

The Far-Reaching Impact of the EU Supervision System on Global Governance

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Abstract

Europe is the source of modern supervisory governance, which also has great impact on global governance in the aftermath of crises. The far-reaching impact of the EU supervision system is mainly reflected as follows. Europe is the founder of modern supervisory governance both historically and legally. And EU supervision system consolidates the rule of law principle of supervision and governance in the context of the civil law system and special legislation, and promotes the reform of supervisory governance path. Meanwhile, considering the present complex and changeable international situation, it is high time that we should enhance the impact of supervisory governance in the strategic background of EU-Asia Pacific Partnership.

Keywords

EU Supervision System, Far-Reaching Impact, Global Governance

1. Introduction

Supervision system is a vital component of the civilization of the rule of law and the global governance. During the development process of supervisory governance, EU supervision system plays an irreplaceable role mainly with three characteristics. First, it takes the combination of the supervision of the representative organs and the procuratorial integration as the path to achieve the supervision coverage for the judicial personnel and the administrative personnel. Second, it is of great significance to promote the full coverage of supervision and ensure the smooth implementation of the reform of the supervisory system throughout the country. Third, its supervisory responsibility system is linked with the accountability mechanism of the judicial process and the building of a country governed by the rule of law.

It is because of these characteristics that EU supervision system has far-reaching impact on global governance, and the supervisory function of the continental law system is expanding constantly. Accordingly, the thesis is organized as follows. From the perspective of history, EU supervision system has established specialized inspectors and institutions, which has greatly enhanced the independence and authority of the supervisory governance. From the perspective of law, the civil law system takes the law as the center to promote the construction of the responsibility system, which has carried out a useful exploration for the improvement of the responsibility system design in the field of state supervision and administration. From the perspective of reform, EU supervision system development is closely linked to the reform of joint and multi-layer governance. To be specific, the government under the rule of law is consistent with the responsible government, and the operation of the supervisory power also follows the requirements of the principle of the rule of law, among which the most important factor is the accountability of supervision and governance. The construction of accountability mechanism in the field of state supervision and governance is necessary and urgent. However, at the same time, the existing supervision accountability regulations and the legal responsibility system of the supervisory body are structurally deficient. The special accountability agencies in the field of supervision and the corresponding supervisory and evaluation mechanism have not yet been established. There is also a lack of effective linkage mechanism to deal with the problem of concurrence of responsibilities arising from multiple duties. These are the key tasks this article is working on. In today's world pattern, the enhancement of the effectiveness and influence of supervision and governance need to be integrated into the overall situation and the background of the times, the most important of which is Eurasian relations. So how to enhance the impact of supervisory governance in the strategic background of EU-Asia Pacific Partnership has become the top priority.

2. EU Supervision System's Global Governance Implications

2.1. EU Supervision System Contains the Source of Special Organ Supervision

From the perspective of historical analysis, Europe is the source of modern supervisory governance with specialized inspectors and institutions. The supervisory governance in the modern sense was initiated by the Swedish parliamentary ombudsman, which was originally established in 1809 [1]. As a representative of the Parliament, ombudsman was responsible for the supervision of all government bodies (oversees and promotes the implementation of Acts), but was unable to investigate the elected members [2]. Generally, there were four monitors established by the Parliament, acting as a parliamentary component. These four inspectors were responsible for supervising all the government agencies except investigating the elected members. The European continent had established the Parliamentary Ombudsman system in succession since the beginning of the 20th

century. An inspection system covering the court, government officials, public institutions employees and other personnel performing public tasks was formed [3].

European governance could be traced back to the ancient Greek city-state autonomy stage. Actually, the term “governance” also came from Latin and ancient Greek, meaning guiding and steering state administration of public affairs and political activities. During the period of ancient Greece (ancient natural law), there was a dispute between the rule of the philosophical king and the governance of the law. Plato’s “the Republic” defined that justice was partly expressed as the man who truly governed the city-state. In the fourth century BC, Athens created a “city-state autonomous social governance model”. According to the History of the Peloponnesian War by Seuidide, under the great demand for troops in the new ways of warfare, the land aristocrats weakened, the strength of the civilian population was raised, and democratic governance became a United city-state. And the governance model of Athenian democracy, marked by the extensive participation of ordinary citizens, developed to its peak stage. Under the effective action of this model, it produced the earliest type of moral ethics in the history, which became an important component of the western political ethics research. According to Engel’s “Family, Private ownership and the Origin of the State”, the power divisions of monarchs or tyrants should be subject to the Council of Citizens, the Senate, supervision and control of relevant institutions such as supervisory committees. Meanwhile, scholars also changed from the “philosophical king” of the Republic to the pursuit of the governance of the law, advocating that absolute obedience to the law was the only way to win over his countrymen, which was a symbol of classical politics in the slave age. But the caste of slavery made it a tool of the few elites. When Athens was defeated in the Peloponnesian War, its democracy gave way to the Kingdom of Macedonia and later to the Roman Empire. Face-to-face direct democracy was also replaced by autocratic power politics, which proved the importance of independent supervision and governance from the opposite side.

2.2. EU Supervision System Consolidates the Rule of Law Principle of Supervision and Governance

2.2.1. EU Supervisory Governance by Law in the Context of the Civil Law System

The ombudsman system of the civil law system has been promoted in more than 120 countries, including the United Kingdom. Meanwhile, this system is also applied in parts of the United States, such as Nebraska, which still have parliamentary ombudsmen nowadays but the scope and nature of their oversight has changed qualitatively.

The same points between supervisory governance in civil law system and common law system are the separation of supervisory responsibility and judicial responsibility, as well as the development of accountability system, which are of great significance to the reform of the national supervisory system. At the same

time, the disadvantages of the “decentralized” supervisory system and the negative influence of the integration of supervision and trial should also be taken as a warning. In the historical evolution, similar to the civil law system, common law’s responsibility system in the field of supervision is separated from judicial responsibility. However, there is a great difference between Anglo-American law system and civil law system in supervision and governance.

Specifically, different from the decentralized supervision of representative organs in common law system, the civil law system has formed a more complete and integrated pattern of supervision and governance. On one hand, the supervision system of civil law system puts emphasis on the ombudsman attached to Parliament, whereas the supervision in common law system establishes the administrative supervisory system attached to the government, which is also the focus of the difference between the two legal systems. On the other hand, it is different from the special establishment of supervisory function in civil law system that the supervision system of common law has a unified system construction between auditing and investigation. That is to say the function of supervisory responsibility system of common law combines preventing corruption and promoting the reform of public administration with auditing procedure [4]. However, in the executive process the promotion of supervision and governance is faced with many difficulties. Thus the transformation from “responsibility response paradigm” to “expectation management paradigm” in the context of special legislation is increasingly important [5].

2.2.2. EU Supervisory Governance by Law in the Context of Special Legislation

In the framework of constitution, the ombudsman law, civil law and administrative law, the standardization of public officials accountability procedures is promoted. This legal framework has also established the parliamentary ombudsman supervision procedure run by the special committee. When there’s a violation of the law, parliament has the power to recall accountability, supervise public matters, and promote the legalization implementation of accountability. These characteristics help the EU to conquer a series of crises both internal and external, and the great positive impact needs further attention and full play.

EU supervision system has profound influence and reference significance to other countries, the most important factor of which is the legal path of the development of supervision system. That is ruling the country by law and establishing the rule of law principle of the judicial supervision in the continental law system. On one hand, the civil law system has initiated the process of promoting the development of responsibility system with governance legalization, which has greatly expanded the scope of responsibility recognition through the establishment of law-based administration (legal reservation, reliance and proportion principle). The relative responsibility system mainly includes administrative penalty (against the head of the agency or administrative personnel violating the civil service discipline) and judicial punishment (against civil servants who have

violated the law, such as civil liability, criminal liability, disciplinary and administrative sanctions). These personnel may also be referred to the quasi-judicial body waiting for processing. On the other hand, the principle of rule of law on accountability has been widely accepted. Meanwhile, the principles of various forms of administrative conduct, the legal principles of the administrative organization and the legal principles of state responsibility stipulate that a civil servant shall defend the rights set forth in the law system with all his actions. This is also the most solid foundation of supervisory governance.

2.3. EU Supervision System Promotes the Reform of Supervisory Governance Mode

The historical development process of supervisory governance in Europe was consistent with the evolution process of the “European pattern”, along with which was the separation of philosophy from theology and the establishment of the independence status of law. As distinguished from the pattern that the rule of man was placed on the rule of law, the British constitutional model was constructed on the basis of the free charter and the parliamentary system. While in practical field, the legal positivist pointed out that the relationship between the people and the state should be defined by the positive law. After World War II, the category of governance returned to the attention of the people. And the “joint governance” under the rule of law in Europe was established on the basis of the process of reconciliation in Germany. The European countries that experienced two world wars have taken peace as the primary pursuit of the value system of governance with the important basis of “economic and Monetary Union Governance”. In theoretical field, scholars discussed the governance path of European integration from the perspectives of functionalism, neo functionalism, historical institutionalism and multi-layer governance. Among those perspectives, the British adopted “the majority of the rules” (majority of the vote system), meaning that the government realized the resolution, management and maintenance of conflicts were based on the “simple majority alliance” and the common target of political culture. Switzerland chose the “type of alliance” under the background of profound cultural and social disagreement, achieving governance by increasing common interests through consensus. Germany insisted the principle of “rule of law” and maintained the non politicization of governance in accordance with the law. Meanwhile, France was more reliant on the economic government, starting with the philosophy of nationalism and establishing a governance authority based on a powerful state bureaucracy. Despite the differences, these established governance models have one thing in common after the long evolutionary process. That is to reduce the single management of the government by the name of “good governance”, and strengthen the collaborative governance through joint security and welfare benefits.

In the midst of the reform of supervisory governance path, the intersectoral synergistic governance and public-private partnerships play a very important

role. And the important achievements of the cooperation become the embodiment of scientific world outlook and methodology, on the basis of which supervisory governance adapts to the general process of modernization so as to make the development results fairer to all the people. As far as the governance goal is concerned, the essential attribute and the fundamental value connotation of the supervisory governance is democratic, civilized and harmonious. That is to actively resolve social contradictions, repair social cracks, promote harmonious coexistence, promote social harmony, and form the international strength of unity. So far as the governance path is concerned, good governance is the interaction of government, civil society organizations and the private sector of shaping public affairs, as well as citizens expressing their interests and reconciling differences. At the same time, the term “governance” has also gradually expanded from the field of economic evaluation to the efforts to promote political and social development. With economic and social development, the good situation of equality and democratic consultation has been established. While the establishment and perfection of effective governance system cannot be separated from the support of socialized supervision. It should be noted that the supervisory system has the attribute of public power, which follows the principle that “no authorization is prohibited by law”. We should not blindly embed the socialized supervision into the existing supervision system, but should start from the combination of public law and private law. This requires us to promote the cooperative governance of public power supervision and third party supervision from the fundamental aspect of the operation of power at the level of the basic state power derived from the society. Its core problems include two aspects: one is the dynamic balance between power and right protection; the other is to give play to the preventive function of the supervision system, as well as to set up working procedures and operational procedures, achieving rule of law normalization through the introduction of a special mechanism. So it can be said that the important basis for enhancing the effectiveness of the supervisory system and its authority is the application of public-private collaborative governance, which is to maximize the overall mobilization of supervisory power.

3. Enhance the Far-Reaching Impact of Supervisory Governance through EU-Asia Pacific Partnership

As the founder of modern supervisory system, the continent of Europe is an important region affecting global governance. Meanwhile, ties between countries are getting closer and closer, and Eurasian relations have become a key link in global governance. In today’s world pattern, the EU-Asia Pacific relations face important opportunities as well as challenges. How to seize the opportunity and deal with the challenge has become an important problem waiting to be solved urgently. Because of this, the impact enhancing of supervision system needs to be closely connected with the development of EU-Asia Pacific Partnership.

3.1. The Pursuit of Common Governance Value in the Human Destiny Community

The common governance value is the basis of strategic plan working for governance cooperation. The development of supervisory governance is closely linked to the construction of the human community with a shared destiny, in which EU-Asia Pacific partnership plays a very important role in improving global governance and ensuring equitable access to development opportunities and results for all. However, based on the rule of power running and supervision, the settings of the supervision scope and supervisory purposes are not identical in a sense. This requires us to start with the decentralized structure of the duties and behaviors of the supervisory officials, and promote a comprehensive coverage on the supervision of the judicial assistant, the clerk and the like. In essence, the supervision and integration of the representative organ are an important embodiment to realize the goal of people-centered development and harmonious governance.

To be specific, the core value of the innovation and development of supervisory theory is based on people's welfare, that is, the consensus of the fundamental interests of the people, which takes the liberty and the full development of the people as the lofty goal, replaces the confrontation with harmony, takes the consultative capacity as the substitute for the power, and replaces the discourse hegemony with equal discourse. Based on the supervisory theory and the governing practice, the creative transformation and innovative development of the era value of mutual development and harmony, are of great significance to the establishment of the international order which promotes justice, cooperation and the people-centered discourse pattern. For further analysis, to promote the people-centered supervisory governance, first of all, the problem of concurrence of responsibilities should be solved. The goal of solving the problem of responsibility concurrence caused by multiple duties through the construction of convergence mechanism is to systematize the accountability of public officials. Only in this way can the reality of full coverage of supervision be truly protected, and the disorder phenomena such as repeated pursuit of responsibility are avoided.

At the same time, the establishment of a harmonious discourse with the ultimate goal of the people's fundamental interests is a great contribution to the world and the people under the influence of the Internet liberalism in the information age. In the face of the increasingly complex international situation, from "co building and sharing the global governance concept" to the change of global governance system, from "building the human destiny community" to the establishment of a harmonious language system, supervisory governance is not only directly related to national security, but also affects the safety and people's livelihood, even the stability of the region and the prosperity of the world. Thus the positive role of the state, political parties, society and the state institutions, as well as the people's ability to manage state affairs, economic, social and cultural affairs, and their own affairs, should be improved. Only by optimizing the top

design and the concrete governance and promoting the institutionalization, standardization and sequencing of the affairs of the party, the state and the society, can we better cope with social change and complete the transformation of supervisory governance. Harmonious governance, coordinated governance and the modernization of national governance are all closely linked to the value pursuit of shared co-construction, mutual benefit and common prosperity. With the “community of human destiny” as the foothold, from the angle of sharing together, equal development, inclusive linkage and mutual benefit, the goal of supervisory governance is closely linked with the common destiny of all mankind and the firm determination to promote the progress of human civilization.

3.2. Optimizing the Path of Supervision and Governance through Reform and Development

The construction of the supervision system and global governance with the concept of reform and development will help promote the fairness and justice of the international discourse system and solve the problem of unbalanced and unjust discourse. Chinese law has realized the development from the integration of the supervision power to the differentiation, and then to the unified pattern through efforts of reforms. The supervision in ancient China was referred to the prison division, which began in the Warring States period. And there was the establishment of the state county’s supervision history in the locality. During the period of the Southern and Northern Dynasties of the three countries, the systematic thinking about “the punishment of the prison officers according to law” appeared. The process of supervision and governance was officially opened, and the special supervision regulations were promulgated. The word supervision was also widely used, and the corresponding responsibility discourse was further strengthened. With these efforts, the supervision and control of the legal system covers all aspects and divisions. In the aspect of supervising the supervisors, based on the combination of specialized supervision and periodic inspection, the supervision on the inspector established. On one hand, the responsibility of the inspector was more strictly controlled than other officials. On the other hand, the combination of the duty of remonstrance and the responsibility for the rule of governance was realized, and the supervisory governance was getting more and more sound. To the modern times, the Munich security conference focused on the “post west and post order”, and put forward a new challenge for the sustainable development of the governance system. To guide the establishment of a fair and reasonable international order and promote the reform of the global governance system with the core value of people’s welfare, order justice and equity, the development pattern of supervision should be committed to the realization of the governance of human harmony.

On the basis of the reform and development conditions of each country, as well as the fundamental interests of the people, supervisory governance system and governance capacity are modernized. In twenty-first century, despite the

crisis of current multi-layer global governance, such as the decline of the important stage of the early globalization and the failure of the governance system to solve the global problems, the inner justice demand and the practical role of international and regional organizations still presents the development of the rule of law, openness, responsibility and participation in global governance. That is also what the supervisory governance innovation is working on. As far as I am concerned, the civil law system has established the supervision system which is the core of the supervisory governance and integration of the agency. Although the civil law governance discourse and supervision construction is different from the supervisory, administrative and judicial system of the Chinese law system, enhancing impact of supervisory governance through EU-Asia Pacific Partnership has its profound cultural origin. Actually the most complete supervision code in China has been promulgated very early, which has reached the peak of the development of the ancient monitoring system, and has exerted far-reaching influence on other countries, the most crucial factor of which is the persistent reform and development. And the development of supervision and governance is closely linked to the reform of legal divisions, which requests to perfect the corresponding system and mechanism construction.

3.3. Perfecting the Corresponding Supervision System and Effective Linkage Mechanism

In the area of state supervision and control, the development of corresponding supervision system should be closely linked to linkage mechanism construction based on strict liability systems. The construction of supervision and punishment mechanism is faced with many complicated legal difficulties. Therefore it is necessary to draw lessons from the useful experience of the construction of the judge's disciplinary committee, perfect the disciplinary committee of the ombudsman, construct the responsibility-sharing mechanism, and promote the legalization of accountability in the field of supervisory control. In order to monitor the interface between accountability and judicial proceedings in the aspect of the relationship between the supervisory accountability and the judicial process, the problem of the concurrence of responsibilities arising from multiple duties requires a seamless connection. After the conclusion of the investigation, if it is found that the case is based on insufficient or false facts, and the supervisory personnel are seriously illegal, the relevant personnel should be held accountable. It should be noted that, unlike the administrative law enforcement responsibilities of the persons under supervision, responsibility determination in the field of supervision refers to the adverse consequences of the failure of the supervisors and the supervised personnel to perform the corresponding duties or their behavior of fulfilling obligations in violation of the provisions of the supervisory law, failing to perform the corresponding duties or obligations in accordance with the law. In the specific setting, the supervision of the supervisory personnel should be stricter than other areas.

Meanwhile, the supervisory organ should make an accountability proposal or

make an accountability decision, which should be linked with the law enforcement responsibility, helping to build the interface between supervisory and enforcement responsibilities. With regard to the specific linkage mechanism, if the subject-supervised personnel refuse to provide materials related to supervisory matters, or refuse to implement monitoring decisions, the supervisory organ has the power to classify and deal with the cases through investigation and verification. For cases suspected of committing crimes, after the completion of the investigation stage, the case file materials should be transferred to the judicial organ for handling. While for the illegal acts of duty within the jurisdiction of the supervisory organ, the supervisory suggestion may be put forward, and the relevant competent authority or the unit in which the case file is located can execute the punishment. Sometimes the disciplinary decision may be made directly. On this basis, the supervisory organs and the judicial organs cooperate in the division of labor to realize the systematization of administrative liability, criminal liability, civil liability determination and investigation. Effective solving of the problem of the overlapping of responsibilities resulting from the overlapping of duties of the subject of responsibility can maximize the integration of supervision resources, promote the reform of the mode of exercising supervisory power, and enhance the impact of supervisory governance powerfully.

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