

HOW TO DEVELOP SUSTAINABLE PUBLIC ADMINISTRATION REFORMS*

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Abstract

Public administration reform and reform in general is a never ending story. The human societies are evolving and so do their needs. Public administration has to keep the pace with the changes that are taking place in society. Specific issues like ageing of the population and the migration from small to larger communities, or from poor to wealthy regions are placing supplementary burdens on modern administrative systems for decades. The economic crisis that started in 2008 made administrative matters even more complicated. Functional economies and consolidated democracies proved to be vulnerable to what was considered by many as a market failure. The crisis and the responses of the governments around the world raised a number of questions related to the role that state and public authority in general should play in a modern democracy. The paper is briefly exploring the challenges that administrative systems from the new European Union member states and from the candidate states were or are facing in their attempt to meet the requirements of the European Union membership, and is proposing a challenging measure: the development of an *acquis communautaire* for the field of public administration and consequently the establishment of a correspondent structure inside the European Commission. The *acquis communautaire* will comprise of a minimum set of principles, widely accepted, that should represent a 'to do list' for new member states that are having difficulties in promoting a sound and sustainable reform in public administration.

Keywords: public administration reform, *acquis communautaire*, old member states, new member states, principal-agent model, Romania.

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1. Public administration reform – a brief overview

Public administration reform is a topic that is subject to extensive debates since the last decades of the previous century when reforms became almost a fashion (Kickert, 1997, p. 8). In the last seven years, the subject became as actual as possible because of the economic crisis (or recession; this is another subject for debates: crisis or recession; but exceeds the topic of this paper). The recent recession renewed some of the questions related to reforms that were raised in late 1990s and in the first years of the new millennium. Should we have more or less state interference in the economy (markets collapsed due to the lack of state intervention)? Is New Public Management (NPM) a successful approach for public administration? Or, can we speak about NPM as an approach that is (or was) generally accepted and promoted as a public policy at wide scale? (To my opinion, NPM has among its principles some that are undermining it as a general policy: principles like decentralization, devolution or delegation are conflicting with the idea of promoting these very principles at a general scale.) Or, how can we make governance mechanisms effective? Or, is neo-weberianism something really new or it is the same old lady with some new hat? (Hood, 1991; Kickert, 1997; Pollitt and Bouckaert, 2011).

Reforms were as diverse as the number of countries that undertook them. However, we may identify a number of fields that were subjects of such measures. Since the topic of this paper is not the extensive analysis of the administrative processes worldwide I will present only a brief summary of the excellent work of Pollitt and Bouckaert (2011).

- a) Being triggered by financial problems that most of the Western countries encountered in the 1980s and then in 2008, financial management was one of the primary targets of the reforms. First, budgeting ‘...became more intimately linked with other processes – planning, operational management and performance management’ (Pollitt and Bouckaert, 2011, p. 78). Changes were also made in accounting methods and techniques, and in auditing. Concerning the latter, many voices were accusing the ‘Audit Explosion’, that is the excessive use of auditing and other means of control, as Mike Power named one of his works (Pollitt, 2003, p. 47).
- b) Another subject of reforms was human resource management. Topics as recruitment, promotion, motivation or career system were addressed from different perspectives and approaches. Many Western countries undertook drastic measures to reduce the costs for the functioning of the public bureaucracies: ‘The Global Economic Crisis of 2008 ushered in hard times for many civil servants in many states. Salaries were frozen or cut in most of our twelve countries, numbers were drastically reduced in several, and pension rights were reduced in various ways...’ (Pollitt and Bouckaert, 2011, p. 89). But measures were taken also for making the public service more efficient, effective and flexible. Demke and Moilanen *apud* Pollitt and Bouckaert (2011, p. 90) identified a number of ‘wide-spread trajectories’ of human resource management:
 - ‘A transition from centralized to decentralized determination of the employment conditions;

- A shift from statutory to contractual or managerial governance;
 - A development from career systems to post-bureaucratic (position systems);
 - A delegation of responsibilities to managers;
 - An alignment of pay levels to private sector practices;
 - A change to special retirement schemes’.
- c) The third domain that is mentioned by Pollitt and Bouckaert is the organizational structure. Again, the authors identified a number of types of approaches that they considered as being the ‘mainstream’ of the organizational reforms:
- Specialization (should institutions be single-purpose or multi-purpose?);
 - Coordination (by what means should coordination across different functions, levels, and sectors be achieved?);
 - Centralization/decentralization (what functions should be centralized/decentralized, and to what degree?); and
 - Scale (what is the optimum size for organizations?) (Pollitt and Bouckaert, 2011, p. 96).
- d) The fourth field identified by the authors is performance measurement: ‘Performance measurement is becoming more extensive. More levels and more fields are included. Performance measurement is becoming more intensive because more management functions are included (not just monitoring but also decision-making, controlling and even providing accountability). Finally, performance measurement is more external. Its use is not just internal, but also for the members of legislative bodies and even for the public’ (Bouckaert *apud* Pollitt and Bouckaert, 2011, p. 106).

The fragments presented above referred to situations when countries were trying to cope with crisis (usually economic in nature but with possible social and political consequences). In what follows we will approach administrative reforms from a different context: that of the countries that have to cross the difficult experience of moving from authoritarian or totalitarian communist regimes to capitalist democracies. Reforms in the former communist countries in their transition to democracy, at least as design, were different in nature from those undertaken in consolidated democracies in order to improve the functioning of the administrative institutions. Whilst in the latter cases the scopes of reforms were related to changes in existing administrative structures or institutions, in the former cases most often everything had to be constructed from the very beginning. ‘It is not a mere process of improvement as it is in the case of mature democracies; it is more profound and requests the fundamental change of the political life and of the political leadership style’ (Sigrist, 2008, p. 59). Communist regimes were based on the domination of the Communist Parties, in most of the cases being the only party that was legally allowed to function (Poland was an exception). State institutions were controlled and even taken over by the ranks of the party. ‘The communist bureaucracy (nomenklatura) became a new ruling class and the new elite of the totalitarian society’ (Liebert, Condrey and Goncharov, 2013, p. 4). Local, regional or even state authorities were strictly controlled by the central govern-

ment (the case of Slovakian government being totally subordinated to the government and party authorities from Prague; from 1968 Czechoslovakia was officially a federation). Nevertheless, even if the starting points and the processes were different from those of the old member states, the model was there.

More than twenty countries abolished the communist regime in Central and Eastern Europe between 1989 and 1991 (these include the new created states after the dissolution of Soviet Union and Yugoslavia; also, Czechoslovakia divided in two different states). Only some of these countries undertook and managed successfully the process of transition from the communist regimes to democracy. For many of them the accession in European Union and NATO was considered to be ends for this journey or at least very important benchmarks.

The road to democracy was a process of massive institutional change. New legislation had to be drafted in almost every field of activity. Political and administrative institutions had to be reformed or new ones had to be created. Analyzing the process of democratization in former communist countries that undertook this ordeal, we may state that it was largely successful in most of them, especially in the case of those that were integrated in European Union. Multipartidism, regular and free elections with changes of the political leadership, freedom of press, free-market economy, active civil society, local or regional autonomy, and fairly independent justice systems are elements of functional democracies that are present in many of the former communist countries.

However, if we analyze it now, after 25 years of transition, the pace of reforms was different from country to country, important differences remaining in terms of development, infrastructure, economy or performance of the public sector between Czech Republic, Slovenia, Poland, the Baltic countries, or Slovakia on the one hand, and Romania and Bulgaria on the other hand. In a working paper issued by European Commission in 2012, Bulgaria and Romania were placed at the bottom of the list of the 27 EU member states¹ in terms of quality of governance. The highest position belonged to Denmark with 1.978 WGI (World Governance Indicator). The former communist countries had scores between 1.043 (Estonia) and 0.552 (Poland), and then we have the gap: Bulgaria 0.100 and Romania 0.059. Also, an analysis of the data, like the evolution of GDP/capita² or of the average wages³, shows differences between countries like Czech Republic and Slovenia (82), Slovakia (75), Lithuania and Estonia (73), Romania (55) and Bulgaria (45)⁴. Similar differences may be observed in the field of infrastructure (highways⁵).

1 http://ec.europa.eu/regional_policy/sources/docgener/work/2012_02_governance.pdf

2 <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tec00114&plugin=1>

3 http://ec.europa.eu/eurostat/statistics-explained/index.php/Wages_and_labour_costs

4 GDP/capita - Index EU 28 = 100

5 <http://ec.europa.eu/transport/facts-fundings/statistics/doc/2012/pocketbook2012.pdf> - p.75.

Administrative reforms may be considered successful to a large extent in countries like Slovenia (Kovac, 2011; OECD, 2012), Slovakia (van Mierlo and Verheijen, 1998; OECD, 2014; Klimovsky, 2010), Czech Republic (Hladik and Kopecky, 2013; Nunberg, 2000), Poland (OECD, 2013; Majcherkiewicz, 2008), Hungary (Hajnal, 2013; Buss, 2002) and the Baltic countries (according to the data presented above).

But this image may be a deceptive one. Kenneth Sigrist, former adviser to the Romanian Prime Minister Adrian Năstase, made two peculiar notices:

1. 'Reforms in Central and Eastern European countries were sectorial and sequential, lacking the global (holistic) approach;
2. This kind of approach is likely to produce institutional difficulties in the future and even affect the democratic character of these states' (Sigrist, 2008, p. 60).

Indeed, if we look at the picture from a different angle we may observe some early warning signs. The data presented above is also showing that the distance between old member states and new member states, even if diminished in the last ten years, remains considerable. Of course, one argument may be that the time that passed from accession is too short (10 years for A10 countries, 7 years for Bulgaria and Romania, less than 2 years for Croatia). Aspects like cultural differences, economic background or infrastructure may be discussed but only for raising new questions.

On the other hand, the communist regimes deliberately destroyed the old administrative structures in countries they were taking over. The bureaucratic elite was replaced and sometimes physically eliminated. It is only natural that the former communist countries experienced a lack of administrative capacity in the process of transition. Even for the 'performers' like Czech Republic, Slovenia or Lithuania problems reported are related to the functioning of their respective administrative systems. An issue that is mentioned by many specialists is related to the civil service. Meyer-Sahling (2009), in an analysis of 'Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years after EU Accession', an analysis that is dealing with the countries that entered EU in 2004, is pointing on some problems in the functioning of the civil services in the respective countries. An issue is the weakness of the civil service in almost all of these new member states. Czech Republic never adopted a Civil Service Law thus living room for a high level of political interference. The rest of the mentioned countries had ambiguous approaches related to civil service. The lack of political will and the inconsistency in approaching the issue was mentioned by Meyer-Sahling (2009) as the main cause for the limited progresses made by the Central and Eastern European countries after accession in 2004 in the field of civil service.

Other problems mentioned for some of these countries are the poor coordination at the level of central government and the importance of the informal political power of the components of the government (Hladik and Kopecky, 2013; Nunberg, 2000). The quality of policy formulation and implementation is another aspect that 'while functional, is less than ideal' (Nunberg, 2000, p. 72).

One more argument that even the political leadership and bureaucrat mandarins from the respective countries are aware of the need for further reform is that ambi-

tious reform programs are under implementation or are being prepared for the near future: Czech Republic (2013-2015), Slovak Republic (in progress), Slovenia (in progress), Poland (in progress), Hungary (under preparation).

In conclusion for this part, although the countries from Central and Eastern Europe that were accepted in the EU in 2004 made significant progresses in establishing a modern public administration, problems are reported related to the coherence, consistency and sustainability of reforms. As Meyer-Sahling (2009) points out, successive governments were able to change the course and the nature of the reforms.

2. The case of Romania

As in the case of any other country from the communist bloc, Romania suffered the same negative effects at the level of the entire society, including the administrative structures. But things were different in terms of the pre-communist administrative traditions. Czech Republic, Slovakia, Slovenia, Poland, Hungary and the Baltic countries were for a long period of time part of either Austrian Empire or German (Prussian) Kingdom (later Empire). As it is well known, these two countries were the homeland of the Weberian type of professional and stable bureaucracy. On the contrary, Romania and Bulgaria started to build a professional public administration only in the second half of the XIX century and the first part of the XX century. Even if some legal provisions were established in the XIX century, the first law regulating the civil service was issued in 1923. Only another 15 years passed until Romania faced a long series of dictatorships. That is to say, we may speak about considerable differences in terms of administrative traditions.

Another two facts should be added to the negative historical heritage of Romania that had a huge influence on the development of the country, including its administrative structure. First, the violent nature of the anti-communist revolution legitimated and gave way to power to the second echelon of the Communist Party. Unlike in every other Central and Eastern European country, the first free rounds of elections were won by the former communists. A limited number of former party leaders were removed from positions but the bulk of Romanian public officials were constituted by the members of the second and third tiers of the Communist Party. It was not until the end of 1996 when a right wing coalition managed to win the Parliamentary elections and to form a government that officially did not include important members of the former Communist Party. But unfortunately, at that moment the second negative historical heritage manifested itself. To explain it, let's go back a little bit in history together with Liebert, Condrey and Goncharov (2013, p. 4): 'After the death of Stalin ... governments in some countries, including Soviet Union initiated a series of economic and administrative reforms. Their major goal was to make a distinction between political leadership and technical management of economic and social issues. In some cases, discretion was given to technocrats to challenge even the basic principle of socialist economy and introduce elements of the market system into some minor sectors'. These new official policies of the communist regimes allowed the creation of

elite with values, ideas and knowledge different from the official ones. The existence of these elite created the conditions for the creation of credible right wing parties, for their victory in the first elections and the relative success in ruling the new democratic regimes. But the Romanian Communist regime promoted the post-Stalinist liberalization only for a limited period of time. Starting with the mid 1970s the party officials started to suppress any form of opposition and any type of opinions, ideas or values that were not in accordance with the official statements of the regime. Also, unlike in the other countries, including Soviet Union, the talented intellectuals from young generations were kept away from top positions in administration or economy, and the big cities were declared 'closed cities' for the fresh graduates. That is to say, in 1990 in the ranks of Romanian public administration were not enough qualified persons to produce a change in administrative patterns, culture or behavior. And the situation did not change until 1996. It is probably the most important reason for the failure of the 1996-2000 right wing coalition government.

2.1. Reforms in Romanian public administration

The lack of knowledge about modern administration, both among the career civil servants and politicians, had as effect a virtual stalemate in the field of public administration reform for almost a decade. The Law for Local Public Administration was adopted relatively soon after the revolution, in 1991, establishing the two subnational layers of the Romanian administrative system: the local and county ('județ') layers. The law granted significant autonomy to these subnational governments. They had the authority to raise a certain category of taxes and they enjoyed absolute autonomy inside the legal framework. The law was amended several times and suffered major changes in 2001 and 2006. In general, the changes brought to the law increased the autonomy both at local and county level. But this was only in theory, especially in the 1990s. The own revenues of the local and county autonomous authorities were extremely low in the last decade of the past century. The economic decline of the country after the fall of the communist regime made the situation even worse. Thus, although from the legal point of view subnational authorities were granted with autonomy, they were dependent on the central government for resources. By the end of the past millennium, foreign partners and donors started to pursue the Romanian authorities to accelerate the pace of reforms. To address the financial weakness of the local and county authorities, with the support of American expertise⁶, the Local Public Finance Law was issued establishing more objective, formula based intergovernmental budgetary transfers from the state budget. This law was also improved in 2003 and 2006. The two laws, especially after the last changes, contributed to an increased autonomy. But these were the only notable reforms undertaken in 1990s in the field of public administration. Creating a modern public administration was not, as it appears, a priority for Romanian political class.

6 http://pdf.usaid.gov/pdf_docs/Pnacj701.pdf

The debut of the negotiation for accession in European Union meant a total change of the attitude of Romanian authorities towards reform measures. A first step was made for establishment of a professional bureaucracy by adopting the Civil Service Statute Law. Consequently, the National Agency for Civil Servants and a Ministry for Public Function was created. Apparently, Romania was one of the first former communist countries that formerly established a Civil Service Corp. However, the creation of a professional career bureaucracy will prove to be 'a bridge too far'. The law suffered several amendments in 2003 and 2006. Also, a body of secondary legislation was drafted to support the implementation of the law. The Senior Civil Service was created and started to be trained with the support of the EU pre-accession funds. The aim was to transform it in a professional and if possible politically neutral body. Unfortunately, political turmoil that started in the first part of the year 2007 eliminated the necessary political support and stopped the further development of this essential structure. At this moment, Romanian Senior Civil Service is only a meaningless denomination, its members being exclusively politically appointed.

As the negotiation with European Commission continued, the pace of reforms increased gradually. A law establishing the organization and functioning of the central government and another that created the official framework for drafting legislation (aiming to introduce some rationale in the decision making process) were adopted in 2000. In 2001 the Government issued the 'Strategy for the Acceleration of Public Administration Reform' establishing three main pillars for future governmental actions in the field: Civil Service Reform, decentralization and reform of the public policy cycle. Important funds were received from various donors like EU, USAID and DFID, and also foreign expertise to support the reform measures. Important steps were made for the modernization and consolidation of Romanian public administration. The Central Unit for Public Administration Reform was created to promote and coordinate the reform process (2001). At the General Secretariat of the Government was created the Public Policy Unit (2004), and in the years that followed similar units were created at the level of ministries. A set of regulations were issued creating the framework for the formulation and implementation of the public policies. In 2006, the entire legislation concerning Romanian public administration suffered important changes. The following laws were amended or replaced: the Law for Local Public Administration, the Civil Service Statute Law, the Local Public Finance Law, the Law for the Institution of Prefect, the Framework Law for Decentralization. All these measures contributed to the accession in European Union in 2007.

Romanian public administration had in 2007 still a lot to accomplish in order to reach the level of Western administration. The consistency of the process and '... the pace and the direction of reforms have been uneven' (Nunberg, 1999b, p. 66). But there were some signs that things were on the right path. 'Romania was perceived to have made enough progress in its reforms to consolidate its democratic systems, institute the rule of law, acknowledge respect for human rights, commit to personal freedom of expression, and implement of a functioning free-market economy to be admitted to the EU on 1st of January 2007' (Ioniță, 2008, p. 172).

But, after the accession, the pace of the reforms slowed down, and at this moment we may state that they are almost abandoned. Several facts contributed to this situation: the political conflicts that erupted in the first part of 2007. The coalition government that completed the accession process broke and a minority government ruled the country until the end of 2008. Thus, the political support for reform diminished. Also, the economic crisis determined other priorities for the successive governments. But the fact remains: the reform of Romanian public administration is to a large extent a failure. Public administration reform in Romania was a slow and inconsistent process, lacking coherence and accuracy. A number of important laws were adopted but were poorly implemented (Anghel, 2015, p. 72). A number of documents issued by the European Commission are pointing at the problems of Romanian administration: 'The efficiency of the governance is reduced by the excessive politicization of the public administration, a process characterized by a personalized approach of the decision making process and of the institutional management which leads to constant reorganizations of the public institutions ... Lack of professionalism – in the pre-accession period a lot of young skilled persons entered in the public system and their competence was used primarily to negotiate and to fulfil the requirements for accession in European Union. The process of de-professionalization started after the accession of Romania in European Union in 2007, being accentuated by the large number of professionals that left public administration to work in EU institutions or in private consultancy companies'⁷. And in another document is stated: 'The poor capacity of the public administration to formulate and implement public policies represents an essential challenge for Romania that affects the decision making process and ultimately prevents the provision of good quality public services. The cooperation mechanisms inside the Government and between the different administrative layers are still insufficiently developed. The public governance is characterized by an unstable legislative framework and an excessive bureaucracy. The public administration is undermined by an incoherent framework related to human resource recruitment, stability, career development and the independency of the civil servants'⁸.

2.2. Problems related to the Romanian administrative reform

So far, it is obvious that the reform process of the Romanian public administration is almost a complete failure. Several causes may be identified:

- The lack of commitment and expertise of the political class. The Romanian politicians are particularly ignorant about the characteristics of a modern administration. Just as an example, two prime ministers declared that they see no utility for having a Senior Civil Service Corp. In terms of political commitment, European experts that assisted Romanian administration in the process of accession

7 http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/2014

8 http://ec.europa.eu/europe2020/pdf/csr2014/swd2014_romania_ro.pdf

may well testify the efforts needed to convince Romanian political establishment about the need for reforms.

- The lack of commitment of the career bureaucracy. I admit that here we are speaking about a closed circle but the fact is that no support or pressure for reforms is coming from the personnel working in public institutions.
- The foreign expertise was eclectic and heterogeneous. Although the foreign aid was essential for the accomplishments in the reform process previous to accession, many times this expertise was divergent. A single example will suffice to understand the phenomenon: in the process of decentralization Central Unit for Public Administration Reform was supported by French, Dutch and Danish teams of experts. Also, the expertise for the Local Finance Public Law was provided by American specialists. It is difficult to imagine a more peculiar combination.
- The lack of consistency and firmness of the international organizations, especially of EU. One may say that Romanians should not expect everything from the others. But here we are speaking about the bigger family of the European citizens. If we are to apply the principal – agent model to the relation between the latter and the European institutions then we may raise a simple question from the perspective of a European tax payer: what happened with all those money that European Union invested in the Romanian reform process? Who is responsible for the fact that the funds allocated for the preparation of Romanian administration for EU membership are not producing long term effects? Why European Commission did not react at the mistakes and wrong decisions made by Romanian authorities after 2007? Above I presented the observation of the Commission related to the exodus of the professionals from public institutions to private consultancy companies. Most of those persons were trained with the help of European pre-accession funds for the management of EU funds. They left the public sector because of the bad treatment of the Romanian authorities (salary cut, politically appointed managers). Why European Commission did not react to this situation? It is a reason for the extremely low rate of absorption of the European funds by Romania.

2.3. Conclusion up to this point

After almost a decade of reforms (1998-2007) and after their relative success, it seems that Romanian administration returned at the starting point. It is characterized by weak institutions, non-professional Civil Service, poor quality decision making and, as a consequence, poor quality public services. Among many causes one is certainly the unsustainability of the reform measures. So, the fundamental question is: how to promote a reliable, effective and sustainable reform process? To find an answer to this question is important also from other three aspects. First, even if it manifested to a much lesser extent, the inconsistency of the reform measures was to be met in virtually every former communist country, that is to say: it is a risk that the reforms are not irreversible. Second, it is likely that we will encounter the same phenomenon in the case of the future members of European Union or in the case of the countries

that will have only the statute of partners of EU. Third, Europe will probably face new challenges in the future (Pollitt, 2014), and a performant administration will be needed to be able to cope with them. 'Fundamental aspects of the administrative reforms are related to the performance of the public institutions in the process of implementation of public policies' (Anghel, 2015, p. 71).

3. A proposal for the sustainability of reforms

Keneth Sigrist proposed in 2004 a model for the reform of Romanian public administration (Sigrist, 2008, pp. 59-75). In essence, it is nothing new, the steps or measures contained in this model being in accordance with the principles of NPM.

1. The first step should be a transfer of power from the political leaders to professional bureaucrats that is to Senior Civil Servants (Sigrist proposed a number between 1,000 and 2,000 Senior Civil Servants for Romania). These top bureaucrats will be responsible with the formulation of the public policies and with operating governmental apparatus for policy implementation.
2. The second step should be the transfer of power from the Center of the Government (Prime Minister's Office, General Secretariat or Chancellery) to ministries.
3. The third step should be the transfer of power from the central government to subnational governments.
4. And forth, the transfer of power from public administration (subnational governments) to the market.

What we have here is an application of the 'principal-agent' model. Power is negotiated by the politicians playing the role of principals with the agents who are the top bureaucrats and the latter become principals in relation with the line ministries by transferring tasks to them. In the next stage, the line ministries will play the role of principals in relation with the subnational governments. And finally, service delivery is entrusted to private operators who are agents in relation with the local or regional authorities. As Sigrist (2008) stated, the crucial but in the meantime the most difficult step is the first. Giving up power is rarely an option for politicians. Politico-administrative relations are a sensitive issue even in most advanced democracies and the sound functioning of state institutions are heavily depending on them (Radu, 2011, p. 1). The creation of a Civil Service enjoying a high level of autonomy in relation with the political leadership seems to be a difficult task for all former communist countries. In Poland, 'an extensive system of spoils has been adopted and employed by each government since 1993' (Majcherkiewicz, 2008, p. 148). 'Poland, Czech Republic, Slovakia and Hungary stand out as the four countries that give virtually no guarantees to their senior appointees' (Meyer-Sahling, 2009, p. 40). Romania is probably a good example for somebody who wants to study a genuine 'spoil system'. At least, from 1996 elections every change in political leadership produced massive changes in the ranks of public administration. The Civil Service Law introduced in 1999 and its gradual improvement led to a reduction of the phenomenon by 2007. But as it was mentioned above after the EU accession the situation worsened year by year.

Sigrist (2008) emphasizes this first step as being unconditionally necessary for all that has to come. That is to say that a professional body of Senior Civil Servants is the prerequisite for the further development of a modern administration. Historical evidences may be invoked to the support of this statement. In the history of each modern state there is a turning point on the road to modernization. This turning point seems to be linked with the establishment of the merit system that is a professional bureaucracy. But, as Ferrel Heady stated: 'A bureaucracy of competence ... did not appear ... until representative political organs decided that it was needed and provided for it.' (Heady, 2001, p. 223). 'Representative political organs' do not necessarily mean elected politicians. A charismatic leader, a conqueror or talented politician may play this role. The Prussian (and later the German) administration was to a large extent the creation of Friedrich Wilhelm the 1st. French administrative system for more than two centuries was influenced by the huge legislative construction under the rule of Napoleon. The 'founding fathers' decided that bureaucracy was dangerous and the young American republic did not need it. This opinion survived for more than a century until the political leadership decided that a professional bureaucracy was a necessary evil, and promoted what is known to this day 'the merit system'.

Indeed, bureaucracy seems to be a necessary evil. In all the cases presented above the change in the pace of modernization after the implementation of the Weberian type of administration was more than obvious. Nowadays, the protection of the Senior Civil Servants is one of the most important principles in the European Union. Yet, this principle is not so strictly observed in the former communist countries. As Meyer-Sahling noted: 'In summary, with regard to the protection of senior-level jobs, it can be argued that European principles of public administration are met only in Lithuania, Latvia and Estonia' (2009, p. 40).

4. Towards an *acquis communautaire* for the field of public administration

As I mentioned above, the model proposed by Sigrist (2008) has very few original elements. We have to bear in mind that his proposal refers primarily to Romania. Probably what is important and new in what he is proposing is the emphasis on the necessity of a global approach in the reform processes. Once created, the Senior Civil Service will foster the reform measures and will coordinate the public governance at national level. In other words, it will provide professionalism, political neutrality, continuity and sustainability.

However, the big question is how to ensure that such a body is created and will have continuity on the long run in Romania (and in many other former communist countries)? This question will have its actuality also in the case of the new candidates for accession and maybe in the case of partner states. After all, there were little debates about what reform measures should be adopted in Romania and in every other new member state. The difficulties were always related to implementation and sustainability. At a first glance we can blame politics. The political cycles and changes in policies after each elections or the lack of will for transferring power to a

professional bureaucracy may be considered as causes for the low level of sustainability of the reform measures. But politicians are brought in office as a result of a popular vote that cannot be controlled. What can be controlled through strict rules is the quality of a professional bureaucracy. But we are in a closed circle. Politicians are not eager to let a Senior Civil Service to be constructed, and the bureaucracy is too weak to impose it.

The solution I propose for the European Union member states is the establishment of a minimum set of principles that should be compulsory for each member state, for the candidate countries and possible for partner countries, and the construction of a structure inside European Commission responsible for their observance. As this proposal may be outrageous for many people, I will try to present some arguments in its support. Public administration is one of the few domains without *acquis communautaire*. In addition, there is no directorate or other structure in the composition of the European Commission responsible with this field. The old member states were extremely reluctant related to any kind of European regulation related to public administration. Indeed, at a first glance it is difficult to imagine rules that will apply for German, French or British public administration. But this pride of some of the old member states should be put in balance with principles like responsibility and accountability. As I mentioned above, in the case of Romania a large amount of money were spent by the European Union for the promotion of the administrative reforms. That is the European tax payer's money. The results are precarious. Who is responsible for this poor outcome? What will happen in the future with the funds that will be allocated to the new and future member states? European Commission has monitoring mechanisms for structural and cohesion funds. But ultimately the national administration of each country is responsible with the implementation of the projects financed through these funds. The low quality of public administration in a certain country will lead to a poor quality of the usage of the European funds. On the other hand, it is about a principal – agent type of relation. At one extremity of the chain are the European citizens and at the other extremity is the European Commission who should be responsible with the way European funds are spent.

Returning to the *acquis communautaire*, what I am proposing are a limited number of principles, most of them widely accepted, especially in old member states which should be compulsory for each member state.

1. A limited set of rules related to human resource management mainly concerning the observance of the principles of the merit system;
2. A limited set of rules related to budgetary and financial mechanisms;
3. A limited set of rules related to the quality of public expenditures; and
4. A limited set of rules related to policy formulation.

For the implementation of these principles a new structure (directorate) should be established.

5. Conclusions

Public administration reform proved to be a difficult process for the new members of the European Union. Although for the most of the components of the A10 group of countries that were integrated in 2004 reforms proved to be fairly successful, there are still concerns related especially to sustainability and irreversibility of reforms. '... reforms of the core governmental apparatus itself – the public administration – have been much slower to materialize' (Nunberg, 1999a, p. 1). Hungary is an example that the principles of democracy are not necessarily long term achievements. On the other hand, countries like Romania and Bulgaria encountered very little on the path to a modern and consolidated democracy. Cultural aspects and the historical heritage may be explanations for the different performances in the implementation of reforms. As for the case of Romania, the pressures of European and other international organizations led to a fairly successful trajectory of reforms previous to accession in European Union. After the integration, the external pressure diminished and so did the internal efforts for further progresses.

Thus, my conclusion is that we should find solutions to create long term monitoring mechanisms to ensure the sustainability of reforms especially in new member states. Moreover, the development of such mechanisms will prove to be useful in the case of actual candidate states for accession in European Union and also for the countries that will be only partners of EU. Although the old member state are reluctant to any kind of European regulation or structure that will impose on their public administration, the proposal of this article is to identify a minimum set of principles, widely accepted at this moment among European Union member states, that will constitute a 'to do' list especially for those countries that are having difficulties in the implementation of sound and sustainable reform measures.

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