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GOVERNANCE IN EUROPE



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FOREWORD

The development of a work relating to governance and the forms of Government in Europe is undoubtedly a temerary approach, if we consider, on the one hand, the importance of the subject, and on the other hand at the many connotations and meanings given to this concept in the political and legal literature.

There is not a unanimous view in relation to what should be understood by "Government", "rule (Government)", "cabinet (Government)", "governing authority". These concepts are often reported to other notions of political science and constitutional law, such as "power", constituent power, State authority, and so on.

It is a fact that today more and more politicians, more and more specialists in the various fields of the social sciences agree that the idea of government is indissolubly linked to the concept of democracy. The great thinker Alexis de Tocqueville wrote in his famous work "La démocratie en Amérique", that: "the utmost care of a good Government must be to accustom the people little by little to give it up".

The American philosopher Henry David Thoreau said that "the best Government is that which governs least." In other words, in the modern world it is increasingly felt the opinion that the mind cannot be carried out than by ensuring a wide democracy. Authoritarian regimes, personal dictatorships have become increasingly a memento in an epoch in which the sense of dignity and human freedom has grown in an incomparable way

to previous epochs. The idea of democracy – considered for a long time a desideratum under certain regimes or forms of political organization – manifests itself today in the whole plenitude, in direct consensus with the developments of science, culture, with the unrestricted communication phenomena between countries and peoples, with the scientific and technical revolution, which no longer allows an approach to the process of Government in other terms than that of the governing participation of the peoples and choosing some forms of Government to answer fully the traditions of each people, and modern standards of political thought which does not permit the return of the arbitrary, despotism or authoritarian forms of Government.

The option for democracy is considered a good that was gained, remains to determine the type or form of Government that best meets the interests of the people. Forms of Government have changed radically in the course of time. Absolute monarchies have given way in most cases of constitutional monarchy, which fully integrates the national aspirations. Republican forms of Government – overwhelming at the present time – they also know a diversification and enrichment of their contents.

In all countries, the parliaments force assert itself as a direct expression of the public power. In most countries of the world, parliaments designate the Governments, and in some countries the head of State himself is appointed by the Parliament. It is increased the sense of responsibility of the Governments and the existent constitutional procedures in different countries allow the liability of those who have disregarded their duties to those whom have them elected, including heads of State. The public vote held after strict, democratic rules, allows the alternation in power of political

forces and the exercise of some appropriate options from the citizens, the electoral body, called to determine its adherence to the programs and ideas supported by those political forces that seem to offer the best alternative for Government.

The problems of government are indissolubly linked, however, of what is meant by "the art to govern". Becomes more and more obvious that to govern a people are resorting to scientific assessments, forecasting studies, consultation of specialists and, last but not least, public opinion. Above all, however, the honesty of the politicians, the government in the spirit of responsibility, objectivity and realism in promoting solutions, avoiding the tendency to interweave the government art with voluntarism, ambitions or personal interests.

The teachings – theorized of his time by Machiavelli – regard of course a different epoch. Today it is hard to conceive of the idea that "principles that have committed great things have been those who have not kept too much of the given word", or that "it is much safer for you to be feared than loved." It is hard today to theorize the idea that governing people must not hesitate to appeal to the perfidiousness and the kindness of the leaders gets a wantonness. The State people, political leaders are increasingly controlled by the masses. Press, radio, television, media in general, have become a powerful factor in the control of the Government.

Are known many cases in which politicians who don't have complied with their duties had to abandon the posts they have occupied.

It seems that in our age, rather than urges to the cunning or dissembling, is prized the state people's wisdom that put their energy and capacities in the prosperity of the peoples. Fully justifies the great words of Bossuet, who stated that "the Government is a work of reason and intelligence".

Today, in the new conditions of European society, when Europe is heading more and more toward unity and cohesion, the governance of Nations being asked to be more synchronized and harmonized with the great European principles, principles that take into account both the full respect of the sovereignty of peoples, as well as perfecting the option for common values, forms of superior organization, in which European Nations will have to coexist freely and cooperate, relying firmly their relations on the respect of the dignity and the major principles governing human rights today.

Developments in recent years concerning the problem of the ratification of the European Constitution just shows that it is necessary for the action of the European integration to take into account, necessarily, of the national sovereignties, of the interests of each nation, being unthinkable to abolish national dignity or disregard of the rights of peoples, for which they have fought for centuries.

As evidenced by the well-known French teacher Didier Maus, "In Europe today there is no question, for the countries of the Union, to acquire the sovereignty – they are all sovereign – but, on the contrary, to put together some of their powers and reduce, in fact, the extent of their sovereignty".

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Trying to carry on to the end a research- meticulous and difficult – on a topic less tackled and permanently subject to reassessments and political events of the most diverse, I have harbored the hope that I have accomplished a useful research, which will be appreciated by those who have guided me, as well as the scientific community of the Romanian specialists.

With these feelings, submit to your attention this work, with the confidence that my research effort will be recognized by those who have mentored me a long time and whom I present today a paper which – without claim to exhaust all issues involved in a topic so vast – has merit to present and discuss current problems who are interested in the evolution of forms of European governance and the traditions of our country.

Author,

CHAPTER I FORMS OF GOVERNANCE - CONCEPTUAL DISTINCTIONS

1.1. Governance – Conceptual Distinctions

How could be defined this abstract notion - Governance? This question has been given many answers.

Some form of government is intrinsic to human society as a society totally uncontrolled, unguided and unregulated is actually a contradiction in terms. Thus, we can say that governance is a process of establishing rules for the exercise of control, guidance and regulatory¹.

Origin of the word "government (governance)" is the same as that of the word "government (cabinet)" derived from the Latin "gubernare" meaning "to lead".

The term was coined in 1986 by Kratochwil and Ruggie in politics and international relations theory and in early '90s Rosenau introduced the concept of "governance without government"².

According Political Dictionary³, "government (governance)" is the exercise of management and control of public affairs by the

¹ P. Dunleavy, B.O 'Leary, *Theories State. Policy of Liberal Democracy*, Ed. Epigraf, Chişinău, 2002, p.13.

² K. Fukuda, *European Governance After Nice*, Roudledge, 2002, p. 44.

³ S. Tămaş, *Dicţionar politic. Instituţiunile democraţiei şi cultura civică*, the 2nd edition, revised and enlarged, Casa de editură şi presă ŞANSA SRL, Bucharest, 1996, p. 123.

central government and local institutions using a specialized apparatus (bureaucracy).

Pierre Laudell-Mills and Ismael Serageldin define governance as the use of political authority, the exercise of control over a company and resources management for social and economic development⁴.

Form of government means the practical training and organization of the central government, characteristics and their principles, relations between them and other authorities and state institutions, and the relations between them and other institutionalized forms of political system.

From the material point of view, the government represents all processes and activities that form the content of state legislative and executive functions performed by the authorities of executive power at central level and legislative power through a specialized device designed to perform the State values and duties provided for in constitutional regulations and governing program.

Formally speaking, the government represents all legislative and executive public authorities at central level.

The legislature and the executive has a decisive role within government activity. Their participation in the governance act is complex and nuanced that sometimes it is difficult to say how represent in government activity both the intervention of the legislative and the executive.

An important place is given to the analysis of the report government - democracy – states sovereignty.

Even though today governance has a more solid base, it is defined more in terms of its position, the ways and circumstances of use.

⁴ P. Landell, I. Serageldin, *Governance and External Factor*, Washington DC, World Bank, 1991, p. 3.

There are five meanings of the concept of governance.

The first meaning is that of "corporate governance" used in 1937 to build internal cooperation relations of the company to eliminate or reduce what will be called "transaction costs" involved the purchase of goods and services abroad (contracts, negotiations, checks, definition of quality standards, looking for the best prices ...). However, using this term, Ronald Coase lay the foundations of neo-institutionalism.

Operating the transition to the state or public space, the second application field and significance of the concept is about the "urban governance". Prior to expand into continental Europe, this transition is observed primarily in the United Kingdom during Thatcher period, while the British municipality is obliged to operate with very reduced budget resources. In this case, the government was not always called by its name from today. Urban governance is applied in those critical circumstances in which financial constraints and privatization of public services seeking to be compensated, go with militant reactions of protest and resistance to what will soon be called exclusion. Since then, practices will vary by common political orientation, when the neo-liberal and "externalization" of costs to the right, when participating and supported by "civil society" to the left.

Next perception of the concept of governance is linked to development policies, namely "good governance" in terms of fighting tactics for combating poverty, as the World Bank and other support organizations of the Third World conceive⁵.

What does the phrase "good governance" mean in this new occurrence unrelated to government business or the budget

⁵ In 1989 the World Bank published a paper about the "crisis of governance" in sub-Saharan African countries, confirmation of such use of the term being made until 1992.