Roundtable on Governance & Law: Challenges & Opportunities

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Some « new » Models of Governance in Europe and North America

World Bank Headquarters - Washington DC
November 5, 2018
Citizens Panel on the Aging Services
Parliament of Wallonia Jan. 2018
I. The models of governance

II. Six mutations impacting governance

III. Governance for an Agenda 2030?
I. The models of governance

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III. Governance for an Agenda 2030?
The command mechanism of a social system and its actions that endeavor to provide security, prosperity, coherence, order and continuity to the system.

Governance according to the Club of Rome (1991)

The process of governance is the process whereby an organization or a society steers itself, and the dynamics of communication and control are central to that process.

UNDP defines governance as the exercise of political, economic and administrative authority in the management of a country’s affairs at all levels. Governance comprises the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations. Good governance has many attributes. It is participatory, transparent and accountable. It is effective in making the best use of resources and is equitable. And it promotes the rule of law.
We define governance broadly as the traditions and institutions by which authority in a country is exercised. This includes (1) the process by which governments are selected, monitored and replaced, (2) the capacity of the government to effectively formulate and implement sound policies, and (3) the respect of citizens and the state for the institutions that govern economic and social interactions among them.
Governance according to the European Commission (2001)

« Governance » means rules, processes and behaviour that affect the way in which powers are exercised at European level, particularly as regards openness, participation, accountability, effectiveness and coherence.

‘Governance’ is a descriptive label that is used to highlight the changing nature of the policy process in recent decades. In particular, it sensitizes us to the ever-increasing variety of terrains and actors involved in the making of public policy. Thus, it demands that we consider all the actors and locations beyond the ‘core executive’ involved in the policy making process.
The new Governance Paradigm (2002)

Classical Public Administration

Program / agency
Hierarchy
Public vs private
Command and control
Management skills

New Governance

Tools
Networks
Public + private
Negociation and persuasion
Enablement skills

Weberian Bureaucratic State vs Postmodern State

**Government**
- Hierarchy - Bureaucracy
  - Zero-sum Game
  - Concentrated Power
    - Elitist
  - Unitary, centralised, monolithic State
  - Strong – Central executive
  - Clear lines of accountability
  - State central control

**Governance**
- Heterarchy - Networks
  - Positive-sum Game
  - Diffuse Power
  - Pluralist
  - Decentralised, fragmented, hollowed State
  - Segmented Executive
  - Fuzzy lines of accountability
  - State central steering

Governance includes the state, but transcends it by taking in the private sector and civil society. All three are critical for sustaining human development. The state creates a conducive political and legal environment. The private sector generates jobs and income. And civil society facilitates political and social interaction - mobilising groups to participate in economic, social and political activities. Because each has weaknesses and strengths, a major objective of our support for good governance is to promote constructive interaction among all three.

Governance for Sustainable Human Development
A UNDP Policy Document,
United Nations Development Programme,
January 1997
Three stages of governance

The seven (?) types of relations in a complex system of governance

State

- Executive & judicial
- Elected (politicians) & appointed (civil servants)
- Legislative & the executive
- Nation states & international institutions
- Central State and territories?
- Companies & judicial?

Private Sector

- Companies & citizens?
- Companies and citizens?

Civil Society

- Local Governments & Inhabitants
-Governments & voluntary or private sectors
- Governments & citizens
- Governments & markets

UNDP + Sam AGERE
Outline

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The key-actors may be outside the nation. M. HILL, 2009, 20

At least six mutations impacting governance

Knowledge Revolution (trajectory to information / digital / knowledge societies. Elevation of the intellectual level of the citizens and of the number of intellectuals, as persons who engage in critical thinking, research and reflection about society and propose solutions for its normative problems (social media, huge volume of informations and knowledge on the internet), new tools for building communities and democracy but also perverse effects.

Sustainable Development (implementation of the 2030 Agenda with the ambition to build effective, accountable and inclusive institutions at all levels + climate changes wall and urgency (cfr. Last IPPC report, October 2018).

New Social Trifunctionality (cfr. G. Dumézil, Aristote, Adalberon de Laon, Duby, Sieyès, Furet): a recognition of the actors and stakeholders promoted by the international institutions (UNDP, Club of Rome, World Bank, EU, OECD, etc.) in the field of development.

Open Government: A citizen-centred culture of governance that utilizes innovative and sustainable tools, policies and practices to promote government transparency, responsiveness and accountability to foster stakeholders’ participation in support of democracy and inclusive growth. OECD, 2016. Initiatives taken by leaders “above politics” T. Blair, B. Obama, E. Macron, etc. UK-NAP: 3rd OGP National Action Plan.
Open Government

Citizen-centred culture of Governance

TRANSPARENCY
Government Transparency
Access, readability, interaction, accountability

PARTICIPATION
Participation of the citizens, actors, stakeholders in support of democracy and inclusive growth

CO-CONSTRUCTION
Innovative and sustainable tools, policies and practices

OECD 2016 et PhD2050
2017-11-08
At least six mutations impacting governance

**Conservative and populist zeitgeist:** Protectionism in the economy, isolation in world affairs, nativism within our society; all, in the end, mean weakness in the face of challenge. (T. BLAIR, 2006), effects of populism: questioning the legitimacy of elected officials, mistrust of the parliamentary regime, denunciation of the media and of a financial oligarchy that would organize the world… questioning scientific argumentation, maintaining confusion on certain issues: Anthony ZURCHER, Does Trump still think climate change is a hoax? BBC News, June 2, 2017. https://www.bbc.com/news/world-us-canada-40128034

**Increased influence of companies:** recognition of their role in the society and governance. Companies have been the engine behind the unprecedented economic growth of the past century. The big companies through their operations have managed to raise billions of people from poverty, provide employment and education opportunities and unlock the human potential for innovation and creativity. Integrated Governance, A New Model of Governance for Sustainability, p. 8, United Nations Environment Programme, June 2014.
What has changed is the interplay between globalisation, immigration and terrorism. Suddenly we feel under threat: physically from this new terrorism that is coming onto our streets, culturally as new waves of migrants change our society, and economically because an open world economy is hastening the sharpness of competition. People feel they are working longer, but are less secure. They feel the rules are changing and they never voted to change them. They feel, in a word, powerless. This is producing a pessimism that is pervasive and fearful because there seems no way through, or at least a way under our control.

https://www.theguardian.com/politics/2006/sep/12/tradeunions.speeches
There is a debate going on which, confusingly for the politicians, often crosses traditional left/right lines and the debate is: open v closed. Do we embrace the challenge of more open societies or build defences against it? In my judgement, we need an approach that is strong and not scared, that addresses people's anxieties but does not indulge them, and above all has the right values underpinning it. The challenge won't be overcome by policy alone, but by a powerful case made on the basis of values, most especially those that combine liberty with justice, security with tolerance and respect for others. We have to escape the tyranny of the "or" and develop the inclusive nature of the "and".

The answer to economic globalisation is open markets and strong welfare and public service systems, particularly those like education, which equip people for change. The answer to terrorism is measures on security and tackling its underlying causes. The answer to concern over migration is to welcome its contribution and put a system of rules in place to control it.

Governance Model 1.0. #1stGen

New social multifunctionality

State → Civil Society

Private Sector

Sustainable Development

Knowledge Revolution

PhD2050, 2018
Governance Model 2.0. #2ndGen

New social trifunctionality

State

Sustainable Development

Civil Society

Open Government

Academia

Collective Intelligence

Private Sector

Knowledge Revolution

PhD2050, 2018
Governance Model 3.0. #NextGen

Conservative & populist zeitgeist

State

Academia

Collective Intelligence

Civil Society

Sustainable Development

Open Government

Increased influence of companies

Private Sector

Knowledge Revolution

PhD2050, 2018
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Governance for an Agenda 2030?

Readying Public Institutions for the Implementation of the SDGs

17th Session of the Committee of Experts on Public Administration (CEPA)
23-27 April 2018 • United Nations, New York
1. Effectiveness

1.1. Competence: To perform their functions effectively, institutions are to have sufficient expertise, resources and tools to deal adequately with the mandates under their authority (commonly used strategies such as: promotion of a professional public sector workforce, leadership development and training civil servant, financial management and control, investment in e-government, etc.).

1.2. Sound policymaking: To achieve their intended results, public policies are to be coherent with one another and founded on true or well-established grounds, in full accordance with fact, reason and good sense (commonly used strategies such as: strategic planning and foresight, strengthening national statistical systems, risk management frameworks, data sharing, etc.).

1.3. Collaboration: To address problems of common interest, institutions at all levels of government and in all sectors should work together and jointly with non-State actors towards the same end, purpose and effect (commonly used strategies such as: centre of government coordination under the Head of State of Government, collaboration, coordination, integration and dialogue across levels of government and functional areas, raising awareness of the SDG, network-based governance, multi-stakeholder partnerships etc.).
Principles of effective governance for SD

2. Accountability

2.1. Integrity: to serve in the public interest, civil servants are to discharge their official duties honestly, fairly and in a manner consistent with soundness of moral principle (commonly used strategies such as: promotion of anti-corruption policies, practices and bodies, codes of conduct for public officials, elimination of bribery and trading in influence, conflict of interest policies, whistle-blower protection, provision of adequate remuneration and equitable pay scales for public servants, etc.).

2.2. transparency: to ensure accountability and enable public scrutiny, institutions are to be open and candid in the execution of their functions and promote access to information, subject only to the specific and limited exceptions as are provided by law (commonly used strategies such as: proactive disclosure of information, budget transparency, open government data, registries of beneficial ownership, lobby registries, etc.).

2.3. independant oversight: to retain trust in government, oversight agencies are to act according to strictly professional considerations and apart from and unaffected by others (commonly used strategies such as: promotion of the independence of regulatory agencies, arrangements for review of administrative decisions by courts or other bodies, independent audit, respect for legality, etc.).
3. Inclusiveness

3.1. Leaving no one behind: to ensure that all human beings can fulfil their potential in dignity and equality, public policies are to take into account the needs and aspirations of all segments of society, including the poorest and most vulnerable and those subject to discrimination (commonly used strategies such as: promotion of equitable fiscal and monetary policy, promotion of social equity, data disaggregation, systematic follow-up and review, etc.).

3.2. Non-discremination: to respect, protect and promote human rights and fundamental freedoms for all, access to public service is to be provided on general terms of equality, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status (commonly used strategies such as: promotion of public sector workforce diversity, prohibition of discrimination in public service delivery, multilingual service delivery, accessibility standards, cultural audit of institutions, universal birth registration, gender-responsive budgeting, etc.).

3.3. Participation: to have an effective State, all significant political groups should be actively involved in matters that directly affect them and have a chance to influence policy (commonly used strategies such as: free and fair elections, regulatory process of public consultation, multi-stakeholder forums, participatory budgeting, community-driven development, etc.).
Principles of effective governance for SD

3.4. **Subsidiarity**: to promote government that is responsive to the needs and aspirations of all people, central authorities should perform only those tasks which cannot be performed effectively at a more intermediate or local level (commonly used strategies such as: fiscal federalism, strengthening urban governance, strengthening municipal finance and local finance systems, enhancement of local capacity for prevention, adaptation and mitigation of external shocks, multilevel governance, etc.).

3.5. **Intergenerational equity**: to promote prosperity and quality of life for all, institutions should construct administrative acts that balance the short-term needs of today’s generation with the longer-term needs of future generations (commonly used strategies such as: sustainable development impact assessment, long-term public debt management, long-term territorial planning and spatial development, ecosystem management, etc.).

Thank you!

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