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The Implementation of the Decentralisation and Deconcentration Strategies in the Romanian Public Services

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Abstract:

Both deconcentration and decentralisation are used in the organisation of public services in Romania, but the lack of additional details has brought about confusion in the practical application of the two principles.

When implementing decentralisation and deconcentration in the management of public services, one must use a series of specific public management principles and regulations that should be constantly interdependent, aspects that the present paper will tackle.

The reform of public administration is currently focused on continuing the decentralisation process in several types of activities, while the apparent trend is to turn certain deconcentrated public services into decentralised ones.

Keywords:

public service, local government, decentralization, deconcentration, public administration management

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Introduction

Local public administration authorities from Romania are able to set up public services in any field of activity, according to Law no. 215/2001 republished. The normal functioning of any community requires a series of specific activities of general interest, such as water supply, transportation of thermal energy, gas distribution, sewerage, sanitation etc. These activities that meet general needs must be provided by local public authorities by virtue of being responsible towards the citizens that chose them to represent their interests. Recent reforms on providing public services in a decentralized manner transferred control rights to the local authorities which requires higher managerial effort and simultaneously introduces the competition between public sector providers (Halonen-Akatwijuka, Propper, 2008:203).

Decentralization means the transfer of administrative and financial powers for the supply of public services from the central authority to the local public administration. Its main goal is to provide better quality public services at a lower price while modernizing the structures responsible for the provision of these services.

With regard to constitutional regulation, the Constitution of 2003 added deconcentration to the principle of decentralization of public services through the article 120, replacing the phrase ‘decentralization of public services’ with ‘deconcentration of public services’. Article 123 removes the confusion between the concept of decentralization and deconcentration since it states that ‘the prefect is the local representative of the government and leads the deconcentrated public services of ministries and other central authorities from the territorial administrative units’.

Therefore, the organization of public services within Romania use both deconcentration and decentralization, but the absence of supplementary items determined a lot of confusion in the application of the two principles. Confusions occur particularly in the area of deconcentration. These territorial services of ministries and other specialized public central administration authorities (i.e. state services) are deconcentrated and not decentralized, as stipulated by the old Constitution. They are external services of ministries, namely public services dependent on ministries.

The essence of deconcentration is that local power holders are appointed by the central authority, but have the power to solve local problems without requiring approval from the central government, being still subject to its control; this is now the situation of departments of the ministries and other specialized organs of central government called by the previous Constitution 'decentralized', being actually deconcentrated services.

We can say that these public services of ministries organized in the territory could only be deconcentrated, the only decentralized public services being those organized in communes, towns or counties by the local public administration. The deconcentration of public services is a new concept, since neither the Constitution of 1991 nor other legal provision subsequently adopted provided it. Even the recent specialized literature hardly referred to this concept. Instead this concept is frequent in the doctrine, in the Romanian interwar legislation and currently in the legislation of many European countries.

The analysis of present situation of public services, in the context of its decentralization and deconcentration revealed a number of features materialized in strengths, weaknesses, opportunities and threats.

The SWOT analysis of public services in Romania

The SWOT analysis of public services from the table below shows the general context in which decentralization/deconcentration of public services will operate, regarding the elements that support the achievement of given objectives, areas where further interventions are necessary, and the least favorable aspects that could jeopardize the implementation of such process.

Given the fast pace of decentralization, a major problem faced by local authorities is represented by the limited capabilities of decentralized management skills.

Human resource management systems are poorly developed; training is limited and there is a very high fluctuation of civil servants. Considerable efforts are still needed to improve financial management and to supply the lack of computer equipment and the knowledge to use it.

It is also necessary the training of local authorities (public servants and local elected officials) regarding the budget decisions,

preparation and execution of local budgets, as well as identifying new local resources.

The main strengths, weaknesses, opportunities and threats that characterize public services in Romania, are summarized below.

Table no.1 SWOT analysis of public services in Romania

Strengths	Weaknesses
The existence of some policies, strategies, plans on decentralization or deconcentration of public services (existent or in the project phase)	A low level of own resources leading to the limitation of the expenditures for public services operation
Most services are organized in a decentralized manner, which allows local authorities to be closer to citizens	Political instability and continuous amendment of legislation on decentralization and deconcentration of public services
The existence of some indicators to measure the performance of public services offered to the population	Absence of partnerships between local authorities and the private sector to provide efficient public services
The functioning of public services in an accessible manner, at equal rate for all beneficiaries	Low uptake of reimbursable European funds
The existence of IT technologies that reduce the cost of public services	Continuation of global economic crisis, leading to the reduction of local budgets
The effective consultation of citizens in order to increase the range of services offered and receiving feedback on their quality	Low development of public infrastructure on public utilities, especially in rural areas
The increased number of public services for the population, especially in the urban area	Lack of motivation of human resources working in the public services, due on the one hand to the remuneration system, and on the

Opportunities	Threats
The existence of some development opportunities of public services due to the large amount of reimbursable European funds	Decreasing of the quality of public services due to the lack of financial resources
The increasing demand for some public services	Frequent change of directors of decentralized public services due to political appointments leading to difficulty in implementing the strategies
The improvement of public services as a result of local public authorities accountability	Lack of monitoring systems of the performance of public services which will lead to a decrease of their quality
Attracting private companies for public services in partnership	Further decline in the standard of living of the population in the North East
Specialization of some local subjects in providing a particular service (water, transport, sewerage)	

The SWOT analysis performed is based on the current situation of progress in the public services in Romania. Strengths and weaknesses refer to public services as a whole. The list of strengths establishes that there are already elements required for efficient public services, such as legal framework policy, strategy on decentralization and deconcentration of public services, a system of coordination and planning of public services, the existence of indicators to measure the performance of public services.

The weaknesses resulted from the SWOT analysis are arguments to approach the reform in the decentralization and deconcentration of public services, starting from the pursuit of decentralization and deconcentration and especially amending the legislative framework to ensure the stability of the services.

Opportunities and threats refer to external conditions of public services. The SWOT analysis identifies a number of opportunities that can stimulate the development of public services due to the large amount of reimbursable European funds and the trend of increasing demand for public services. The treats resulted from the SWOT analysis reflect the lack of a parallel financial decentralization of public services and the absence of effective systems on performance monitoring of services, which will lead to a decrease in quality.

Decentralization and deconcentration strategies in public services

The implementation of decentralization and deconcentration in the management of public services must use a specific set of principles and laws of public management, among which there must be a permanent interdependence.

Principles operating in the field shown are:

- *The principle of unitary management* of public services, which imposes the uniform management and organization of public services, where must be clearly defined the type of management used, the management style, the methods, the techniques applied, without which it would be impossible to achieve the objectives of public services;
- *The principle of autonomous management*, namely the existence of a degree of management autonomy, in order to enable faster adaptation of public services to the concrete conditions of the local community concerned;
- *The principle of flexibility*, determined by the changing needs of the citizens of a community, resulting in the emergence of new services, respectively the giving up or modification of previous services, requiring rapid adaptation to permanent changes of social life;
- *The principle of continuous improvement*, which must take into account the changes in the internal and external environment of the public service because change is a complex and long lasting process, requiring that public managers perform an analysis to identify differences between expected goals and results;

- *The principle of efficient administration*, which requires effective management of all human, material and financial resources using the management processes and relationship;
- *The principle of legality*, which means that operation, organization, coordination of any public service must be made within a certain legal framework, always under the law (Ignătescu, 2013:203).

One element of decentralized public management is the reorganization, rationalization and restructuring of the public sector, in order to obtain public services corresponding to the customers' expectations in terms of quality and price (Androniceanu, 2007:56).

Deconcentration of public services is actually an empowering of services located in the administrative-territorial units to achieve their tasks at this level, their duties and powers arise from those that ministries and other specialized institutions of public central administration have, public services belonging to them.

Decentralization, in terms of services, consists in transferring up to a certain degree of the powers of central government to local public authorities on which they depend, and operating almost completely under the authority of their own organs, having financial and legal individuality.

Currently, reforming local public administration envisages continuing the decentralization process in many fields, the tendency being of transforming public services deconcentrated in decentralized public services. Thus² :

- In the field of public health it is aimed the transfer of County Directorates for Public Health, medical equipment centers, treatment centers, medical centers and ambulatory centers to the local public authorities , without inspection and control functions
- The local authorities will take the administration of sports and youth centers, school camps, recreation centers, student clubs as well as local sporting clubs
- public order department aims to strengthen the role of local authorities by establishing local police, with competences including road traffic within the localities

² According to the Draft law on decentralization, 2013, accessed on November 11th 2013

- Culture department aims to decentralize cultural institutions remaining under the Ministry of Culture and National Heritage, beneficiaries being mainly the local communities. They will pass under the local county departments of culture and heritage, as well as properties such as performance rooms or garden stages;
- the National Tourism Authority will be moved to the County Councils, which will have competences of authorization and classification of tourism;

The evolution of various governances especially those from Europe showed a strong trend towards decentralization of public central administration and transforming some deconcentrated services into decentralized services.

In Romania, to set up the public services is the exclusive attribute of deliberative authorities, i.e. local councils, and their organization and operation is the attribute of the executive authorities, namely the mayors. However, most local public services are set by deconcentration of public services of central government at the local and territorial level, under the control of the prefect (representative of the central government) (Alexandru, Cărăușan, Popescu, Dincă, 2002:88).

Therefore, Law no. 215/2001, republished in 2007 stipulates that public services of the commune or town shall be set up and organized by the local council in the main areas of activity, according to local needs, respecting the law and within its available financial resources (Article 87). They are decentralized public services in the true sense of the word.

In order to provide local services, local administration authorities shall exercise, by law, exclusive competences, shared and delegated powers.

In terms of real framework of decentralization of public administration, the local authorities should exercise exclusive competences on:

- road transport infrastructure of local interest;
- public utility services: water supply, sewerage and waste waters treatment; local public transportation; sanitation; public lighting; centralized heat supply;
- youth and sports;
- culture;
- territorial planning,

- public health;
- public order and safety, road safety;
- secondary school education, special education in comprehensive schools;
- pensions, employment and unemployment;
- Social services etc.

By definition proposed by NUCCR (members of the National Union of County Councils of Romania), the exclusive competences of local authorities are powers assigned by law to local authorities on local public policies, administrative and institutional subordination, asset management, financial and human resources, towards which they are responsible. Within them, local public administration authorities have the right to decide and the resources and means necessary for the accomplishment of their tasks, in compliance with rules, criteria and standards established by law.

Conclusions

Currently there is no coherent and comprehensive framework for public services, several laws regulating in a disparate way the aspects related to public services.

The term decentralization is defined as a mechanism by which local administration government receives the authority and resources necessary to make decisions concerning the provision of public services (Bilouseac, 2005:35-38).

The process of decentralization of public services will ensure the taking over of administrative and financial powers of some activities by local public administration authorities – county and local councils, and represents one of the objectives that Romanian public administration has to fulfill in the future.

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