

COLLÈGE DES BERNARDINS SYMPOSIUM

Global Governance and Ethics in the 21st Century

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Address by Pascal Lamy

Globalization has highlighted the ever more pressing need for global governance. Ideas such as the common good, the universal city, cosmopolitanism, and the new world order are not new, it is true: the two world conflicts of the 20th century gave birth to an international system designed to iron out the flaws of an international Westphalian system based on the sovereignty of independent nation States - essentially the political expression of the battle of the egos. But the urgency of global issues, which in this day and age call for a collective response, has exposed the limits of those efforts.

How do we achieve this ambition, which has been part of the Catholic Church's social doctrine since the *Pacem in Terris* encyclical of Pope John XXIII issued in 1963?

My aim is to try, on the basis of my experience, to identify some of the problems and to suggest a few leads that we might follow. I have been lucky enough to experience what I call the "three states of governance". Levels of governance are oddly similar to the states of matter: governance is generally solid at the national level, as I learned at the service of the French Republic; it is liquid at the level of regional political integration organizations, as I was able to observe at the European Commission; and at the global level, it is still in a gaseous state, as I am able to observe every day at the World Trade Organization. This metaphor illustrates that when it comes to governance, while the transition from the gaseous state to the solid state may be very desirable, it is dependent on a number of complex transformations.

1. In comparison to our classical national governance, global governance raises a number of problems of its own

Governance must be capable of providing three functions: leadership, effectiveness, and legitimacy. This "triangle" corresponds to the Church's definition of the "universal public authority" which would be "acknowledged as such by all and endowed with effective power to safeguard, on behalf of all, security, regard for justice, and respect for rights."¹ Effectiveness is explicitly mentioned. Leadership is implicit in the notion of authority, and legitimacy consists of the recognition of that authority by the greatest possible number.

This triptych, which brings together the functions that governance must provide, this "hardware" so to speak, cannot be separated from its "software", in other words the values, or indeed the ultimate objective, pursued by governance at the service of the common good (peace, justice, dignity, solidarity, security, sustainability, etc.).

Seen in this light, the international system faces a number of specific problems:

- What leadership? There is no real leader in the international system.

¹ Compendium of the Social Doctrine of the Church, 2004.

- What effectiveness? Decision-making at the international level is often cumbersome. It is difficult to decide, to implement, and to settle disputes judicially. The rule of unanimity or consensus implies a lack of fluidity, delays, bargaining, obscurity. But at the same time, it serves as a guarantee of equality. The transition to majority rule poses a problem in that it encroaches on the full sovereignty of States.
- What legitimacy? Legitimacy faces two main problems. The first of these is distance: any legitimation process relies on proximity, which does not exist between individuals and the international system. While it might be possible to make up for this lack of geographical proximity by strengthening the legitimacy of international institutions² through a sense of belonging, of solidarity, based on a common universal consciousness, this sense of belonging does not yet exist on a global scale.
- What values? Each area of governance requires a frontispiece of values, generally constitutional, that represents a melting pot of identities. Although these principles do exist at the international level, their lack of precision reflects the period in which they were conceived, when the links of inter-dependence were not as tight as they are today.

2. The European experience, with its ambitions and vicissitudes, illustrates these difficulties

The building of Europe reflects high ambitions:³

- To abandon the Westphalian model by developing common rules and common production in order to build up a sort of de facto transnational solidarity. Jean Monnet considered the building of Europe to be a first step towards the building of global governance.
- To invent, for that purpose, a new model representing a major technological leap forward on the institutional front. The European Union is teeming with institutional innovations. The European Parliament is a co-legislator, elected by universal suffrage. The European Commission combines the power of initiative with technical expertise, guardianship of the treaties and implementation of decisions. The Court of Justice is a sovereign institution and its jurisprudence is applied uniformly and effectively throughout the territory of Europe. As for the Council, it represents the Member States, much like the upper house in certain federal systems.

In pursuing these ambitions, European integration has had its successes and failures from which numerous lessons can be drawn as we turn to the broader task of building global governance:

- Among the successes are peace and prosperity. The war had left Europe in ruins. In terms of effectiveness, Europe succeeded its reconstruction and was able to achieve its objective of food security at a time when it was still a particularly important objective. It managed to create a single domestic market and a common currency. Another success in terms of effectiveness was the qualified majority rule (now the double majority rule), which lifted the constraints imposed by unanimity and consensus - a development of great value which allows shared sovereignty to be managed collectively. In certain areas, the European Union has built an international

² CF: "Équité et justice dans la mondialisation" in *Études, janvier 2011*, and contribution with Jean Marc Vittori to the work "Pour une gouvernance mondiale", *Editions Autrement*, October 2010.

³ "Global governance, from theory to practice", Florence 19 February 2011: www.wto.org.

leadership, particularly when it comes to the opening up of international trade, or the environment.

- European integration has also had its failures, the most obvious of which is probably its lack of legitimacy. For its citizens, Europe is a cold institutional and political area - or "frigid" as Elie Barnavi put it. From an institutional point of view, everything has been done to try to warm up the European political area. But striking the institutional flint is not enough to ignite the fire of democracy: neither transparency, nor communication, nor even the election of European parliamentarians by universal suffrage has sufficed to light that vital spark.⁴

What is lacking is the values and the myths. There are texts which reflect common European values, for example the Charter of Fundamental Rights of the European Union; but they play no symbolic role. What is really missing is the anthropological aspect: there are too few stories, myths, symbols and celebrations to create the sense of belonging without which governance has nothing to rest on. Europeans have yet to feel that they belong to a community that shares the same history and destiny. At best, they share a "counter-myth", the absence of war. We need to remember, however, that it is often warlike national mythologies that create a sense of belonging.

The main lesson to be drawn from the European experience is that global governance cannot simply be a supranational replica of national governance. The simple layered model of governance with superimposed systems does not work. Montesquieu's dream ends with the nation State.

The current limits of supranational governance would appear to be linked to the competition between the different levels of governance and the problems encountered in coordinating their competences. However, these are problems that face all federal systems, and there is a philosophical and legal solution: subsidiarity. In fact, the real impediment to supranational governance is the competition in the political mobilization of the feeling of belonging. The feeling is strongest at the national level, and politics are still concentrated at the national or local levels. It is still common and convenient for authorities to defend themselves by accusing the next level up.

3. So we should be considering another model

We need another model, one that relies on a complex network of intertwined institutions and organizations that could fulfil the functions of global governance. The three functions of governance do not necessarily have to be fulfilled by the same institutions. The G-20 can provide leadership; the United Nations can provide legitimacy; the specialized international agencies can contribute their effectiveness. This intertwining is not a problem in itself. There is no reason why the complexity it generates at the international level should make the model inoperative. It might possibly make things more difficult to explain, but it will not prevent the model from functioning.

As matters stand, however, the three functions of governance are not entirely fulfilled. The model remains imperfect.

First of all, there are not enough coordinating mechanisms to ensure coherence among the different institutions and entities responsible for fulfilling the functions of governance. The G-20, which provides leadership in the form of political impetus, needs to be coordinated with the United Nations, which provides legitimacy in accordance with Jacques Delors' model of an "economic and social security council". Hence the need for continuous dialogue between the members of the

⁴ See "Global Governance: Lessons from Europe", Bocconi University, published in an article in "Commentaires", No. 130, summer 2010.

G-20, or at least the presidency of the G-20, and the United Nations. This would allow broader participation in all of the decisions and measures which are ultimately produced by a restricted group.

Besides, the three functions of governance do not necessarily have to have a monopoly at the international level, and this also contrasts sharply with national political systems. While the G-20 provides leadership on economic issues, it does not (yet?) have a say in security matters.

There are also a number of gaps in global governance which give the impression that certain areas are insufficiently governed. This is true for finance, even if the crisis did produce some regulation, and it is true for taxes and for migration.

The Church sees the United Nations as a model in our march towards the construction of global governance and a "universal public authority". But the fact is that the UN model on its own is not operative and needs to be fitted into a broader network.

In our model, the question of legitimacy remains paramount. Global governance may be legitimate in a formal and procedural sense, but it does not have emotional or primary legitimacy, the kind of legitimacy felt by each individual. For the time being, this primary legitimacy remains national. The legitimacy of the system of global governance will ultimately have to rely on this primary legitimacy. A few ingredients will be necessary for this legitimacy at the local level to be raised to the level of global governance: the sense of belonging, shared values, an awareness of global problems and, above all, a political "localization" of global issues, which requires radical changes in the configuration of politics at the local level, in the attitude of local politicians and in the way in which they are held accountable.

4. How this might be achieved

- Integrate global issues at the national political level and incorporate them in the public debate at the national level. Since legitimacy remains national, global issues need to be localized rather than the other way around. Citizens must take over global issues in order to be able to authorize and encourage global initiatives.

Let us return to the European experience: European identity is relatively strong among the younger generations, but young people do not vote very much, and as a result, this nascent awareness of the European dimension of issues is not reflected in the political debate. Bemoaning this lack of leadership, the lack of vision on the part of current leaders in comparison to their predecessors, will lead nowhere: if voters were interested in Europe, the leaders would be interested as well.

- Initiate the debate on values as a prerequisite to the assertion of rights. The current charters and texts are deficient from the ethical point of view. The much-needed sense of belonging is not merely a product of history and myths, it also has its roots in ethics. Conducting this debate will be no easy task at the world level, with the diversity of cultures, philosophies, religions and traditions. And yet it is a prerequisite to laying a foundation of values, a "programme", on which to build the machinery of governance.
- From the array of governance tools available (regulation, incentive, taxation), use the combination that best lends itself to the global area in question:
 - "Hard" rules consisting of disciplines which cannot be transgressed without consequences (e.g. human and fundamental social rights, financial regulations, international trade, environment, rules and standards);

- taxation (e.g. financial transactions, climate change);
 - codes of conduct (e.g. investment);
 - transparency (using the extraordinary potential of information technology);
 - peer-review type monitoring and surveillance (coordination of macroeconomic or exchange-rate policies; UN millennium goals).
- Strengthen the regional integration processes. They are easier to manage because they have the a priori advantage of proximity, both geographical terms and in terms of values, culture, and often language. Regional experiences must be encouraged, because they are the first step towards global integration. They enable the different powers to get to know one another. They help to develop the mental habit of working together, of reaching common decisions, and gradually chipping away at the paranoia inherent in international relations⁵:
 - Accept the hard realities of the consensus-building process and the sluggishness that it will entail. Patience is of the essence - but that patience must be active, and just not an excuse for doing nothing and sticking to entrenched positions.
 - Turn to the social sciences, in particular anthropology and sociology, to gain a better understanding of the symbolic, mythological and ritual implications of authority, of power, and of belonging at the supranational level. In a way, Noah's Arc and the Tower of Babel exemplify the problem. Of course, anthropology is not limited to myths and symbols. It also concerns the development of the subject, of which myth is only one of the dimensions. In this respect, it might be worth taking a fresh look at education, which remains entrenched in a national framework.

Conclusion

We need to focus on the spirit of these institutions rather than on their internal workings. The main challenge facing us today is the emergence of a universal conscience and a feeling of belonging at the global level, and our capacity to conciliate this new global identity with traditional identities which may be an ontological necessity, but could also be politically dangerous. We have to make sure that globalization does not exacerbate conflictual senses of belonging. This is an urgent matter, and a practical one. And it is not without material significance: the weaknesses of global governance today pose a real threat to peace.

⁵ "Regional Integrations in Africa: ambitions and vicissitudes", November 2010, *Notre Europe* (<http://www.notre-europe.eu/>).