion of illicit income had been generated during the Oil for Food programme (IIC, 2005). Secretary-General Kofi Anan responded to the release of the final report by stressing lessons which had been learnt, and noting that,

"I have already embarked on new reforms in areas where I have discretion – reforms designed to improve the performance of senior management, to strengthen *oversight and accountability*, to increase *transparency*, and to ensure the highest standards of ethics, notably by creating a new Ethics Office."

(UN News, 2005, emphasis added)

In a letter about the inquiry sent to UN staff in September 2005, Annan reiterated the same message, and made an explicit link between the findings of the Volker Committee and the Integrity Survey of 2004 (UN Foundation, 2005).

The United States and Iraqi governments also engaged in inquiries. A Congressional House Energy and Commerce Subcommittee on Oversight and Investigations conducted a hearing in May 2005 (UN Foundation, 2005), which was the focus of significant attention by those in the UN, member states and the media wishing to reconstruct the series of events which led to the corruption allegations. This was not the only deliberation among concerned elected officials in the United States, however.

Between March and December 2005 the Subcommittee on Oversight and Investigations of the Congressional Committee on International Relations also met on

multiple occasions to discuss the appropriate diplomatic response to a perceived crisis in the management of ethics at the UN[2]. Transcripts of these meetings are peppered with references to the Oil for Food scandal and the committee's ongoing investigations. Discussions are not limited to these allegations, however. There is also attention to other allegations concerning officers in the field, including "reports of widespread sexual abuse of women and children by U.N. peacekeepers, contractors and employees and an embezzlement scandal at the World Meteorological Organization" (House of Representatives, 2005b). These events are discussed in terms of "serious structural and other flaws that make comprehensive reform an imperative if the UN is to continue to play a major role in international affairs in this new century" (Schiff quoted in House of Representatives, 2005a). The guiding principles repeatedly proposed for this structural overhaul of ethics management within the UN are "*public* transparency and accountability" (Hyde quoted in House of Representatives, 2005a: 9, emphasis added). The following is an illustrative argument for reform

> "We can no longer allow the U.N. to be so arrogant and so unaccountable as it has been. It cannot continue to fail its own annual financial audits. It cannot continue to endlessly promote incompetence upward through the system and reward financial mismanagement and procurement mistakes in the system."
>
> (Rohrabacher quoted in House of Representatives, 2005c: 10)

Speeches to the committee continue to restate the importance of accountability to ensuring confidence within the US delegation to the UN. Unlike the understanding of organisational accountability implicitly underpinning the goals of the OII, however, this is a

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2   The US Senate Subcommittee on Africa, Global Human Rights, and International Organizations, also discussed and heard testimony about the need for UN Peacekeeping Reform in May 2005 (Schwartz, 2005).

precise concept. The accountability demanded is firstly, accountability to member states and other affected people for the actions taken in the field; and secondly, and even more precisely, financial accountability of the organisation to funding states. The new attention to ethics born of multiple scandals had prompted stakeholders to demand a simple, measurable accountability and transparency, closely analogous to the model provided by democratic public administration.

3.3.2 OII: Business as usual

While external pressure mounted for an overhaul of the organisational infrastructure around ethics at the UN, re-framing integrity, transparency and accountability in exact, even quantifiable (financial) terms, internal ethics reform continued along the trajectory paved by the OII. On 12 September 2005 the Integrity Awareness Initiative programme was launched (UN Department of Public Information, 2009). This online training, which is hosted by the UNODC, offers modules in *Personal Integrity*, *Integrity in the United Nations Workplace*, *Integrity in Our Client Communities*, and *Reputation Management* (UN ESCAP, 2009). The concept of integrity advanced is linked back to the UN Charter, as well as the Standards of Conduct for the International Civil Service, again with an added emphasis on accountability and transparency which does not appear in the original documents. The glossary provided to assist in completing the training offers the following definitions of the three key concepts:

Accountability: Answerable for one's actions. Responsibility for negligence; for failing to meeting official obligations or commitments; or for non-compliance with, regulations and rules.

Integrity: According to Staff Regulation 1.2 (b), the concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all

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matters affecting their work and status.

Transparency: The quality of being easily understood or detected, for example, availability and accessibility of the true reasons for administrative decisions.

(UN ESCAP, 2009)

On the whole, these definitions mirror the spirit of the concept of integrity as used in the UN Charter; they have less in common with the domestic analogy made by those applying pressure in the wake of the scandal. The online learning materials note that the training will "help establish an inner standard for judging behaviour" (UN ESCAP, 2009). At the completion of the training, staff undertake an "Integrity Challenge" test.

Earlier in the same year, the Under-Secretary-General for Management released an Information Circular (UN, 2005e) reminding staff "of the means available to them for reporting suspected misconduct". In the introduction to the circular the timing and purpose of the announcement was linked to the OII and the integrity survey. No explicit reference was made to current investigations, although the timing must have made the connection clear for staff. There was by no means complete denial of the ethical maelstrom threatening to engulf the organisation, however, even as around the OII business continued as usual. For example, Elia Yi Armstrong, in an August 2005 article on "Integrity, transparency and accountability in public administration: Recent trends, regional and international developments and emerging issues", took the opportunity to both acknowledge the ongoing investigations, and explain that the OII preceded the events by a matter of months, and had been informed by current best practice from public administration (Armstrong, 2005).

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There is also piecemeal evidence that some organisational units took the recent events as impetus for new efforts toward internal reform. In 2005, the group of Legal Advisers of the United Nations "decided to constitute a working group to exchange information and review policies and procedures" with respect to the treatment of fraud and corruption among different UN agencies (Licul, 2007). As with the initial inter-agency anti-corruption project which led to the OII, the aim of this process was better harmonisation of inter-unit policies and procedures. Also in 2005, the Joint Inspection Unit (JIU) engaged in research on "oversight lacunae", assessing the effectiveness of internal investigations mechanisms (UN, 2005f). The OIOS also presented proposals for strengthening their own role and performance (UN, 2006c). These endogenous attempts at reform along existing institutional paths were soon to be eclipsed, however, by a far-reaching and thorough agenda for organisational overhaul. In September 2005 the UN World Summit met in New York, described by the Secretary-General as offering "a once-in-a-generation opportunity" for international decision-making, as well as "a chance to revitalise the United Nations itself" (UN Department of Public Information, 2005).

3.4 Period 4: World Summit Agenda (September 2005- May 2006)

With the release of the final report of the Volker Committee, Secretary-General Kofi Annan announced his intention to address the issues it raised with a review and expansion of the ethics and oversight systems of the UN (UN News, 2005). Only a week after these comments, the proposals for the specific reforms were in front of the High Plenary Meeting (The World Summit) in New York.

3.4.1 World Summit Resolutions

The World Summit was held between 14 and 16 September, 2005 and was attended by a record number of delegates (UN Press Release, 2005). The bulk of decisions and resolutions concerned the operations and activities of the UN agencies, but there was also an ambitious agenda for reform of internal management systems, and aspects of the UN Charter (UN Department of Public Information, 2005). The General Assembly Resolution setting out the agenda for reform of the ethics management system noted that the UN Secretariat should operate in accordance with the UN Charter, but also "in a culture of organizational accountability, transparency and integrity" (UN, 2005a). As noted above, of these qualities only integrity was part of the initial UN Charter requirements of administrative decisions; the others arrived with the OII and its constitutive ideational influences.

At the World Summit, the General Assembly resolved to support management reform measures towards the strengthening of accountability, transparency and integrity within the organisation, including: increased financial disclosure (conflict of interest declarations); protection against retaliation for those who report misconduct (whistleblower protection); the development of a "system-wide code of ethics for all United Nations Personnel"; and the creation of an independent Ethics Office (UN 2005a). In press reports, much was made of the last-minute and heated debate around the Ethics Office, but the proposal was endorsed (UN News, 2006b).

Reporting on the progress of these measures in November 2005, Annan told the General Assembly that the financial disclosure system established in 1999 (UN, 2006a) had been expanded, and that whistleblower protection policies had been developed. In this report plans were also outlined to complete the implementation of the World Summit outcomes. Three new elements were introduced to the ethics management system: the Ethics Office; an independent (external) evaluation of the oversight and auditing systems of the UN; and an

Independent Audit Advisory Committee (UN, 2005c).

3.4.2 Establishment of the UN Ethics Office

The whistleblower protection policy was announced to the organisation in a Bulletin (UN, 2005d) on 15 December 2005, and included a description of the involvement of the new Ethics Office in administering the new system. The Ethics Office was formally established on 1 January 2006. Like the OIOS and the Ombudsman, the new Ethics Office is situated within the Secretariat. As well as its responsibilities for staff training and advice, the new financial disclosure and protection systems, the Office may also take on additional functions as decided by the Secretary-General (UN, 2005b). The Office is open to requests from all staff, and all staff are obliged to comply with its instructions and requests for information.

UN Press Releases did not attempt to hide the *ad hoc* character of the first few months of the Office, while stressing that it was already operational (UN News, 2006b). At this early stage, reports noted the involvement of existing integrity experts from within the UN, such as Elia Yi Armstrong, who again reiterated the need for the UN to act as a role-model for anti-corruption (UN News, 2006b). Another key internal figure in the early aspects of the process was Melissa Parke, from the UN Department of Management. For the first month the Ethics Office was staffed with two seconded officers, and an interim director. These staff emphasised to the media that the aims of the Office, including the new disclosure functions, pre-dated the Volker inquiry (UN News, 2006b).

On 23 February 2006 Annan announced the appointment of a Special Advisor to the Office, co-founder of the Malaysian chapter of Transparency International, Tunku Abdul Aziz (UN News, 2006a). As well as his background in the private and public sectors, Mr Aziz's participation in the World Bank High Level Advisory Group on Anti-Corruption in the East Asia and Pacific Region was particularly noted in the announcement. Another external expert

in public sector ethics, Howard Whitton, was brought in to flesh out the Office's mandate.

The object of interest in the present account of institutional development and change is the Ethics Office.   However, while the tracing of the World Summit decisions and outcomes has revolved around the factors leading to the establishment of the office, it is worth noting that the World Summit outcomes also set in motion another set of reforms, focussing on issues of governance, investigation and evaluation ('oversight') within the organisation. As the next chapter will show, these efforts of reform were far from resolved at the time that the Ethics Office came to fruition.

3.5 Period 5: UN Ethics Office- the first three years (May 2006- present)

If the dates chosen by UN public affairs officials to release press releases are a sound indication, the Ethics Office was fully operational by May 2006 (UN Department of Public Information, 2006).   By the end of July 2006, the office had fielded 153 inquiries and administered financial disclosure declarations for 1,800 staff (UN, 2006a).   The bulk of requests (41%) were for ethics advice (UN, 2006a).

3.5.1 Ongoing oversight reforms

Following the establishment of the Ethics Office, the momentum of reform around ethics infrastructure did not cease, but continued elsewhere in the organisation. UNODC, OIOS and the Office of Legal Affairs (OLA) directed attention back towards the UN Convention against Corruption, and the creation of institutional means to ensure its standards were upheld within the organisation promoting them (UNODC, 2007).   In April 2007 the UNODC proposed the development of specific guidance for applying the Convention within IOs. The final document, *Checklist of Relevant Principles Embodies in the UNCAC Relevant*

to International Organisations and International Civil Servants is a step beyond earlier rhetorical commitment to the principles of the Convention, bringing the UN within the same legal framework established against corruption in member states. This clarification of responsibilities and prescriptive standards for ethics management thus represents a continuation of the 'oversight' improvements begun in Period 4.

At a higher level of strategic decision-making, there was a much more substantive programme of activity planned around the organisational oversight agenda. At the same time that press releases about the opening of the Ethics Office announced a culture change in the UN approach to integrity, a thorough external review was finalising its plan for a fundamental overhaul of the internal governance of the UN. In July 2006, the final report (UN, 2006b) of the requested *Comprehensive Review of Governance and Oversight* was released. Recommendations spanned all aspects of governance, including budgetary reporting, resource allocation, programme planning and committee procedures, as well as ethics infrastructure for whistleblower protection and financial disclosure. A new Governance Code for the organisation was also proposed. Recommendations for improved oversight included the abolition of the Joint Inspection Unit (JIU) and the establishment of an Independent Audit Advisory Committee (IAAC). The JIU remains, but the first IAAC came into effect on 1 January 2008. As intended, the expert membership of the committee provides advice on oversight activities within the UN.

These major reforms of internal governance, and the emphasis on 'oversight' they have in common, suggest that the culture change towards organisational integrity promised by the Ethics Office was not sufficiently reassuring to the Secretariat or member states in the wake of the Oil for Food scandal. The independent review was concerned with risk, institutional safeguards and compliance: in short, a revitalisation of the existing compliance systems which evolved in Period 1. There are two possible ways to interpret the parallel

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pursuit of the new governance and oversight agenda and the new operations of the Ethics Office. The first is that the oversight reforms were considered essential regardless of the successful development of a new culture of organisational integrity, and that the two elements of the new ethics management system would act in complement of one another. The other possibility is that the Ethics Office, established with urgency following the World Summit, was not expected to have a significant substantive effect on ethics issues. In other words, it may be considered window dressing for a more challenging renovation of the governance structures of the UN, or a temporary measure until these were complete. The existing outcomes of the OII were capitalised upon, bringing to prominence ideas which may have otherwise remained a peripheral, human resources interest. However, the ideas informing the institutional arrangements for ethical conduct at the UN remained the same as those represented in the 1945 UN charter.

3.5.2 Shifting the boundaries of the Ethics Office

Public comment concerning the impact of the Ethics Office, originating inside and outside the organisation alike, offers some support for this latter version of the drivers of change. An early test of the whistleblower protection policy, and the scope of the office generally, was made in August 2007 when a UNDP staff member made public allegations of retaliation reporting suspected major conflict of interest breaches in the UN's North Korean operations (Fox News, 2007; GAP, 2007; Higgins & Stecklow, 2008; IHT, 2007). After an initial delay, the UNDP decided not to refer the matter to the Ethics Office- or cooperate with an investigation by the Ethics Office- on the basis that the Office's mandate did not extend to all UN agencies, but only the Secretariat (GAP, 2007). In November 2007, Secretary-General Ban Ki-Moon released a staff Bulletin confirming this position, entitled *United Nations system-wide application of ethics: Separately administered organs and programmes* (UN,

2007). It was at odds with statements made at the World Summit, and in the first months of operation of the Office (see UN 2005a).

The dissonance between the Bulletin and existing expectations about the office was reinforced by United States Representative for United Nations Management and Reform Mark Wallace's decision to appeal to the Director of the Ethics Office, Robert Benson, to take on the case (Wallace, 2007). In this letter he quoted from the World Summit outcome document which urged for the development of "a system-wide code of ethics for all the United Nations personnel" (UN 2005a; Wallace, 2007). It is clear that for those within the US government who had pressured the UN for ethics reform, the Ethics Office was understood to be a fulfilment of these requests. The Secretary-General's Bulletin, however, insisted that the intention was to have an *independent* ethics office for each "separately administered organ or programme of the United Nations" (UN, 2007). With this statement, the implications of which are still being debated (see for example Global Administrative Law, 2009), the UN announced that, as a minimum, the Ethics Office as established would have significantly less jurisdiction and territory than originally understood[3]. However, the ongoing governance and oversight reviews suggest that pressure from member states may prompt yet another revision.

It is not the purpose of this analysis to speculate on the future of the Ethics Office in this regard. Ban's interpretation of the Ethics Office mandate does not negate what has already been established about the motivations behind its creation. Nonetheless, considering the ongoing evolution of the Office, and other reforms initiated at the same time, offers some insight on the decisions of interest: those leading to its creation. The surprising interpretation of the Ethics Office's jurisdiction followed the appointment of a new Secretary-General, so it may be expected that it reflects individual ideas about the management of ethics in the UN

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[3]   Apparently, even less than Benson had understood when he was appointed [ref].

which differ from his predecessor. Even taking this into account, the existence of this space for disagreement and re-interpretation of the Office's mandate may indicate that the new system was created in haste. Viewed from a distance, the creation of the Ethics Office may not be the revolution in organisational ethics for the UN initially claimed, but merely the newest event in a long-standing institutional trajectory. This possibility, and the implications it holds for the role of ideas in the case study, will be taken up in the conclusion below.

4. Conclusion

The last chapter briefly traced the process of the development of the UN Ethics Office, and the first three years of institutional evolution. In conclusion to this analysis, this chapter will return to the initial research question and assess whether there is sufficient the evidence for an *independent* and *causal* role for ideational factors in each of the time periods discussed.

4.1 The OII and the creation of ideational path dependency

Two alternative versions of the driving factors behind the creation of the Ethics Office were advanced through the process tracing exercise:

a. That the creation and mandate of the UN Ethics Office is consistent with the ideational *status quo*, and that institutional change in the UN ethics infrastructure is best explained by exogenous shocks (the Oil for Food scandal).

b. That the creation and mandate of the UN Ethics Office is a product of the embedding of a new ideational trajectory in ethics management for international organisation, characterised by the ideas of integrity, accountability and transparency.

The discussion above has presented a range of evidence in support of the suggestions that a new ideational trajectory provided the conceptual backdrop to the ethics reform project. For half a century, the progressively augmented institutional architecture around ethics had been focused on the behaviour of individual officers. Rules and regulations and a code of conduct clearly delineated appropriate from inappropriate behaviour, and established the

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expectation that officers show personal integrity. Internal and external bodies were created to advise staff and to investigate specific allegations of misconduct. Then, between Period 1 and Period 2, the uptake of a new set of programmatic ideas within the UN signalled a renewed interest in ethics for international organisation. The OII was informed by a novel understanding of integrity with the organisation *per se*, not individual officers, as its subject. The OII agenda referenced the principle of integrity, built into the founding documents of the UN and the code of the ICSC. However, whereas in these documents integrity is a personal quality, and evidenced by responsible carrying-out of duties and acting in the organisation's interest, the OII gave the concept a new character, reliant upon its connection to the more abstract concepts of accountability and transparency.

These ideas remained abstract where used by the OII. This may be quite simply because, as the literature review showed, there is no singular or obvious application of these principles of democratic government within the decision-making and operational mandates of the UN. Neither the principal nor agent in the accountable, transparent governance relationship is identified. Appropriately, perhaps, then, the UN's public justification for the need to reform ethics infrastructure in line with this package of ideas was that as the organisation wished to actively promote a global anti-corruption pact, it needed to 'lead by example.' These statements show a use of discourse which is strategic or even cynical. Essentially advertising the role played by key experts from the sphere of public administration in the construction of an organisational ethics defined by integrity, accountability and transparency further reinforced that the organisational commitment was primarily to the cachet of these programmatic ideas.

However, despite the reiteration of this functional and operationally-strategic narrative among UN actors, in practice this commitment was not merely adopted for purpose, until such time that its usefulness expired. The OII created a new discursive trajectory in ethics for

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international organisation, and a full agenda of reform activities and reports on activities reinforced this path and created momentum around these ideas. In the terminology of discursive institutionalism, an ideational path dependency was created, which unavoidably shaped future deliberations in ethics reform. Thus, the dominant concepts of integrity, accountability and transparency was employed in support of any and all activities in the ethics reform project, to the point that the discourse itself held a cachet independent of its substantive meaning. It has already been noted how over time the locus of integrity was shifted from the person to the organisation, and that this was associated with the expressed intention to foster an accountable, transparent organisation. The other terms were found to be similarly accommodating, depending on the project.

For example, when the early activities of the OII worked towards accountability, the concept (implicitly) alluded to an intra-organisational culture of ethical behaviour from the top down, in which all staff were confident of protection against retaliation for reporting misconduct, which would be in turn appropriately investigated and punished. When the oversight reforms of Period 4 and 5 presented a newly accountable UN to the world, the accountability was of the organisation to its external stakeholders, in member states and in the field. This would be evidenced by institutional checks against financial impropriety and unethical behaviour of individual officers carrying out UN mandates. The final mandate of the Ethics Office- especially the whistleblower protection regime- managed to satisfy both versions. Similarly, invoking the idea of transparency signals different priorities in ethics infrastructure, depending on the project being pursued. When defined in staff training, it suggested greater openness and answerability for decision-making processes within the organisation, including, crucially, questions of internal and administrative justice. When used in support of the new conflict of interest rules, it promised, again, more transparency into the organisation for those viewing from the outside, especially member states, and especially

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with reference to financial decisions.

The ongoing cachet, in the face of apparent contradiction, of the programmatic ideas of integrity, accountability and transparency in the reform process shows the strength of the ideational path dependence forged by the OII. This allowed the ideas, originally drawn from the realm of domestic public administration, to exert an influence over the reform process, independent of their substantive meanings and consequences.

4.2 Independent, but causal?

However, while the process tracing exercise yielded evidence of the existence of this ideational trajectory, it was not conclusive that the independent role of ideas was *causal* in the development of the Ethics Office. It has already been seen that the dominant discourse was subject to shifting interpretation and multiple meanings, and accommodating of almost any ethical reform activity. Despite the claim of a culture change supported by the language of 'integrity', much of the mandate of the Ethics Office is entirely consistent with the style of ethics management pursued by the UN since the drafting of the 1945 Charter. Prior to the Oil for Food scandal, the OII advanced an image of a system built upon more holistic training and coordination, but the final proposal approved by the World Summit promised a combination of functional reform of rules, supervision and investigation, and a renewed commitment to 'oversight' to safeguard organisational interests. As such, the final package of governance and ethics restructuring, of which the Ethics Office was only one element, is most easily explained as a revival of the programmatic ideas which had informed the UN ethics system for the vast majority of its history, combining a compliance approach with explicit attention to the unique characteristics of the international civil service. This return to founding principles is understandable, given a renewed interest by member states into the ethics infrastructure of the organisation.

This conclusion does not imply that the emphasis on ideas and promise of culture change, as illustrated in the introduction, is merely a calculated public affairs strategy only. Indeed, the process tracing exercise has shown strong support for the discursive institutionalist suggestion that the discourse can play an independent role in institutional change. However, what was not predictable from the theory adopted at the outset was that the *ideational* path dependency created did not inevitably translate into a new *institutional* trajectory for ethics management. Ideas had played a role autonomous from material factors, but this does not mean they *shaped* the material factors.

Of the alternative explanations posited, therefore, there was the strongest evidence that the UN Ethics Office is consistent with the ideational *status quo* of ethics management within the organisational. The institutional change observed may be accounted for by reference to exogenous pressures resulting from the fallout to the Oil for Food scandal. To return to the research question originally posited, it must be concluded that ideas were not constitutive to the creation and mandate of the UN Ethics Office.

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