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ADMINISTRATIVE REFORM IN ROMANIA AND THE EUROPEAN UNION

The issue of public administration reform is an old one for the professional literature. It has always been at the basis of a significant theoretical debate that started with the idea of compatibility between the concepts of “public administration” and “reform”. Central and Eastern European countries have been faced with the acute need of reform after the crash of communist regimes and painful disclosure of the inefficiency of previous bureaucratic models.

Institutional change, seen both as a change at institutional and policy level, quickly became an important topic. Beyond the need of changing the rules, the structuring new institutions and modifying the old ones has been motivated by the requirement of building and maintaining the operational capacity of applying policies and regulations.

Changing citizen's expectations are a major source of the pressure for change in post-communist countries. Although bureaucrats might believe - especially in the countries with recent antidemocratic experience- that citizen expectations are of lesser importance comparing with changes at infrastructure level, the change in citizen's expectations (based on various factors, from influence of market mechanisms to generational change) is able to influence significantly the functioning of administrative structures. An argument favouring this view is offered by recent experience of Romanian public administration, which is continuously facing with significant challenges related to communication with citizens.

Obviously, administrative reform cannot be conceived separately from political environment and political decision-making. A strong political will can definitely influence the direction, strength and implementation of administrative reform;

- External/foreign factors; pressures related to the context of globalisation, and based on economic elements (Pollitt, Bouckaert, 2000:28) and supported by information technology. This situation has led to an increased circulation of political and

administrative ideas and choices, “success stories” being adopted and implemented in other countries as well.

For many countries of the former Eastern block, changes have to bypass realities that are difficult to be imagined by Western administrations. Things that are taken for granted by the latter can, sometimes, be objectives difficult to be reached by the Eastern European administration undergoing the transition to democracy. Some of the objectives established seem to belong to building a functional bureaucratic model. It should be enough to remember some primary objectives like professionalisation of civil service (public function), obtaining the stability of civil servant, guaranteeing the status of civil servant, reducing the influence of politics in administrative work, initiating decentralization efforts etc., to realize that change does not reach even close the ambitious objectives of the new managerial approach. On the other hand, the environment in which public administration is placed within the former communist block is not particularly stimulative: a precarious economic situation based upon uncertain property status, market mechanisms functioning following an aleatory manner, an ubiquitous phenomenon of corruption, a citizen who is not always aware of his/her rights and the real nature of the relationship that should exist with public administration structures (perceived as a factor promoting a unilateral authoritative report), political elite that is not always able to prove a clear, strong and coherent political will concerning administrative change and a dangerous political instability.

This article will try to assess the importance of the EU enlargement process in the reform of Romanian administration. In the first section we will try to identify the main challenges for the administration in the post-communist period. The second section will deal with the role the European integration as an impetus for the administrative reform and some of the guidelines that can address this reform. In the third section some developments already made will be discussed like the new legal framework, implementation problems, corruption fighting, human resources, the accomplishments and the failures in each domain, all from the point of relationship with EU. In the conclusion we will try to stress that PA reform is a main key to accession but it can not succeed without a serious help from the European Union.

In the context of changes in Romanian public administration the European Union can be perceived as being a distinct factor influencing not only the direction of reforms in Romania but also the depth and rhythm of implementation. The influences coming from EU oriented towards adoption of the *acquis communautaire* has a significant strength in motivating the rhythm of administrative reform. Furthermore, I will try to show here that for the specific case of Romania, sometimes the EU conditions represented the only real pressure towards reform, due to an acute lack of clear policies and strategies of successive Romanian Cabinets. Many of the necessary and natural steps for building a modern public administration (like the voting of the Law concerning the Status of the Civil Servant) have been taken due to the pressure exerted for fulfilling the requirements of European integration.

1. The challenge of public administration reform in Romania in the post-communist period.

The Revolution of 1989 found the Romanian administrative system in a gridlock caused by centralization, politization of structures and a complete lack of communication with the citizen. Considering the wider environment of reforms, political declarations and speeches that followed referring to the issue of reform have stressed the need of modernization, decentralization, citizen as client, de-politization, etc. The new democratic Constitution, adopted in 1991, established decentralization and local autonomy as basic concepts. The topic of a professionalized public service, free from political interferences can be found in all electoral platforms, of all political parties. Governing Cabinets after 1989 have shown, at least at declaration level, a wish to conduct a significant change concerning public administration. However, this wish has not been supported neither by available knowledge, vision, nor by means necessary for a successful implementation of reform.

Starting from these observations we reach the main problem related to the reform of public administration in Romania: a comprehensive reform program for public administration is still lacking (EU Report on Romania, 2000:37). No significant progress

has been accomplished towards reducing the corruption level and the coordination of institutional development of fight against corruption.

Although it has been repeatedly asserted that administrative reform is a priority for government, its current status is far from being acceptable. Beyond all formal declarations and strategies, this fact became the most evident and painful reality of the recent years concerning the restructuring of the Romanian administrative system.

Establishing an effective and efficient system without which a real democratic evolution cannot be conceived represents the main objective of transition in the field of public administration reform. The development of the public administration field is of vital importance for shaping of the European future of this country, future that cannot be imagined without a clear relationship with administrative institutions. Administrative reforms are facing, though, important issues, due to the fact that Romanian public administration has many thin parts especially concerning the efficiency and managerial process.

Education and training processes for civil servants are still marked by old bureaucratic traditions that usually lead to a lack of flexibility and imagination. Professional literature is not easily accessible, while Romanian professional analyses are still timid. Although sometimes technology is available in certain administrative structures, the opportunities offered by it cannot be used in the absence of necessary knowledge and expertise. New legislation of the field finds administrative personnel unable to implement it in appropriate ways. At managerial level there is a serious lack of efforts to introduce a new approach of decision-making process. The lack of visible results can influence in a negative way the transition and integration process.

There are a large variety of obstacles influencing the poor performance of Romanian public administration, ranging from legislative to managerial ones.

Administrative reform suffered all these years from a chronic lack of strategic vision at central governmental levels. It is still clear the lack of clear criteria that should have a decisive influence upon the medium and long-term evolution of administrative institutions and practices. Various governing Cabinets have often sent out the message that they are acting only due to moment stimuli (either internal or external) for the policy

making process of the evolution of public administration. Even when certain steps have been taken by adopting various documents (usually laws) of strategic importance, they seemed to serve rather a decorative purpose than offering clear reference points concerning the desired future of Romanian public administration. From this point of view it should be safe to say that European Union pressures have often been the only ones pushing towards building coherent strategic documents.

Co-ordination of activities in the field of public administration still needs a significant level of improvement. The relationship existing among various types of institutions is not clearly defined. In addition, a lack of a real managerial capacity has led to major deficiencies related to aspects such as supervision, control, evaluation, etc. A good example to illustrate the above assertion is the way in which National Agency for Regional Development was created and is currently functioning.

The influence of political realm upon administration represented another obstacle in the way of building operational administrative structures. In a country still marked by reflexes of the communist system where the ruling party and the administrative structures were overlapping up to complete identification and where proving political loyalty was necessary in order to occupy administrative positions, the mixing of political factor tended to go beyond all acceptable limits and to mark in a negative way the effective functioning of aimed administrative structures. The selection of civil servants based on political criteria and using administrative positions as awards for political clients have significantly affected administrative capacities. The regular tsunami undertaken by administrative structures after each election has led to a lack of continuity and uncertainty visible for the civil servants body. It is a worrying fact that each of these post electoral changes is magnifying the next one; even more worrying is the political forces apparent inability to understand that these change are cumulating in a snowball effect with disastrous results for the entire Romanian administrative system. On the other hand, distribution of high level administrative position according with political algorithm have led, logically, to extensive gridlock in administrative co-ordination and co-operation processes. Another big issue coming up for administrative practice is related to decision making processes based entirely on political criteria, even at local government level,

where it is much easier to identify objectives related to community well being. Substitution of administrative logic with political logic has unfortunately become current practice for administrative institutions.

2. The role of European integration as an impetus for administrative reform

All major political parties in Romania have expressed their commitment to European integration. None of these political forces has presented a public point of view opposed to European integration. Furthermore, after the major insatisfaction related to the exclusion of Romania from the first wave of Eastern European countries invited to join NATO, the focus of all discussions referring to options for foreign policy has moved increasingly towards this field. During various electoral campaigns (especially the ones in 1992 and 1996) the issue of European integration and attachment to European values became an essential element in electoral debates, event contributing to the split of the political scene between “real europeans” and “fake one ” ones.

Popular support towards European integration has been located at significantly higher levels, in spite of the lack of a clear governmental policy designed to communicate and inform the public about what does the integration effort assumes from an operational point of view. For Romanian population, European integration is obviously related to the ideas of prosperity (although this link is relatively unclear), and of coming back to the family of European nations. Unfortunately, all public declarations referring to the Romanian integration have been paired with unsatisfactory results in terms of real steps taken in order to accomplish this objective, fact that can lead to reserves upon the public image about positive consequences of the integration process.¹

The European Council in Copenhagen in June 1993 concluded that “Membership requires:

¹ It would suffice to remind here that Romania was one of the last countries of the communist block included on the black list of the visas, which is a real reason for frustration for every Romanian citizen travelling in a Western country. It is perhaps, significant to remember that the 2000 elections have brought an unprecedented and, until few years ago, unimagined ascension of a extremist political party, party promoting an authoritarian discourse less oriented towards Western democratic ideals.

- that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.” (European Commission, DG1A, 1997:1)

The European Council in Madrid in December 1995 referred to the need, in the context of the pre-accession strategy, "to create the conditions for the gradual, harmonious integration of the applicant countries, particularly through:

- the development of the market economy,
- the adjustment of their administrative structure,
- the creation of a stable economic and monetary environment".(European Commission, DG1A, 1997:1)

Romania, like the other candidate states, has to strengthen and adjust administrative structures in order to create the conditions for a harmonious integration in the EU. This is a complex effort, especially because very clear measurement criteria for progresses in administrative reform have not been defined yet. From this point of view, institutional change seen as a complex process aiming to changing rules and norms, creation of new institutions, of a new institutional design is considered as a process not only necessary but also unavoidable.

European requirements have increasingly become strategic goals in the general reform process of the administrative system. Obviously, this lack of strategic vision has negatively influenced from the very start the process of administrative capacity building. This lack of clear and coherent objectives has led to a “reform” process organised in a completely illogical manner, seemingly based on whims of various Cabinets.

Romania did only lately realise the importance that PA has for accession. The Copenhagen political criteria was considered to be fulfilled mainly on the basis of the political change that occurred at the end of 1996. Further reports of the EU showed that administration is one of the weakest points of Romania, a sector that was very little reformed.

The European Council in Madrid in December 1995 referred to the need to create the conditions for the gradual, harmonious integration of the candidates, particularly through the adjustment of their administrative structures. In the 1998 Regular Report on Romania, the European Commission concluded that “There has been little progress in strengthening the Romanian public administration. While in many areas steps have been taken to establish the legal framework for setting up the institutions responsible for the application of the *acquis*, there has been little progress in actually creating these institutions. The provision of the financial and human resources to permit the functioning of these institutions, once established, has not been ensured.” (European Commission, 1999:63).

Several key-issues regarding PA were addressed in the reports and almost all of them were included in the National Programme for the Adoption of the *Acquis*, *but serious reforms were made at a very slow pace and not in the shape it was intended.*

3. Developments in Romanian public administration reform

3.1 Legal reforms (introducing new rules)

There has been some progress already made at legislation level within the effort of reforming the Romanian public administration². Thus, the *Law of Local Public Administration* from 1991 republished in 1996 establishes the general framework of local governments autonomy. Some of its positive aspects are:

- Ensuring functional autonomy for local authorities, due to the fact that they can issue documents, which have the authority of the law for local administrative structure;
- Direct election (according to the *Law of Local Elections* of 1991) of local council, county council and the mayor, fact that ensures the necessary legitimacy for an autonomous leadership of local affairs. This is supported by the right of local governments of hiring their own civil servants.
- The most liberal type of control of legality known in comparative law, the so called “control of legality from central to local authority”, the one that does not allow the control

² We thank Prof. Dacian Dragos for his keen observations on Romanian administrative legislation after 1989

institution (the prefect) to cancel or modify the documents issued by local governments, but only to announce the administrative court about the illegality of an administrative document.

-consacration of a system of “administrative descentration” combining the local governments autonomy (decentralization) with deconcentration of ministerial public services.

-the new law introduces an action of administrative judicial review concerning power excess of local authorities. This action can be taken upon by every citizen in order to determine in the court the annulment of local council decisions adopted by councillors who had a conflict of interest in the issue.

In spite of these positive aspects, this new law has also brought some less positive effects from the perspective of developing a superior administrative capacity. Thus, the prefect has legal control only upon the administrative documents, but not upon administrative contracts signed by local governments. Moreover, another issue has been brought concerning the willingness of the prefect to send for legal control documents signed by the mayor, concerning the fact that both have political positions (the prefect being nominated based on political criteria from central level, once the mayor is elected). Thus, either the prefect is constantly “pestering” the mayor (if they belong to different political parties) using his/her right to control for legality to the maximum, or the opposite, namely he/she allows for the expiration date when these documents can be sent for control to the court, covering in this way mayor’s illegalities (if they are in the same political party). On the other hand, the lack of a clear deadline when the prefect has (under the sanction of decay) to send for control the illegal documents allows (an unclear amount of time) these documents to be considered legal. In addition, when a new prefect is nominated, he/she can start a real campaign for attacking the documents issued during the previous administration.

The Law concerning payments towards public employees and public dignitaries voted in 1998 has led to a limitation of local autonomy because it established a range for salaries of local governments civil servants. Local and county councils establish the salaries for local government personnel, but within the limits imposed by the law.

Another sensitive point of this law relates to ensuring the transparency of this payment system.

The Law of Local Finances of 1998 meant a step forward for initiating the financial autonomy of local governments. This Law allows local governments to vote local budget, and to establish local taxes and fees. Another sources for local revenues, according to this law, are personal income taxes and appropriations from annual national budget. The Law provides as well for the possibility of borrowing from the market (either internal or external) using local government or state guarantees. This right is limited, though, both by this very Law and by other normative documents which impose both a financial and administrative control, given that the act of borrowing has to be approved by certain central authorities.

The Law of the Statute of Civil Servants of 1999 has brought significant progress for the effort of professionalization of the civil servants body. The adoption of this Law has been done at the specific request of the European Union referring to this issue. It is worth remembering that this law has been finally passed very quickly after eight years of delays, in a short time before the European Council meeting in Helsinki in 1999, meeting that debated the issue of opening negotiations concerning adhesion with a group of Eastern European countries. Stability of public servants is not considered as their right, but is defended as principle of civil service status; as a consequence, it can not be defended through recourse to administrative judicial review. This aspect is slowing down the process of creating a professionalized body of career civil servants. However, the Statute brings a useful classification among career civil servants, public dignitaries and employees according to Labour Code.

Several other laws can be included in the juridical framework contributing to the effort of developing a public administration based upon modern functioning principles are:

- *The Law concerning the referendum* provides that it is compulsory to organize a referendum if the territory of the county, municipality, or commune is to be modified, and the referendum can be called for in other situation of particular local interest as well;

- *The Law of Public Ownership* which clarifies the Constitutional provisions for this issue, establishing the goods that belong to the state and local governments;
- *The Law of Concession of Public Goods, Services and Activities* establishes the procedures for concession and the public goods and services that can be included in this procedure;
- *The Law of Romanian Fund for Social Development* provides for the possibility of financing through grants obtained through projects aiming at reducing poverty for less developed local communities, needy social groups, and productive social groups coming from these communities; and
- *The Law on Regional Development* providing various means for fostering regional cooperation.

3.2 Implementation issues

Like in other European countries, administrative reform has been conceived in Romania as meaning exclusively adoption of laws and regulation (Verheijen, 1999:401). Often, the law has been considered as the only instrument leading to administrative change, and complete neglect towards implementation stimulated the maintenance of rigid administrative structures, less prepared to behave with the required efficiency. These structures have less interest to operate under new conditions and with a new attitude towards the citizen. The bureaucratic logic, assuming a clear distinction between the decision makers and the executors of decisions, strict respect towards procedures, lack of initiative of the executors and very strong separations (both on horizontal and vertical level) of administrative structures, is acutely present in administrative institutions. Obviously, this type of logic is not able to provide for institutions capable to answer to citizen's expectations related to simplification of administrative procedures, a quick and quality service, and a more personalized relationship between the citizen and the administration.

Romanian public administration is still suffering from the point of view of adopting a managerial logic for the reform process. The change from the juridical rationality (Chevallier, 1982) based strictly upon respect for procedures to a managerial

rationality, based on effectiveness and efficiency, and is not only desirable but also necessary in order to build a proper administrative capacity. The problems in this field are reflecting not only at the level of organization and management in Romanian administration but also at the decision making level, less oriented towards a rational approach, rather going to promote narrow political and group interests. In a framework of efficiency and effectiveness of administrative structures (Auby, 1996:4) one can identify problems at almost all levels:

- searching and promoting of a quality service, of effectiveness and efficiency for administrative structures;
- decentralization of responsibilities; although this principle is constantly waved in political speeches concerning the reform on public administration, its implementation so far has shown an incomplete understanding of its meaning. More often it included decentralization of responsibilities towards local authorities without ensuring proper support at financial and human resource level. However, this situation seemed to have been answered because the new bill on local public administration (currently debated in the Parliament) provides for this aspect. Moreover, pressures related to maintaining an acute dependence within the central-local relationship have been strongly manifested in Romanian public administration, regardless of juridical, administrative, financial, or political mechanisms.
- in initiating of contractual procedures;
- introducing of new managerial techniques, less present in Romanian administrative system

Beyond these issues, we can consider that the Romanian administrative system is still suffering from the lack of managerial thinking at leadership levels. Sometimes, public management is seen as a sort of fashion, not as a proven way for improving efficiency at administrative level; other times, it is considered rather as a cookbook able to offer universally valid recipes for solving various issues. This is the reason why development of managerial skills in a general frame of managerial thinking based upon flexibility and effectiveness in structuring administrative reform is of crucial importance for Romania's future development.

These issues are going on furthermore at the level of ability of Romanian administrative institutions of promoting an efficient project management; major problems coming up in the management of funds coming from European Union sources are a visible and negative consequence of this inability. Major deficiencies shown at project management level refer especially to:

- lack of information and initiative referring to projects;
- difficulties related to project writing, and project management and evaluation;
- uncontrolled travel financed from budgetary sources;
- not keeping up deadlines;
- partial accomplishment of objectives.

Passing from an administrative approach based on a centrally established budget to an approach based on project management is not an easy thing to do. However, this situation has led to the following negative consequences: Romanian authorities incapacity of using the available funds and a certain lack of trust on behalf on European structures concerning the Romanian authorities capacity of absorption and usage of these funds. A recent example for this type of situation refers to limited abilities of Romanian administration for establishing priority areas for European investments, fact that has considerably impeded upon implementation of programs like SAPARD and ISPA for which were allocated EUR 150 and 230 millions annually that can help build a better infrastructure.

Up to now, development of significative administrative capacity has been negatively influenced by a lack of preoccupation at the level of policy evaluation, fact that leads to considerable difficulties in estimating their success. There are several specific characteristics for the position of evaluation as administrative phenomenon:

- a low level of attention given to the position of evaluation in general. This is due to the acute lack of awareness of the real position of administration towards the citizen. The monopoly/quasimonopoly situation of the state in many fields, historical influences and a specific mentality have maintained administration's perception of citizen as subject, not as a client. It is understandable, within this context, that an approach based upon the idea of respecting citizen's right does not gather a particular enthusiasm from administration.

- an insufficient perception of evaluation as a managerial instrument; no managerial action can be considered effective/efficient without the evaluation phase. When public management is situated, in the Romanian administrative environment still marked by juridical influences, at declaration level and without operational core, attention towards specific evaluation techniques is still thin.
- a widespread misunderstanding of the evaluation concept. Often, evaluation is viewed as an instrument for authoritarian control, having a punishing finality (like the managerial control, otherwise), not as it should be, as an instrument able to improve the activity and the results of the institution.
- a significant confusion concerning various types of evaluation (Posavac, Raymond, 1997:11) - more often evaluation is considered as aiming only to process results, and not being interested by needs, processes, or efficiency or it is understood as an audit-
- an insufficient understanding of evaluation methods; more often evaluations undertaken by Romanian administrative services are focused almost entirely on quantitative aspects (referring to inputs), while qualitative evaluations (concerning processes and outputs) are almost entirely neglected.

3.3 Training and human resources

The whole reform process after 1989 has been characterized by a direction oriented towards changing the infrastructure, legislation, increasing financial and technical resources, and less extensively on proper usage of human resource. Human resource has been almost completely neglected as a component of the strengthening of a real administrative capacity, this fact constituting a major impediment for administrative reform. Obviously, there are few chances for implementing a substantive change in administrative system in the absence of a quality body of civil servants. Several sensitive elements can be identified here:

- a low level of human resources development in public institutions, reaching sometimes the complete lack of understanding the value of this resource;
- deficiencies in education and training of civil servants. Civil servants education is still at the beginning, a relatively low number of universities approaching this field seriously.

The schools of public administration rely, to a significant extent, to a unilateral approach, exclusively juridical, without the “European” component of public administration, fact able to stimulate the development of several generations of civil servants unable to go beyond the condition of components of a traditional bureaucratic administration. However, there are positive signs as well: there are several university level programs based on interdisciplinary approach, able to educate a modern civil servant, attached to European values and approaches. Although few, these programs seem to be placed on an ascending trend and place their graduates with a surprising efficiency on the job market. Unfortunately, the level of cooperation between universities and governmental structures aiming to develop a critical mass of modern, well prepared civil servants, able to act as change agents for Romanian public administration needs strong improvements.

Training of civil servants has known, however, a significant development in recent years, based upon both governmental training programs and offers coming from universities and NGOs. There has been a strong European support for this field, with a wide beneficial influence. The PHARE program funded the a network of training centers for Public Administration and some twinning programs were launched for transportation, finance and border police. In spite of the development of continuous training, there are still issues that have to be dealt with. Among these issues one can count:

- organizing the training process according to the available offer rather than aiming to accomplish clearly defined results;
- lack of coherent policies at governmental level for this field;
- a distorted image about continuous training, either as an unimportant element (proved by the low budgets allocated for this item) or as a miracle solution for every organizational problem;
- fledgling development of the curricula and of training programs, etc. This lack of training for civil servants has led to paradoxical situations when some public authorities have the information technology needed to improve their activities but they do not have the skills and abilities necessary to use properly this material support;
- extremely strong political pressures put on civil service. Both at central and local level, after each election, there have been massive changes on political criteria in the civil

service. This fact had negative consequences upon personnel selection on competence criteria, professionalization of public administration, results of implemented policies, etc. However, the Law on the Status of Civil Servant and the National Agency of Civil Servant have brought a positive signal in terms of professional stability of civil servants, selection based on competence criteria, and decrease of political influence. There have been significant issues concerning the implementation of the Law and the start of the actual work of the agency. The implementation of the Law can be strongly improved and, in spite of the fact that many civil servants took certification exams and sworn the oath, there have been strong debates concerning changes in administrative institutions after the 2000 elections. The Agency is still in a construction phase characterized by the lack of clear policies and strategies, its placement under uncertain autonomy, and political disputes related to the control upon it. Maybe these two examples (the Law of the Statute of Civil Servant and the National Agency of the Civil Servant) are most representative for the situation of capacity building and administrative reform in Romania. They are extremely important measures adopted after long delays at the direct pressures of the European Union, suffering deeply at implementation level.

Obviously, this lack of proper use for human resource had negative consequences like: maintenance of negative values, based upon rigidity and lack of initiative specific to the communist regimes, problems related to the professionalization of public service, major communication issues both at internal (inside the organization) and external (towards the citizens) level, the low quality of the service provided in the public administration structures, lack of corporative spirit at the level of the civil servants body. This latter issue is directly related to the low development of cooperation between local governments in defending and promoting local interests and initiating activities aiming to influence central government decisions referring to local public administration. However, there are certain positive signs for this field, coming with the constitution of professional associations of these authorities, like associations of Mayors, Association of the Presidents of County Councils, or associations of secretaries of Local Councils. Although at incipient level, these associations have started to represent a significant voice for the debates related to public administration reform. For instance, in the last debate on the Bill

on Local Public Administration, a provision allowing the prefect to suspend the mayor if the latter was under criminal charges was cancelled at mayor's association request.

3.4 Battling corruption

One of the major problems facing Romanian public administration is corruption. According to the definition adopted in the Resolution Nr.99/ 1999 of the Council of Europe ratified by Romania in 1999 referring to establishing of the Group of States against Corruption (GRECO), corruption is a "a very serious threat against the state of law, democracy, human rights, equity and social justice". Corruption is viewed as impeding social and economic development, threatening the stability of democratic institutions and, last but not least, undermining moral principles of society.

Fight against corruption was and still is a distinct sub-chapter in each EU report on Romania. In the National Accession Program the situation is the same. For 2000 the main priorities were child protection (domain in which Romania has a very bad record), Roma integration. Among other priorities anti-corruption measures were listed first (Romanian Government, National Program for Accession, 2000:22).

In spite of previous attempts (at least at declaration level) to deal with this phenomenon, corruption continues to be a widespread and systemic problem. It undermines not only the functioning of the legal system but also the economy. In addition, corruption has led to a loss of confidence in public authorities, effect that has negative long-term effects on development towards democracy.

A major accomplishment towards organising efforts to tackle the real problem of corruption is adoption of the new law on the prevention and punishment of acts of corruption entered into force in May 2000. This new law initiated a reorganisation of the bodies responsible that are dealing with corruption. Two major institutional changes brought by this law are: establishing a special Anti-corruption and Organised Crime Unit within the General Prosecutor's office and the reorganisation of the Squad for Countering Organised Crime and Corruption, which is the central structure specialised in fighting against organised crime and corruption. In 1999 The National Office for the Prevention and Fight against Money Laundering was established. It has assumed its duties by

processing an important number of cases and delivering them to the General Prosecutor's Office for further investigation. The evolution of sentences for corruption in the 1998-2000 period came out as follows: 534 in 1998, 381 in 1999 and 168 in the first half of 2000 (to be found the whole number). (source EU Report on Romania, 2000:18)

This law addresses as well situations of unfair competition in the private sector and interdicts the incorrect awarding of contracts. In compliance with the Criminal Law Convention on Corruption of the Council of Europe the law entitles for the identification, investigation and confiscation of profits resulted from corrupt activities. Another important provision refers to the possibility of bringing corruption charges against persons who hold high position in a political party, in a trade union, an employer's organisation, a foundation or a non-profit association, and international employees.

The new legislation targeted to corruption is a first phase towards a comprehensive approach of this issue. There is still need to assume several other international instruments designed to fight against corruption, and to ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, or the Council of Europe Criminal and Civil Law Conventions on Corruption, OECD Conventions on Combating Bribery of Foreign Policy Officials in International Business Transactions, and on Bribery in International Business Transactions. The other short-term priorities of the 1999 Accession Partnership - establishment of an independent anti-corruption department, ratification of both the European Convention on Laundering of Proceeds of Crime and the European Criminal Law Convention on Corruption, and signing of the OECD Convention on Bribery are still to be accomplished.

In terms of public administration reform program, special attention has to be devoted to the appropriate human and financial resources that are available at local authorities in order that decentralised responsibilities are fulfilled appropriately. There is still progress to be made in reducing the levels of corruption and improved co-ordination is needed between the various anti-corruption initiatives that have been launched.

It is interesting to note the evolution of the corruption issue in the governmental programs after 1992. The first Cabinet that included extensively in its program the issue

of the fight against corruption was the Ciorbea Cabinet. The fight against corruption was considered as a high priority policy emergency. A solution for this issue was considered to be provided through organizing the Anticorruption Department, which was going to be directly subordinated to the Prime Minister. That particular Cabinet program included as well an extensive legislative program to organize the fight against corruption including: elaborating the bill concerning the ministers responsibility, creating the Anticorruption Department subordinated to the Prime Minister's Office, creating new organizational structures specially dedicated to the preventing and combating corruption inside the justice system, and forming an institute dedicated to studying the corruption phenomenon. Beyond laying out this generous program, few of its provisions have been accomplished.

Political instability has led to forming a new Cabinet (led by Radu Vasile) at the beginning of 1998. Its program mentioned only in passing the issue of corruption, considering the Bill on Prevention and Combating the Corruption (which eventually became Law in May 2000) a high priority. For the first time in a Cabinet program, emphasis was placed on strengthening regional cooperation for combating organized crime and corruption. A year later, the next Cabinet (led by Mugur Isarescu) included in its program the goal of "zero tolerance towards corruption" and nothing referring to means of accomplishing it. In addition, passing the Bill on Civil Servants was considered a good instrument for reducing the corruption within the civil service.

Finally the most recent Cabinet (Adrian Năstase) considers in its program "reducing red tape, combating corruption and criminal behavior" as its priority number four, closely related to the improving the State's and State's institutions authority. Another effective tool for reducing corruption is considered to be the institution of the Instruction Judge. There is an extensive part of the Cabinet program dedicated to improving the fight against corruption. Various means for accomplishing this goal have been already laid out, including clarifying the responsibilities of various institutions from justice system (issue of great importance, due to overlapping responsibilities that have burdened the justice system so far), improving coordination among various institutions of the justice system, to involving Romania more in international organisms dedicated to fight against corruption.

While the issue of corruption became a hot topic recently (especially during the electoral campaign) it remains to be seen whether these new measures will be implemented and have any impact upon the functioning of the Romanian institutions. However, within the context of the negotiations with the EU it is expected that significant steps will be taken in order to deal with the issue of corruption. As the latest EU evaluation report says: "Corruption continues to be a widespread and systemic problem. It undermines not only the functioning of the legal system but also has detrimental effects on the economy and has led to a loss of confidence in public authorities." (source EU Report on Romania, 2000:18)

Conclusions

The elements of this analysis allow us to draw an opinion about the development of the Romanian public administration after 1989. The problems faced here vary from the lack of political will to the lack of necessary managerial capacity. Beyond these elements we can argue that the main issue of administrative reform refers to incapacity to implement the *acquis communautaire*. From this point of view, European Union represents a reform factor distinct from the processes of post communist change. Way too often, the only clear policies of Romanian authorities for public administration have come as answers to the stimuli coming from European structures. Overcoming this immobility, initiation of a more dynamic concerning implementation of the *acquis*, increasing efficiency and effectiveness of the Romanian administrative structures are the only elements able to ensure the following of the only viable path for evolution: European integration.

References

1. Auby, F.J. 1996. *Management Public*. Paris: Sirey
2. Barilari A.1994. *La Modernisation de l'Administration*. Paris: Librairie Generale de Droit et de Jurisprudence
3. Cheung A. 1997. "La comprehension des Reformes du Secteur Public: Tendances Mondiales est Questions Diverses". *Revue Internationale des Sciences Administratives*, Nr.4, 1997
4. Chevallier J, Loschak D. 1982. "Rationalite Juridique et rationalite manageriale dans l'Administration Francaise". *Revue Francaise d'Administration Publique*, nr.24, 1982
5. European Commission, DG 1A, 1997, *Commission Opinion on Romania's Application for Membership of the European Union*
6. European Commission, 1999, *Regular Report from the Commission on Romania's Progress Towards Accession*
7. Pollitt C., Bouckaert G. 2000. *Public Management Reform, a Comparative Analysis*. Oxford: Oxford University Press
8. Posavac E.J., Carey R.G. 1997. *Program Evaluation. Methods and Case Studies*. New Jersey: Prentice Hall
9. Romanian Government, 2000, National Program for Accession
10. Toonen,T.A. 1993. "Analysing Institutional Change and Administrative Transformation: A Comparative View". *Public Administration*, vol 71, 1993
11. UE Commission. 2000 - *Regular Report From The EU Commission on Romania's Progress Towards Accession*. November 2000
12. Verhjeijen T. 1998. "Dix Ans de Reformes en Europe Centrale et Orientale:Toujours les memes Problemes". *Revue Francaise d'Administration Publique*, nr.87, 1998