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ADMINISTRAȚIE
ȘI MANAGEMENT PUBLIC

Collaborative Governance, Trust Building and Community Development

Conference Proceedings

'Transylvanian International Conference in Public Administration',
October 24-26, 2019, Cluj-Napoca, Romania

Editors:

Cristina **HINȚEA**

Bianca **RADU**

Raluca **SUCIU**





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Foreword

Public Administration and Management Department (PAMD) at Babeş-Bolyai University, Romania, has been since its establishment in the mid-1990s at the forefront of the movement to reinstate and redevelop higher education programs and research in public administration in Central and Eastern Europe (CEE). In most of the CEE countries, public administration education during the communist regimes was done by party schools and was clearly subordinated to political influences and political doctrine. After the collapse of the communist regime in Romania, PAMD, with the support of Western European and American partner universities, has been instrumental in the development of an interdisciplinary curriculum for public administration programs and for supporting empirical research as an important component of their mission. PAMD at Babes Bolyai-University is currently recognized at both national and international level as a leading teaching, research, and training entity in public administration. For two consecutive years, 2018 and 2019, DAMP was ranked in the quartile 150-200 in the Shanghai academic ranking, surpassing many other similar PA programs from other countries in the CEE region.

Cluj-Napoca, the city which houses Babes-Bolyai University, is currently experiencing tremendous economic and social growth. Universities are a key engine for the growth of the city, together with the IT sector and creative industries. Cluj is currently regarded at both national and regional level as a positive example of urban growth which is the result of cooperation among the city, on the one hand, and other relevant stakeholders, on the other hand. The city is praised for implementing participatory mechanisms which allow citizens and interest groups to have a saying in how the city develops and in how decides its strategy for the years to come. DAMP has provided pro-bono consultancy for the city regarding the drafting of local master plans and sectorial comprehensive plans since mid-2000s. Currently, PAMD is deeply involved in conducting different analyses and studies for the city and its metropolitan area regarding quality of life and moreover factors which make the city of Cluj-Napoca more resilient and sustainable in how it develops compared to other cities.

Due to its leading role in the CEE region in the area of public administration higher education, PAMD organizes dissemination and networking events for PA scholars and practitioners. One important tool for bringing together academics, re-

searchers, and practitioners in public administration is the *Transylvanian International Conference in Public Administration*, held annually in Cluj-Napoca, Romania, in the months of October or November. The conference allows PAMD to use the city of Cluj-Napoca as a living lab for illustrating different practical implications of relevant scientific topics and paradigms. This is why, the conference is organized in partnership with the City Hall of Cluj-Napoca and the mayor of the city usually offers in his welcoming message the municipality's vision on the topic of the conference.

In 2019, the *Transylvanian International Conference in Public Administration* took place from 24 to 26 October. This event was envisioned to bring together academics, researchers and practitioners in the field of public administration from all over the world and to create the framework in which they can exchange ideas, disseminate best practices and develop networking opportunities for future teaching, research, and capacity building projects.

The overarching topic for 2019 is collaborative governance, trust building and community development. Increasingly, governments and public sector organizations at all levels are no longer the sole actors involved in shaping the future of their communities. The paradigm of governance has implied a transition to multi-actor networks which function based on collaboration/partnerships. These networks are constantly reshaped through the action of their members as well as under the influence of contextual factors. Success or failure of such networks often depends on complex issues such as building trust among partners and developing a culture for shared visions. The conference is designed as a venue for identifying how partners belonging to different sectors can cooperate better and to share success stories of communities that managed to improve service delivery, to increase cooperation among sectors, and to empower their citizens through meaningful participation to decision-making processes.

An impressive body of renowned academics and practitioners took part in the conference. Their expertise in shaping policies and enhancing the quality of governance both in their home countries and worldwide is significant.

As part of this conference several separate workshops were held. One workshop was addressed to PhDs and young researchers. The workshop on PA journals and research included a roundtable discussion on cooperation between two PA journals – *Teaching Public Administration* (Sage) and *Transylvanian Review of Administrative Sciences*, produced by the Department of Public Administration and Management at Babeş-Bolyai University. More broadly, challenges and opportunities pertaining to research and teaching in PA were discussed and how different EU and American universities can cooperate in this field. The panel on Japan-Romania cooperation: Japanese business and academic presence in Romania. Future developments looked at linkages and cooperation strategies among universities, businesses, and public authorities from Japan and Romania.

The present book includes a selection of the papers presented in all sections of the conference. The intention of the conference organizers is to disseminate the materials discussed during the conference and to generate scientific debates beyond the two days event. Papers presented by the PhD students are included, as an opportunity given to young researchers to publish the results of their work, even if it is still work in progress.

Our hope is to be able to increase the visibility and reputation of international conferences organized by universities/departments. While we acknowledge that big and well known conferences such as EGPA (European Group in Public Administration) and NISPAcee (Network of Institutes and Schools in public Administration from Central and Eastern Europe) play an important role, smaller conferences are also crucial for not only their scientific value but also for providing venues for interaction between academia and practice, between practice and PhD students, and among a variety of scholars who call public administration their area of interest. The book is a natural extension of the conference and serves similar purposes. Moreover, PAMD has significant experience in publication of scientific papers. The Department publishes independently a prestigious journal in PA, namely, *Transylvanian Review of Administrative Sciences*, a publication indexed by Thompson Reuters in Web of Science since 2008.

We would like to thank all conference participants for attending *Transylvanian International Conference in Public Administration*, 2019 edition, and for their contribution to this book.

Local conference organizers
Cluj-Napoca,
4th of August, 2020

THE NIS DIRECTIVE AND THE SMART CITY

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Abstract

This contribution attempts to apply the EU NIS Directive (EU 2016/1148) and the corresponding EU cyber-security strategy to the smart city. It will present the NIS framework and show in how far it aids in meeting its cyber-security challenges – but also where its limits lie for it has to be supplemented by national or even sectorial, frameworks. The paper also provides concrete suggestions for developing the directive further.

Keywords: NIS Directive, cyber-security, smart city, European Union, cyberattack.

1. Smart cities – a bright new future with some things to heed

The Internet has forced nations to look well beyond themselves in an effort to protect their critical infrastructure, as the internet knows no boundaries and a cyberattack can occur from anywhere in the world destroying infrastructure and crippling nations. Member States have been relying on each other for the supply of goods or services long before the internet, but it is the nature of the internet open cyberspace that has in effect caused Member States to unify their interests, taking national security to a new level. National security now means working with Member States as never before to find common ground and solutions for defense that go well beyond territorial space. This is the framework in which the NIS Directive came into being and this paper attempts to put it in the context of the smart cities concept.

There are a number of definitions of the ‘Smart City’ (see Smart Cities Council, undated) that provide a good overview. The technical essence arguably is: (i) the combination of connected sensors (and to a lesser extent actuators)¹, (ii) interconnected applications including internet – and app-based service delivery to citizens, and (iii) business analytics, the latter being increasingly augmented by the combination of in-memory computing (Prosser, 2018) and artificial intelligence. In-memory provides the capability to quickly search terabyte quantities of individual transactional data (not just aggregates as in a data warehouse, see Prosser (2014) for numerical considerations), and at the same time run algorithms of artificial intelligence over this data².

2. The NIS Directive

On the July 6, 2016, the European Parliament passed Directive (EU) 2016/1148, commonly known as the ‘Network and Information Systems’ Directive (NIS Directive)³. The NIS Directive formulates a defense strategy to combat and respond to cyberattacks that would endanger the critical infrastructure of Member States. At the heart of the problem is not just that critical infrastructure can be tampered, but that there is no way to make cybercriminals responsible for their actions without the cooperation of Member States. If criminals cannot be made responsible for their actions⁴, then nothing can be done about the crimes they commit, leaving nations open to be abused and exploited.

1 Also referred to as the Internet of Things (Holdowsky *et al.*, 2015), whereby hitherto closed infrastructures are opened up (Ross, 2017).

2 For a relevant commercial application example see SAP Leonardo (SAP, undated).

3 See Directive (EU) 2016/1148 of the European Parliament and of the Council. In this paper, article, annex or recital references without further indication refer to this directive.

4 This notion is most clearly addressed in the UK’s national cyber security strategy (UK Government, undated).

We should also be aware that cyber security is no longer merely a national task. Technology, including the internet, has made the trade of goods and services seamless across borders and, hence, the supply of goods and services in all its forms need not be limited by its physical location. This has also caused Member States to reflect upon their dependency on other Member States in this regard⁵.

The NIS Directive also asks that Member States consult with the European Union Agency for Network and Information Security (ENISA) in relation to cyber issues in order to force Member States to inform themselves of the standard expected for cyber-security and -management, so there is no mistake as to the minimum obligatory requirements (Articles 36 and 4).

The directive distinguishes between ‘operators of essential services’ (OES) and ‘digital service providers’ (DSP). Article 5 gives the criteria for defining OES with Annex II listing them (in pursuance of Article 4.4, essentially as (i) electricity and energy, (ii) transport⁶, (iii) banking, (iv) healthcare providers, (v) drinking water supply, and (vi) ‘digital infrastructure’. The last point however does not include Internet Service Providers, but only (some) of its core functions (cf. Annex II.7)⁷, namely:

- IXPs, that is nodes to ‘interconnect networks’ (Recital 18) of ‘autonomous systems’ (Article 4.13)⁸;
- Domain Name System (DNS) services; and
- Top-level-domain (TLD) name registries.

Then, there are Digital Service Providers (DSPs), for whom less stringent requirements apply (see below). These services are outlined in Annex III as: (i) online marketplaces, (ii) search engines, and (iii) cloud computing. Whereas the first two are clearly defined terms, ‘cloud’, however, appears to be a rather nebulous term and is used for a number of technical arrangements⁹. A more stringent technical terminology is recommended.

The NIS Directive fails to mention Internet Service Providers (ISP) in the list of digital infrastructures in Annex II. Internet Exchange Points (IXP) are only the junction between ‘autonomous systems’ (Article 4.13); however, the autonomous

5 This includes inter-twined infrastructures such as the electricity grids or transnational logistic chains for fuels; these interdependencies are explicitly recognised in Recital 3.

6 In the context of road transport, however, only road authorities and operators of ‘intelligent transport systems’ (Annex II.2.d).

7 Another notable omission refers to trust service providers (Recital 7).

8 ‘Internet exchange point (IXP)’ means a network facility which enables the interconnection of more than two independent autonomous systems, primarily for the purpose of facilitating the exchange of internet traffic; an IXP provides interconnection only for autonomous systems’.

9 The National Institute of Standards and Technology (NIST) defines the evolving paradigm of the ‘cloud services’ (National Institute of Standards and Technology, 2001).

system itself is not included, neither as an OES nor as DSP. ‘Autonomous system (AS)’ is a clearly defined *terminus technicus* in the Internet world as:

‘[...] a set of routers under a single technical administration, using an interior gateway protocol (IGP) and common metrics to determine how to route packets within the AS, and using an inter-AS routing protocol to determine how to route packets to other ASes.’ (RFC 4271)

The above definition corresponds to the function of an ISP. Internet Assigned Numbers Authority (IANA) also assigns AS numbers to regional internet registries, a decentralized process that ultimately ends up at the individual service providers¹⁰. The directive hence only includes the IXP between ISPs, not the ISPs (‘autonomous systems’) themselves. In regards to ‘undertakings providing public communication networks or publicly available electronic communication services’, Recital 7 refers to Directive 2002/21/EC, which applies to a large number of audio-visual networks including TV and radio. This directive mainly deals with fair market conditions, frequency allocation and other regulatory requirements. The only reference to network security is given in Article 8.4 (f) whereby national regulators are obliged to ensure ‘that the integrity and security of public communications networks are maintained’ (Directive 2002/21/EC of the European Parliament and of the Council).

This glaring omission is neither understandable nor reproducible. It plainly does not make any sense. Considering the importance of DSP availability for the Annex II services, we would argue to include ISPs in the list of services in Annex II in future editions of the Directive (cf. the review clause in Article 23.2).

It should also be noted that there are other inter-dependencies between the OES in Annex II:

- Electricity and water, both for drinking and hygienic purposes, are inter-twined: in most cases, the water supply depends on the availability of electricity because pumps are needed to produce the necessary pressure in the pipes to deliver the water (Petermann *et al.*, 2011, pp. 14, 125). There are only a few exceptions, for instance in Alpine areas (e.g., Vienna), where the water supply works with the natural pressure of communicating vessels (City of Vienna, undated).
- Another example would be banking (and thereby the ability to obtain cash) and electricity (Sweden, undated). In this context, a cash-less society would pose enormous risks in the case of a blackout. In this context, the Swedish decision to move to a cash-less society should seriously be reconsidered.

The NIS Directive recognizes the importance of a coordinated approach (as embodied by ENISA), but it does not in the least disregard the responsibility of the

¹⁰ Internet Assigned Numbers Authority (undated); for a list of Austrian Autonomous System Numbers assigned to Internet Service Providers see IPinfo (undated).

Member States:

- In the first place, this concerns national security (Article 4.3) which also has to be seen in the context of the Treaty of the European Union (TEU), Article 4.2: ‘In particular, national security remains the sole responsibility of each Member State’.
- Even beyond that, Article 3 of the NIS Directive determines a ‘minimum harmonization’ in that Member States may implement measures beyond the minimum level required by the directive.
- The entire Chapter II of the directive finally outlines the national responsibility of the Member States.

3. National strategies

3.1. *General considerations*

The Directive calls for national initiatives (Article 7.1) most importantly in regards to:

- The establishment of a national strategy for network and information system security, a risk assessment and a governance framework for achieving it;
- Measures for preparedness and response; and
- Education and awareness-raising measures and pertinent research activities.

The key organizational element in this context is the establishment of computer security incident response teams (CSIRT, cf. Article 9). Annex I details their tasks, most importantly:

- Incident monitoring on a national level;
- Alerts and early warning, situational awareness;
- Incident response; and
- Cooperation with the private sector, other CSIRT (cf. Article 12) as well as ENISA and the Commission (Article 11).

In this context, ‘situational awareness’ and ‘incident response’ appear to be the key elements in any real-world cyber-defense, whereby the former is the key prerequisite of the latter. From a practical point of view this imposes the following practical requirements:

- Establish smooth working conditions between entities covered by the CSIRT and the CSIRT to ensure a timely flow of information in both directions; this includes non-disruptable channels of communication between CSIRT and the entities;
- A sufficient number of highly qualified personnel to provide the situational awareness, to identify threat patterns early on, to devise effective counter measures and to coordinate and guide entities to limit damage and ultimately resolve the security issue;

- Forensic activities to support law enforcement in tracking down the source of the disruption; and
- Design and disseminate preventive measures.

The key element here is ‘sufficient number of highly qualified personnel’. We argue that this is the key factor between a CSIRT that monitors, advises and coordinates and a CSIRT that provides effective incident response as required in the directive.

3.2. *Austria*

There are seven CSIRTs listed in the ENISA directory for Austria (European Union Agency for Cybersecurity, undated): A national CSIRT (cert.at), two for financial institutions, the Austrian energy CSIRT, one ISP and two government CSIRTs (federal and general public administration and one for Vienna). cert.at also lists seven additional CERT (computer emergency response teams (Online Sicherheit, undated)) that are however not registered with ENISA. They cover diverse areas, such as social security, telecom companies or the Vienna transport system (in addition to the Vienna administration CERT). Two observations can be made:

- The approach is fragmented and not systematically structured; and
- It may be doubtful if the institutions are sufficiently staffed.

The staff directory of cert.at, the national CSIRT, lists seven team members (Austrian National CERT, undated), which is barely sufficient to provide a 24x7 shift service. This is certainly sufficient for observation, education and information dissemination activities, but not even remotely sufficient for incidence response in the case of a severe attack on the national infrastructure. It remains to be seen whether the situation is substantially different in other Member States.

3.3. *The way forward*

3.3.1. *The NIS Directive*

The first step appears to be to include ISPs as OES. Not only are ISP services essential in themselves, they are integral part of a number of OES already listed in Annex II, such as financial services, electricity or transportation.

Another point concerns the liability of OES. The NIS Directive neglects to address the issue of liability to the extent that it would ensure that OES are protected (cf. Recital 50). Liability is a decisive factor in ensuring that the best quality of goods and services are supplied to the OES and liability should be proportional to the impact that a disruption of an Essential Service (ES) would cause. In this way, private industry is forced to take responsibility for what it produces and to whom it supplies what it produces.

3.3.2. Security-sensitive solutions

Standardization means accessibility to technology giving cybercriminals opportunities to study the technology for security leaks. In this way variation and a move away from standard industry software is an advantage¹¹, even if the technology may be less sophisticated. On the other hand, it is important to distinguish between the latest advancements technologically and that which is proven to be stable and secure yet may lack convenient functionality¹².

3.3.3. Soft factors

There is no such thing as a secure information system, however, security is not only defined by ‘hard’ technological factors. There are at least three other elements: (i) education of users, (ii) proactive measures preventing cyber-crime, and (iii) educating cyber experts to fill the ranks needed.

It should become mandatory and a matter-of-fact to teach new (and also existing) employees cyber-security basics. An example may be the hacking of the email server of the Democratic Party in 2016, which reportedly originated from a spear-phishing attack on John Podesta, Ms. Clinton’s campaign manager (Murnane, 2016). Cyber-security training for everybody should become corporate standard.

Among the proactive measures, the most important seems to be a respectful and appreciative work climate. The worst cyber attacker is a disenfranchised, disgruntled or even genuinely maltreated employee who then constitutes a security risk (Izuakor, 2019). Proactive measures should be taken to create a positive workplace climate to avoid these developments.

The NIS Directive calls for CSIRTs to be established. However, these response teams need to be properly staffed, which requires a trained workforce (cf. also Annex I). University but also sub-university level educational institutions should be called upon to produce this skilled workforce.

11 There are, for instance, Linux derivatives specifically geared to non-standard security-sensitive applications, such as enGardeLinux (undated). Running security-sensitive applications on general-purpose (and possibly even outdated) software is not an advisable approach, yet it happens in some rather astonishing contexts (Boyle and Farmer, 2017).

12 A technical example may be X-terminals instead of personal computers. X-terminals are display/entry-only devices without any local software installed. The entire application is run on a server, which is then calibrated accordingly. There is no opportunity to attach local devices, such as USB sticks, and in most cases, the minimal local software (mainly graphics drivers) is installed on ROM (Linux, undated) and hence cannot be altered. Since all user interaction is processed at the server, there is a complete log on every user activity including online checks monitoring user activity on a real-time basis.

3.3.4. Criminal law

The NIS Directive takes a defensive standpoint, and although we do need to look at the problem from this perspective, very little has been done to tackle the problem from an offensive standpoint, except to adopt measures that deter possible cybercrime as in Article 21. This means that Member States are free to decide on the penalties for cybercrimes pertaining to critical infrastructure that are committed in their state. A European wide penalty system would be more appropriate in this context.

4. Conclusion

The NIS Directive – with all its shortcomings – is a milestone towards a common European cyber-security space. It provides a common organizational framework and standards, and it provides for cooperation and information exchange. We have listed some potential for improvement in the last sections. However, the most important conclusion is that the directive does not and cannot be a substitute for properly equipped and staffed response teams on the operational level. We would encourage Member States to invest in this resource, as the costs incurred are negligible compared to those of a severe incident.

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CHALLENGES OF TRUST-BUILDING IN EU INSTITUTIONS: SERVICES OF GENERAL INTERESTS BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION*

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Abstract

The article examines the link between public trust and effective enforcement of legal rules, in the context of regulation and management of public services/services of general interests (SGIs). Considering the severe challenges that the European Union and its Member States have to overcome nowadays, trust in institutions being responsible for public service delivery at different governance level is a crucial issue. Due to the evolution of the legal framework in this area, the EU is an important supranational actor in the regulation of such services today, even for those provided at local level. The present paper aims to highlight the enforcement problems of those EU law obligations which directly or indirectly concern public service provision in the Member States. We will see that the operation of judicial proceedings and other enforcement instruments raises many questions on the effectiveness of EU rules in this particular area. These are able to influence the level of trust in the actions of the EU institutions (the European Commission and the EU judicial bodies in this context). The paper is based on comparative policy investigations and analysis of the European legal framework including the case-law of the Court of Justice of the European Union.

Keywords: Services of General Interest (SGI), Services of General Economic Interest (SGEI), enforcement of EU law, Court of Justice of the European Union (CJEU), public trust.

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1. Introduction

The article examines the link between public trust and effective enforcement of legal rules, in the context of regulation and management of public services/services of general interests (SGIs). Considering severe challenges that the European Union and its Member States have to overcome nowadays, trust in institutions being responsible for public service delivery at different governance levels is a crucial issue. Due to the evolution of the legal framework in this area, the EU is an important supranational actor in regulation of such services today, even for those provided at local level. The present paper aims to highlight the enforcement problems of those EU law obligations which directly or indirectly concern public service provision in the Member States.

The first part of the paper explores the substantial and procedural rules of the relevant EU legal framework. In this context, a particular emphasis is laid to the role and degree of discretionary powers left to national authorities in defining the underlying concepts and measures needed to take to fulfil the Member States' public service obligations.

We will see that enforcement challenges may also be derived from the terminology itself. The operation of judicial proceedings and other enforcement instruments raises further questions on the effectiveness of EU rules concerning public service provision in the Member States. The second part of the paper focuses on the most challenging issues in this field.

Finally, those factors will be examined and tested on the SGI related case-law of the Court of Justice of the European Union (hereinafter CJEU or Court depending on the context) which may influence public trust in judicial bodies. In this respect, not only the citizens' perspectives will be focused, but also those of the companies/other legal entities as actual and potential service providers in the internal market of the European Union. We argue that sector specific analysis of trust in EU institutions would have relevance in order to better identify those factors which may have an impact on the level of public confidence.

2. Conceptual background

EU law, though it also uses terms evolved at national level (i. e. public utilities or/and public services), has a distinct conceptual framework (for details, see Szyszczak, 2017). The EU terminology is based on the categories of Services of General Economic Interest (SGEI), Services of General Interest (SGI) and Services of Social General Interest (SSGI) (European Commission, 2006). The former (SGEI) is used in primary law texts, without being defined in the Treaty or in secondary legislation. However, in the case-law of the CJEU and EU Commission practice there is broad agreement that SGEI refers to services of an economic nature, with the

Member States or the EU being subject to specific public service obligations (PSO) as compared to other economic activities by virtue of a general interest criterion (Cases C-179/90 *Merci convenzionali porto di Genova* and C-242/95 *GT-Link*). The term SGI, the closest EU law equivalent to the traditional notion of public services (Sauter, 2014, p. 17), is also derived from the practice. It is broader than SGEI and covers both market and non-market services which the public authorities classify as being of general interest and subject to specific public service obligations (European Commission, 2011).

3. Methodology

The present paper is based on comparative policy investigations and analysis of the European legal framework including the case-law of the CJEU. For the empirical part of the research, we obtained data from Eurobarometer surveys (European Commission, 2013; European Commission, 2018), as well as a specific CJEU case-law database containing a thematic collection of all CJEU cases relating EU Member States' legislation and administrative practice in the provision of services of general interests (non-published database of the MTA-DE Public Service Research Group, hereinafter SGI case-law database). Annual reports of the CJEU (CJEU, 2000-2018) have been also used for statistical analysis.

4. Services of general interest in the European integration

As a general rule, EU internal market and competition rules apply to services of general economic interest as well, save where they fall under specific regulations or exceptional clauses of the EU Treaties. In this section, we will briefly outline the legal fundamentals relevant to SGIs including those provisions escaping them from the generally applicable market rules.

Article 106(1) of the Treaty on Functioning of the European Union (hereinafter TFEU) generally states that public undertakings and those entrusted with special or exclusive rights are not exempted from EU competition rules. Article 106(2), however, lays down a derogatory regime for services of general economic interest (Bauby and Similie, 2016, p. 19), providing that these undertakings are subject to EU competition law provisions (that is Articles 101, 102 and 107 TFEU) only in so far as the application of such provisions does not obstruct the performance of their particular public service obligation.

Most cases concerning the conflict between EU competition rules and public services have been examined in the context of dominance abuse, state aid rules (Sauter, 2014, p. 75). Granting exclusive or special rights to an undertaking often generates the dominant position itself that is the precondition for unlawful con-

duct under Article 102 TFEU which, as Article 106(2) suggests, may nevertheless be saved by referring to the ‘particular tasks assigned to them’. The legality of public monopolies and other entities (often operating as state-owned companies) enjoying exclusive or special rights is supported by the freedom of Member States to choose their system of property ownership, guaranteed by Article 345 TFEU (Sauter, 2014, p. 44).

State aids are in principle prohibited under Article 107(1) TFEU, unless they are found to be compatible with the internal market due to their specific objectives under paragraphs (2) or (3) of the same provision. In the case of SGEI, however, public service obligation compensation (see below) does not qualify as state aid. In addition, non-economic SGI a priori fall outside the scope of Article 107 TFEU, since state aid rules only extend to services that qualify as economic activities (Sauter, 2014, p. 76).

General internal market and competition rules do not apply (or only as background rules/principles) if SGIs are subject to secondary legislation on specific sectors like electricity, telecommunication, etc.

Although the above provisions existed from the very beginning of the European integration process, their role and significance have changed over time. The ‘Europeanization of public services’ started only in the mid-eighties with the entry into force of the Single European Act (SEA). The process of creation of a single market engaged by the SEA led to a progressive liberalization, sector by sector (Bauby and Similie, 2016, p. 3). As the national markets in transport and energy have become integrated with this conception, public service obligations have been obstacles to market creation (Opinion of AG Colomer in case C-265/08 *Federutility*; Prosser, 2005, p. 121).

Critical movements against this free market orientation led to the first Commission Communication on services of general interest of 1996 (European Commission, 1996), which laid a particular emphasis on the social elements of public services as well as the limits of market forces (Prosser, 2005, p. 156). Then, the Treaty of Amsterdam of 1997 has been amended by a new Article 16 of the Treaty of European Community (TEC) which, among the fundamental principles of the EU, reinforces the constitutional importance of the role and protection of SGEI obligations. As safeguarding public services is primarily the interest of the Member States, the provision can be seen as a confirmation of the Member States’ traditional prerogatives and discretionary power in the organization of such services (Rusche, 2013, p. 102; Schweitzer, 2011, p. 55).

The ‘safeguarding’ provision introduced by the Amsterdam Treaty (ex-Article 16 TEC, now Art. 14 TFEU) has been slightly (but importantly) modified by the Lisbon Treaty, with an express reference to the protection of national autonomy. The new provision expressly pointed out the Member States’ competence to provide, to commission and to fund such services. A Protocol on Services of General

Interest (No. 26) was also added to the Treaties (TEU and TFEU). Reading Article 14 and the Protocol together, there is an even higher emphasis on national and local interests and a more state-centered approach seems to be applied to the protection of public service values. Moreover, the Charter of Fundamental Rights including the right to access to SGEI became binding with equal effect to the Treaties by entering into force of the Lisbon Treaty in 2009. These provisions reflect a political signal from the authors of the Lisbon Treaty that there is a need for protection of SGEI and particular local interests attached to them against the efforts of liberalization (Rusche, 2013, p. 106; Krajewski, 2011, p. 186).

The Commission's legislative activity from the mid-2000s was largely influenced by the case-law of the ECJ. The leading decision is the *Altmark* judgment of 2003 (C-280/00 *Altmark Trans*) in which the Court held that the discharge of PSO is not covered by Article 107(1) TFEU where it merely compensates the provider of a public service mission for the costs that arise due to the performance of the PSO and determined four cumulative criteria which have to be met for not qualifying public service compensation as state aid. By declaring this group of financial compensations out of the realm of the state aid concept, the Court, in essence, largely reduced the monitoring and decision-making competence of the Commission over national measures granting compensation for public services (Bauby and Similie, 2016, pp. 8-9), as the judgment allows for a self-assessment by Member States of that issue.

5. Enforcement challenges in SGI cases

All the above specific features of substantive SGI regulation at the EU level – in particular, the strong emphasis on the national competences – have a significant impact on procedural aspects as well. Enforcement challenges may be derived from the terminology (SGEI, SGI, SSGI) itself since there is a quite unclear borderline between the respective terms. The ambiguity of the relevant concepts may raise several problems as we will see in the following section.

5.1. Concepts as enforcement challenges

First of all, neither the ECJ nor the Commission provide further precision for the concept elements of 'general interest' and 'special characteristics' of SGEI (Bauby and Similie, 2016, p. 20). Within the framework established by fundamental rules of EU law, the case law acknowledge that Member States have a wide margin of discretion when defining what they consider to be an SGEI or SGI (Case T-106/95 *FFSA and Others*). Definitions given by Member States may be subject to control of the European Commission only for manifest error (European Commission, 2012) and in most cases, these definitions were validated by the CJEU case law (see for

instance Cases T-289/03 *BUPA* and T-17/02 *Fred Olsen*) and the European Commission's practice (Bauby and Similie, 2016, p. 21). Member States thus remain relatively free in determining the scope of those activities which, by reference on the SGI-exception clauses examined above, may be 'saved' from the generally applicable EU law rules.

Secondly, delimitation between SGEI and non-economic SGI (NESGI) would be especially important as only the latter category is exempted from EU internal market and competition law rules, though NESGIs are also subject to the most fundamental principles of EU law such as transparency, non-discrimination, proportionality or citizenship provisions of the Treaties (Szyszczyk, 2017). However, the concept of 'non-economic' services is not clearly defined in EU law due to political choice, economic developments or evolution of users' needs, the classification of a given service can change over time (European Commission, 2012) and therefore it is not possible to draw up an exhaustive list of activities that a priori would never be economic. Thus, a large 'grey area' exists between these two categories (SGEI – NESGI), in particular in the field of health, education, social services and housing (Bauby and Similie, 2016, p. 16).

5.2. Procedures available at the EU level

In this section, we summarize the most relevant procedural tools at EU and national level being used for the enforcement of the Member States' SGI-related obligations explained above. As was already mentioned, the majority of cases have been examined in the context of dominance abuse, state aid rules or sector specific legislation.

5.2.1. Enforcement of state aid and competition rules

The effective enforcement of EU state aid rules very much depends on the scope of those measures which are notified to the European Commission. As a main rule, all new aids must be notified before putting them into effect. There are, however, exceptions to mandatory notification. As was mentioned above, the *Altmark* judgment largely reduced the monitoring and decision-making competence of the Commission over national measures granting compensation for public services since aids meeting the *Altmark* criteria became exempted from the notification obligation. The Commission's legislative activity, although it was not its declared aim, definitely followed that line raising several concerns for Member States' compliance.

The Commission is also authorized to investigate cases of suspected infringement of Article 102 TFEU (prohibiting abuse of dominant position) and to prohibit the infringement or impose fines on the firm(s) concerned. Before 2004, the enforcement of antitrust procedure has been only a matter for the Commission. Since then,

however, the system has been decentralized by giving the primary enforcement role to national competition authorities (NCAs) in the Member State and national courts. The reform is significant given the fundamental divergences in attitudes to the treatment of public services between different Member States; therefore, on the one hand, decentralization could be seen as promoting greater responsiveness to national sensitivities but, on the other, it makes a consistent approach more difficult given the major differences in national law and policies (Prosser, 2010, pp. 316-317). The practice also shows that it is very often a difficult task for the national courts to find the right balance between economic and social factors in competition law cases concerning public services (especially welfare services) and sometimes even the ECJ's preliminary rulings leave important issues to be solved by the national courts (Nistor, 2011, p. 203).

5.2.2. Enforcement before the CJEU

The CJEU has four main procedures: (1) preliminary references from Member State's courts (*preliminary ruling procedures*), (2) enforcement actions by the Commission (or rather rarely by a Member State) against a Member State (*infringement procedures*), (3) review of the legality of actions of the EU institutions (*annulment procedures*), and (4) the actions for damages against the EU institutions (Conway, 2018, p. 235). In SGI case-law, the first three (1–3) procedures are relevant, the fourth one plays a rather marginal role if any.

The *preliminary ruling* procedure not only gives an opportunity for national courts of being assisted by the Court's interpretation in the individual case, but also serves as a platform for sending message to the Member State concerned on the EU-law compatibility of its legislation (or administrative practice) being applicable in the national court's proceeding. The final judgment is, however, issued by the national court deciding the concrete case and its impact on the Member State's infringement is only indirect.

At the EU level, infringement proceedings under Articles 258-260 TFEU are the classic methods of supervision of Member States' obligations under EU law. Deciding whether or not to initiate the procedure and bring an action before the Court under Article 258 falls within the discretionary power of the Commission (or another Member State under Article 259 TFEU). If the Court finally concludes that the Member State has failed to fulfil its EU law obligations, a declaratory judgment is issued which gives no further guidance as to what steps the Member State must take to put an end to the infringement. Article 260 infringement proceeding, where the Court has the competence to impose fines or penalties, may be initiated only at this stage, if the Commission considers that the Member State concerned has not taken the necessary measures to comply with the judgment under the previous (Article 258 TFEU) proceeding.

The parties subject to a Commission decision under the state aid or antitrust procedure, have the right to appeal to the General Court for the decision to be annulled. Judgments of the General Court can be appealed before the Court of Justice by the unsuccessful party, however, these appeals are limited to questions of law only.

6. Discussion: public trust and CJEU procedures in SGI related cases

One of the key factors of measuring the effectiveness of mechanisms examined above is the level of public trust in institutions being responsible for the enforcement of EU law obligations which directly or indirectly concern Member States' tasks of providing public services to their citizens. In the following, we examine survey results related to public trust in CJEU as well as the academic debate on these surveys. This analysis enables us to supplement our findings based on the SGI case-law database and to draw further conclusions on the nature of EU enforcement instruments in this particular area. This is the reason why we focus on CJEU surveys only and do not extend our analysis on the European Commission or national authorities.

In the academic literature, there is a widespread discussion about the level of public trust in and the legitimacy of the CJEU. The findings are quite controversial, however, some general conclusion can be drawn on the basis of these. Before going into details, it is important to note that surveys examined above cover the whole activity of the CJEU since there have been no sector specific survey on trust in EU institutions so far, neither at the European nor at the national level. This factor will be taken into consideration when formulating our final conclusions on SGI related enforcement instruments.

In the absence of systematic information about the attitudes of national courts and governments about the CJEU (which goes beyond indirect evidences like frequency of submitting preliminary references to the Court or compliance rate with CJEU decisions), the empirical literature on CJEU legitimacy focuses almost exclusively on public opinion data testing public knowledge of and trust in the Court (Pollack, 2018, pp. 163-164). These data primarily come from Eurobarometer surveys where the respondents have to answer three overall questions addressing the (1) public awareness of, (2) the importance of, and (3) the public trust in the CJEU ('... tell me if you tend to trust or tend not to trust it?' – The CJEU). The overall picture on the basis of these surveys is that the CJEU has generated a relatively high level of public confidence throughout many decades, declining precipitously after the 2008 financial and economic crises (Pollack, 2018, p. 164).

On the basis of Eurobarometer data conducted between 1999 and 2010, net public trust (the percentage of those tending to trust in an institution minus those

tending not to trust) in the CJEU had been consistently positive during this period (Kelemen, 2012, p. 48). At the same time, the percentage of expressions of trust in the CJEU have decreased significantly, from a high of 63% in 1993 to a low of 48% in 2013 among all EU respondents, while distrust has more than doubled over the same period, from 15% in 1993 to 35% in 2013 (European Commission, 2013; Pollack, 2018, p. 171).

As Pollack points out, levels of trust have declined in nearly every Member State between 1993 and 2013, but, in terms of percentages, there are large differences across the countries. In most Northern European countries, including Belgium, Denmark, France, Germany, the Netherlands and the Member States (Austria, Finland and Sweden) joined the EU in 1995, support for the CJEU remains high and has been largely stable over time. Among the new Member States that joined in 2004 and 2007, a majority (Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Slovakia and Slovenia) show somewhat lower but consistently positive levels of net trust in the CJEU over time. The UK has been ‘an outlier’ from the basically positive trends (Voeten, 2013, p. 425): ‘don’t trust’ responses of UK citizens have increased steadily and consistently outpace trust in the Court since 2007 (Pollack, 2018).

The most striking result has been the collapse of public trust in the CJEU (along with other EU institutions) in South European countries like Greece, Italy, Spain and Portugal (European Commission, 2013, p. 95). These states began with fairly strong levels of trust in 1993, however, in the years following the 2008 financial crisis, ‘don’t trust’ responses predominate in all four countries (plus Cyprus) (Pollack, 2018). Such a dramatic decline in support of CJEU has been explained by ‘the generalized resentment of EU-mandated austerity’ which had ‘infected’ popular views of the Court in those countries and these changes in trust levels are rather independent from the actions and decisions of the CJEU itself (Pollack, 2018, p. 173).

By 2018, the balance of opinion between trust and distrust in the CJEU has improved slightly since 2013 at the EU level. Trust is unchanged at 48%, while distrust has decreased by four percentage points to 31%, with an equivalent rise in the ‘Don’t know’ rate (21%). Similar to the above tendencies before 2013, trust in the CJEU has evolved in the EU countries in sharply contrasting ways (European Commission, 2018, p. 95). Since 2013, it has increased in ten Member States, with striking rises in South European countries like Portugal (52%, +18 percentage points), Cyprus (49%, +18), Spain (39%, +13) and Greece (48%, +11). However, it has decreased in 16 countries, very sharply in those joined in 2004, such as the Czech Republic (32%, -24 percentage points), Slovakia (40%, -21), Bulgaria (41%, -18), Poland (41%, -18), Croatia (34%, -14), Hungary (45%, -13), Estonia (52%, -12) and Slovenia (45%, -9) (European Commission, 2018, p. 95).

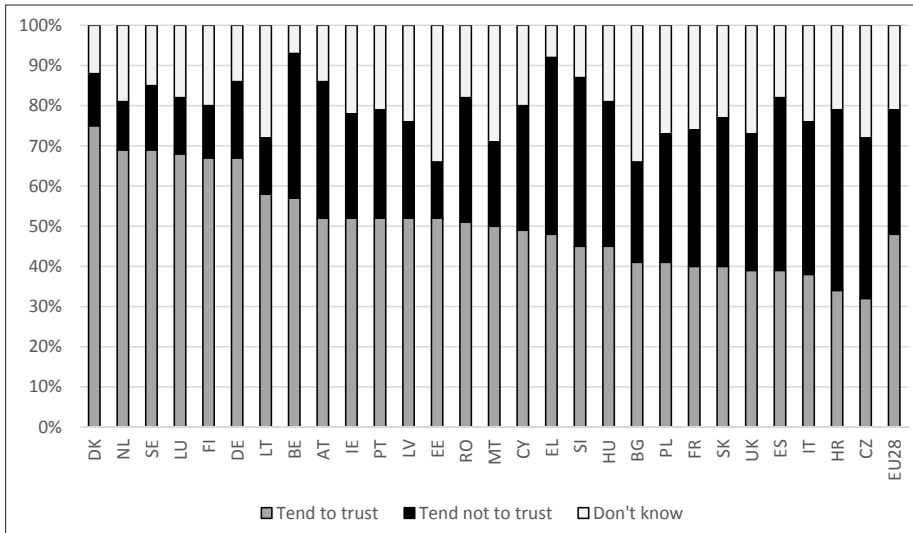


Figure 1: Public trust in CJEU in 2018

Source: European Commission (2018)

In general, studies based on Eurobarometer data and other CJEU trust surveys conclude that the CJEU is one of the most trusted institutions in Europe. However, the level of public support can change over time (sometimes rapidly), as it was demonstrated in the state by state survey results. It is also observed that the CJEU is quite sensitive towards a broader legitimacy crisis in the EU (Pollack, 2018, p. 173).

As we have seen from the above analysis, CJEU trust surveys do not address specific parameters determining public confidence, most of them raise overall questions to the respondents. Nevertheless, certain indicators are generally accepted in the academic literature and empirical studies as those being able to influence public trust in the judiciary. These are especially the outcome of a case, the reasoning of the judgment, level of judicial independence, knowledge about an institution, transparency (Team Finland, 2019). Also, efficiency factors (length of proceedings, annual number of closed cases etc.) correlate with higher levels of public confidence.

Most of these factors also serve as quality indicators to measure the performance of the judiciary. The concept of ‘quality’ needs, however, further explanation at this point. Although there is no single agreed way of measuring the quality of judicial decision-making (European Commission, 2017, p. 4; Bencze and Yein Ng, 2018, p. 2), certain common standards must be always considered in this context. Efficiency issues are mostly focused on when it comes to objective evaluations of the performance of judicial systems (Bencze and Yein Ng, 2018, p. 1).

As for national judiciary, the European Commission annually publishes its scoreboards (hereinafter EU Justice scoreboards) providing comparative data on quality indicators at Member States’ level. Quality, independence and efficiency are the

guiding principles of presenting specific metrics like the accessibility of justice for citizens and businesses, various dimensions of independency as well as the length of judicial proceedings. The scoreboards also lay a strong emphasis on the link between the efficiency of judicial systems and the economic performance of the EU as a whole. 'Across the EU, mutual understanding and trust in justice systems – their quality, independence and efficiency – is essential to the functioning of the internal market.' Quality is also highlighted by the Commission as 'a driver for citizens' and businesses' trust in the justice system' (European Commission, 2017, p. 4).

These factors are also relevant when assessing the public trust in and the performance of international courts. However, special circumstances must always be considered in the evaluation of a particular judicial practice (Bencze and Yein Ng, 2018, p. 1). Regarding the CJEU, these circumstances are mostly determined by the rules governing its jurisdiction, the specific 'work-sharing' relation between the EU courts and national courts, as well as the style of the jurisprudence, which is influenced by different legal traditions in Europe. As we already established, there are three main CJEU procedures where most SGI cases are disposed of: (1) preliminary ruling, (2) infringement and (3) annulment procedures.

These procedures are fundamental to the CJEU's role (Conway, 2018, p. 235) as they determine the ways in which citizens and businesses can get access to judicial protection at EU level. It is true for all the three types that they can provide rather limited or indirect access to CJEU for individuals (i. e. citizens and companies). Preliminary ruling procedures (1) are always initiated by a national court which may request the CJEU to give a ruling on the interpretation of certain EU law provision(s) if it is necessary to decide in a case pending before it. Although parties to the dispute may initiate that the court requests preliminary ruling, such initiatives do not oblige the national court which has a full autonomy to decide whether it needs a ruling from the CJEU or not. Infringement procedures, as we have seen, can never be launched by individuals. The only thing they can do is the submission of a 'complain' to the European Commission in which they indicate the alleged failure of compliance with the Member State(s)' EU law obligation(s). And finally, actions for annulment (3) can be brought by individuals under very strict conditions. It makes their opportunities to access to justice in this procedure much more limited than for EU institutions or Member States.

The limits for access to justice for individuals are also reflected by the nature of legal issues brought before the CJEU in SGI related cases. In this regard, it is interesting to note that Article 36 of the EU Charter of Fundamental Rights declaring the right to access to SGEIs, although it has binding legal effect since the entry into force of the Treaty of Lisbon in 2009, was invoked and examined on substance in one single case of the CJEU (C285/18 *Irgita*). In all other cases, this provision was only mentioned as supporting argument in the Court's reasoning or in Advocate General opinions.

The question of judicial independence is less contested in relation to the CJEU, national judicial bodies are more focused in this respect. Member States' courts play, as was explained above, an essential role in preliminary ruling procedures, and are more easily available for citizens and businesses not only in pure domestic disputes but also when it comes to the application of EU law. National rules affecting judicial independence were challenged in some recently closed cases (others are still pending) but SGI issues were not (yet) concerned by these proceedings.

A logic based on performance indicators relate mainly to the length of proceedings (including average length of court proceedings calculated from actual cases in specific areas of EU law) (Jeuland, 2018, p. 141), which is an essential component of influencing public trust in the judiciary (European Commission, 2017, p. 1). Timely outcome is a fundamental right for all parties which demands efficiency (European Commission, 2017, p. 4). As a result of our empirical analysis based on the SGI case-law database we have found that the average duration of proceedings in SGI related cases (closed between 2000 and 2018) is more than eight months longer than that of all CJEU cases (closed in the same period of time).

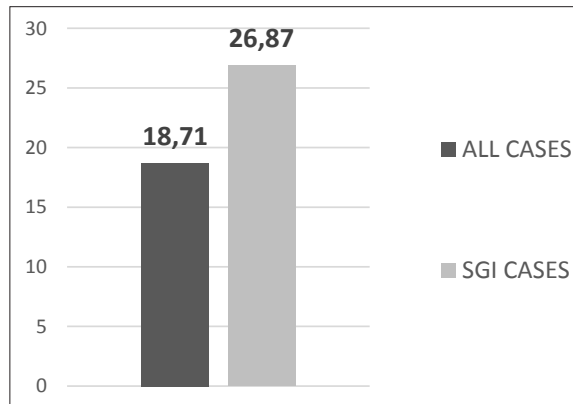


Figure 2: Average length of CJEU procedures in cases closed between 2000-2018 (in months)

Source: CJEU 2000-2018; SGI case-law database

One of the main reasons for such a huge difference in terms of length of proceedings between SGI related and 'normal' cases might be the complex regulatory and economic background to the former cases which may influence the duration of procedures in numerous factors (capacity and expertise needed to review the Commission's market analysis, etc.). At the same time, consequences of such relative long proceedings may be serious in this area. As was pointed out in other studies (Horváth and Bartha, 2018; Bartha and Horváth, 2020), the provision of public services (especially the public utility sector) may easily become the targets of 'nationalist' or 'protectionist' measures or even of a complete sector reorganization process. The effective protection of foreign undertakings' rights that, as a result of

these measures, have been excluded from the market, do not seem to be protected by CJEU procedures if it takes years to reach the final decision in the given case. Such a long period of time is enough to reach the targeted market result of the national legislator, which cannot be returned by simple modification or replacement of ‘bad laws’.

The above factors must be influential on the level of public confidence (especially the length of procedures in times of economic downturn), even if we accept the above conclusion (Pollack, 2018, p. 173) that the decline in trust rather depends on the legitimacy and the actions of the EU as a whole than the decisions of the CJEU itself. Based on measurement methods (Caldeira and Gibson, 1995, pp. 356-376) other than Eurobarometer surveys, it is also admitted that public attitudes toward the Court is highly sensitive to the use of metric (Pollack, 2018, p. 173).

7. Conclusions

Member States’ obligations under EU law which concern their traditional function to provide public services to their citizens create a complex system nowadays. The present paper sought to outline this set of obligations, by accessing their real content in light of a political and legislative ‘Europeanization’ process where the rank of public services (Services of General Interest) gradually developed in the European integration. In this context, the most challenging issues in enforcement of SGI related obligations of the Member States were also pointed out.

We have seen that the operation of judicial proceedings and other enforcement instruments raise quite a few concerns on the effectiveness of EU rules in this particular area which are able to impact the level of trust in EU institutions. We examined these factors in two dimensions, i.e., on the basis of general CJEU trust surveys, on the one hand, and of the particular findings of our empirical research, on the other. Our results have proved our initial statement that sector specific analysis of trust in EU institutions would be justifiable in order to better identify those factors which may influence the level of public confidence.

All in all, we can conclude that our findings related specifically to SGI case-law (access to justice, length of procedure, etc.) are not among those factors which proved to increase the public trust in the CJEU. Two important issues should be highlighted at this point. On the one hand, procedural rules can provide rather limited or indirect access to CJEU for citizens and business and these limits are also reflected by the nature of legal issues brought before the CJEU in SGI related cases. On the other hand, we have found that the average duration of proceedings in SGI related cases is appreciably longer than that of all CJEU cases. As was elaborated above, the second factor, in particular, may lead to serious consequences for the market position of businesses as well as for the citizens’ right to access to SGIs on the internal market and finally on the level of public confidence in the institution.

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LEVELS OF PARTICIPATIVE BEHAVIOUR IN THE MANAGEMENT OF HUNGARIAN PUBLIC CULTURAL INSTITUTIONS IN TRANSYLVANIA

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Abstract

The usage of elements such as environmental and social responsibility, lifelong learning and value-centeredness is ever more frequent in the mission statements of Transylvanian Hungarian public cultural institutions, along with objectives such as community building, development of social activity, or promoting participative attitudes. At the same time, concepts such as participative theatre, community museum or library seem to find their way into these statements as activities where citizens, instead of being mere consumers, become participants in the creation of the cultural product.

Participative behavior and cultural education are two concepts impossible to radically separate from each other: as participative behavior designates the end, so cultural education represents the means. Thus, in the case of performing arts institutions and public collections, typical activities of participative operation overlap with different forms of cultural education.

Although in the case of Transylvanian Hungarian cultural institutions, it would be premature to talk about forms that have extended into society, the introduction of cultural education programs might indicate a slow shift into this direction. The aim of my long-term research is to discover the effect of cultural education paradigms, or, in a broader sense, participative operation in the community on the communication of Transylvanian Hungarian cultural institutions. In this study, through interviews conducted with leaders of Transylvanian cultural institutions, I assess how these institutions position themselves in their own communities, and what are the means they employ in the service of a specific segment of the experience society – young people whose own preferences are not yet fully formed.

Keywords: cultural management, theater pedagogy, museum education, community engagement, cultural vitality.

1. Commitment to community in organization management

In the annual survey conducted by the Institute for National Cultural Research and Development (INCRD – Institutul Național de Cercetare și Formare Culturală) regarding cultural supply and vitality, Transylvanian settlements, inhabited mostly or significantly by Hungarians, figure among the best ten, with the best scores (Croitoru, Becuț Marinescu and Oană, 2019, Croitoru and Becuț Marinescu, 2017). The reason for this, on the one hand, is that the bulk of the cultural infrastructure is concentrated in the geographical area of Partium and the historical Transylvania, whereas on the other hand, the extent of cultural consumption, the presence of cultural and creative industries, and last but not least, the attitude of the financing institutions, such as the local government.

Besides economic aspects and those regarding supply, education and attendance, experts emphasize the role of the decision-makers in the social positioning of (public) cultural institutions. Vitality indices regarding 2018 data and published in 2019 show no significant changes compared to earlier years. Among the 46 Romanian cities studied, regarding cultural vitality, the first spot is occupied by Cluj-Napoca, followed by Sfântu Gheorghe and Miercurea Ciuc, Târgu Mureș is the fifth, Timișoara the ninth, Oradea the 14th, Arad the 18th, and Satu Mare the 20th – Odorheiu Secuiesc, also assessed in this paper, is not listed (Croitoru, Becuț Marinescu and Oană, 2019). The INCRD study shows that the top positions taken by settlements in the Szekler region are directly proportional with financing well above the national average, with the cultural supply per capita above average as well.

The vitality of the cultural sector is an important index of welfare societies: ‘creative cities, as forms of expression of cultural vitality, are cities with strong economies, with above-average job opportunities and human capital, which, due to their absorption capacity, overpass settlements that do not support creative industries’ (Croitoru, Becuț Marinescu and Oană, 2019, p. 5). Community development with a cultural perspective ‘is not only a program designed to develop human capacity, but also a complex activity that includes tasks aimed at organizational, community, municipal, and regional development’ (Beke, 2001, pp. 377-378; Kolb, 2013), thus, with regards to Romanian cultural institutions, decision makers will have an essential role in this type of social development.

Recognizing this, in the past decade, local governments that have Transylvanian Hungarian cultural institutions in subordination appear to show a greater appreciation of the role of performing arts institutions and public collections in city and community development. Parallel to this, museums, theatres, concert halls and libraries face a real demand for community experience regarding not only the attitudes expressed by consumers / visitors / recipients, but also influences the role taken by these institutions. ‘Participation-based operation is organizational development’ (Arapovics *et al.*, 2017, p. 14) – says dr. Arapovics Mária, a development where state-funded cultural and performing arts institutions stop being the only

panels that define the canon. Because of the way these institutions are embedded into the bureaucratic system, this classic, hierarchical thinking is not easily replaced by structures based mainly on participation. And if we consider the financing of Transylvanian Hungarian cultural institutions (or those that consistently address a Hungarian public as well), it becomes obvious that processes aiming the development of participative behavior are further obstructed by insufficient resources and infrastructural conditions.

One of the bases of organizational and project management is that leaders are able to objectively assess the activity and development of their company. In evaluating the relations between society and organization, this is an especially important trait, as management efficiency strongly depends on how the organization sees itself and where it places itself in its – immediate (professional) and wider (local, regional, national, international) community. The organizations studied represent a symbolic value, though which they have developed predominantly emotional ties with their audience. Performing arts as well as public collections serve the wellbeing of individuals – on the level of needs regarding social and self-fulfillment –, demonstrated also by a survey conducted by the Czech National Theatre (Hill, O'Sullivan and Whitehead, 2018, p. 49). This shows that patterns of cultural consumption depend less on objective factors such as ticket price. In conclusion, participation is motivated by matters of socialization (behavioral patterns in the family, in the circle of friends, education), as well as the image and the prestige of the organization itself.

2. 'Replacing boredom with experience' – results of a semi-structured interview series. Methodological basis

Between March – May 2019, I have conducted semi-structured interviews with managers (or senior employees) of the following 13 Transylvanian cultural institutions: Haáz Rezső Museum (Odorheiu Secuiesc), Csíki Székely Múzeum (Miercurea Ciuc), Székely Nemzeti Múzeum (Sfântu Gheorghe), Hungarian Opera Cluj-Napoca, Hungarian State Theatre Cluj-Napoca, Teleki Téka (Târgu Mureș), Town Library of Odorheiu Secuiesc, Northern Theatre Satu Mare, Maros Ensemble, Háromszék Ensemble, Székelyföldi Philharmonic Orchestra, State Philharmonic Orchestra Târgu Mureș, Csíki Játékszín Theatre and Ariel Theatre. Among these, some institutions are funded by the government, and others by local city and county governments. The semi-structured interviews assess three problems. The first part evaluates the strengths and weaknesses of the organization in the strategic context of organizational management. This is the starting point when analyzing the organization's devotion to its mission, while giving important clues to the pre-assessment of the efficacy of internal and external communication. In the next phase, the questions

were aimed to identify the audience profile as well as the segments addressed by the institutions. In this part of the interview, we attempted to clarify how the institution positions itself in its own social sphere, and what are those groups of audience to which it is committed. The third and last block of questions focused on the practical implementation of cultural education paradigms. The significance of this is that these questions help us understand the perceived importance of including theatre, museum, concert hall, and library education in the communication strategy of the institutions.

3. Research results

The interviewed institutional leaders have diverse qualifications. Art institutions are typically led by people with qualifications in the arts, with three of them qualified in management. Managers of public collections are also diversely qualified, however, among these, there is only one who had not received any formal training in organizational management. Among those questioned, there are four with PhDs. We can conclude that Transylvanian cultural institutions are mostly managed by young, yet vastly (10-15 years) experienced people, as well as people who have been managing their institutions for decades. This diversity might suggest that the different perspectives represented by different cultural institutions in the region are somewhat explained by a certain generational gap. At the same time, no parallel can be drawn between the usage of the means communication and generational identity, although the person of the manager is a defining aspect in the use of devices and the tone of communication, as well as the value system the organization projects to the outside world. However, this study does not aim to study the different aspects of device use. The next question of the survey refers to the achievements of the management period. Of the 13 managers questioned, 10 emphasized how they managed to change the institution's internal and external communication into a positive direction. This aspect is especially important as to the subject of my research, as community participation depends, on the one hand, the organizations' capability to function and collaborate, and on the other hand, on regular dialogues with the public. A precondition for socially integrated operation is transparency and efficiency where the institution is led by the synergy of the different departments. At the base of this, stands the individual who, within cultural institutions, is more than just an executer of orders, but a person with special knowledge who, as a mediator, puts his or her abilities and skills into the service of the community and the development of cultural capital in society.

In this context, a statement made by one of the interviewees is quite significant: 'There is a loose organizational framework, based on the stance that in a cultural institution, employees are purposeful people who strive for self-realization, and for

whom creating a cultural product that suits the demands of the public represents a value in itself.' If the individual finds his or her place in the institution, the harmonization of the organizational units can begin. A responder on behalf of the Hungarian State Theatre Cluj-Napoca named the daily work journal the most important means of inner communication. 'This is extremely important' the respondent said, 'because on the one hand, in the work journal, everybody can see their specific tasks for the next day. We rehearse every day, and we have shows almost every day. We must know how to prepare from one day to the other, what are the necessities that arise.' On the other hand, a work journal plays a key role in the problematic situations that appear during activities, as it objectively records any events. 'Events such as accidents, conflicts, etc. appear inevitably. We are able to manage these in time because all information gets to everyone quickly, to all departments of this huge institution: the law department, the financial department, etc. Everyone receives the daily report.'

Looking at Transylvanian Hungarian performing arts institutions, there is hardly even one that does not have to share its infrastructure and building with another institution. As such, the key to long-term planning is to establish this inner communication where, besides some tension between certain departments (for example, conflicts between a theatre's acting company and its finance department), managers have to face typical situations of multiculturalism – an example would be Northern Theatre Satu Mare, where a Hungarian and a Romanian company cohabitate in the building.

The paradigm shift in external communication after the regime change might be best explained by the respondent for the Hungarian State Theatre in Cluj-Napoca, who declared the following: 'Primarily, it is communication. Communication gained more and more importance in the life of the Hungarian State Theatre in Cluj-Napoca, which means that a completely new structure was established after I was appointed. The institutional structure was reminiscent of the 1980's for a very long time. We established a marketing department, which includes communication activities. Before that, in the classic system, there were one or two organizers who informed the audience about performances through other institutions, whereas outdoor billboards were aimed at people who could not be reached within institutional frameworks. However, as the very structure of communication has changed in our entire culture, the theatre's communication was rebuilt around electronic communication.'

The situation is vividly described by the respondent for the Town Library in Odorheiu Secuiesc, who illustrates the developmental curve of the institution the following way: 'From a stagnating institution that quietly sailed the lukewarm waters, we became a dynamic organization where work is done continuously, from morning to the evening, Monday to Sunday. So, I think these three things are the most important: first, the library has further opened towards public education. Secondly, besides traditional library functions, we started numerous other types of

activities. And lastly, the institutions turned into a community center. This last aspect is still in development. It aims to attract more people to the institution, for different reasons.'

The manager of Székely National Museum emphasized the importance of a visitor-friendly institutional profile, naming the openness and hospitality of the personnel, and the development of professional work as the most important achievements. Regarding community participation, the respondent mentioned an initiative that helped the museum's previously isolated garden grow into a community space. 'People of Sfântu Gheorghe never even knew this garden existed. We had community events, we joined the events of Saint George Days. We have concerts all summer long, as well as meetings with authors... anything goes, really, as long as the quality of the event is good. People come in for these events who wouldn't otherwise be interested in the museum only. (...) Now during Saint George Days, sometimes even 300-400 people come visit us in just 3 days.'

In conclusion, institutional networks play a very significant role in generating community participation. The example of Székely National Museum shows how popular events that attract big crowds form the bulk of contemporary cultural consumption, as festivals and other happenings offer experiences to those interested.

Among the positive changes in organization management, inter-institutional communication received the most mentions. Respondents revealed that information exchanges are particularly important in institutional development. One example is the museum network in Székelyland, where not only managers, but also employees (specialists in museum education) discuss on a regular basis. It is particularly important to form professional networks between national and international organizations, with many respondents mentioning good relationships with Hungarian counterparts, which serve as models in some practices of institutional management.

Notably, almost all respondents named infrastructural investments as changes for the better as well as conditions in need of betterment. This suggests that although the cultural supply in most Transylvanian is above the national average, headquarter problems, as well as issues concerning the technical background work, such as digitalization of acceptable working conditions, put a significant burden on managers. Employee dissatisfaction also fits into this category. These stem, partially, from an insufficient number of available jobs, pitfalls caused by bureaucracy, but also from a shortage of skilled employees. In this respect, the declaration made by the respondent for Székely National Museum is very expressive: 'Ever since I've been in office, the governing principle was that is somebody retires, I can hire somebody else for the opening, but this is not enough. In this profession, that somebody should be hired 5 or at least 3 years before the colleague retires, so that the new one can learn, because this job has a lot of nuts and bolts.'

With regards to communication, many respondents said that in order to make promotional PR campaigns more effective, awareness of the role of the institu-

tion in society should be raised. As one means to this end, respondents named the introduction and development of cultural education practice. About educational programs, the respondent for Hungarian State Theatre Cluj-Napoca declared the following: 'It's the result of many years of pressure, but we also needed people who had graduated from the universities where we teach, in order to tackle these tasks. Educational performances are conducted with high-school groups or focus groups, titled *I Wonder What...* The program is managed by young, distinguished colleagues. It would also help to think about how we can make these educational performances better by not only working with people who actually come to the theatre, but by going out for them ourselves. We should open towards schools, especially because interactive school classes are gaining momentum, and students have certain expectations. Exchanging the boredom of literature with an experiential, interactive, performative teaching method. A theatre could add a lot to this.'

The connection between available resources and managerial view is best described by the manager of Haáz Rezső Museum, who says the aim is to educate an appreciative and addressable target audience. In this respondent's view, museum education is not merely about attracting new members of audience. In fact, it can ensure the renewal of the organization in the long run. 'Regarding the cultural projects we have dreamed up, financial resources always prove to be short. There are sufficient resources for basic cultural activity, but, under the circumstances, we will never make that step ahead. Although it would be high time in Odorheiu Secuiesc for cultural services to show a qualitative enhancement. One of the key elements in the offer of a museum is providing experience. In this sense, any form of contemporary entertainment can be a rival of a museum. There is a great need for qualitative development in cultural services if the aim is to educate generations who come back for more. The further development of museum education is a priority in achieving this goal. If institutions wish to put into practice everything that is included in their management plan, it is essential to be familiar with the profile of their own audience. The institutions studied are theatres and other public collections that cater for wide audiences, segmenting the audience into target groups is necessary if the aim is to manage relatively tight resources in a way that the information reaches target groups without much waste coverage'.

The takeaway is that managers and their respective institutions do not allot sufficient resources for market research. Without these, when making plans, they have only their practical experience to work with. Responses show that they do not, in fact, possess the professional skills needed for organizing and conducting surveys, whereas calling in outside talent pertains to significant extra expenses that these institutions are unable to afford.

Theatres and puppet theatres are in a somewhat better situation. These, in some cases, produce shows for particular age groups – such as children and youth. Despite this, in the case of performing arts institutions, there is still no defined target

group, mainly because managers think in terms of demography, and are not exceedingly concerned about preference-based profiling. In this context, the response of the interviewee for the Hungarian State Theatre Cluj-Napoca is noteworthy, as, with regards to diverse social groups in the city, it remarks upon the layering of the local community: 'Cluj-Napoca has become a very young city, a lot of software engineers have moved here. Their number is somewhere close to 20,000. On the streets, in the restaurants, we can see all these young people who have the financial means to afford a meal there. One of the problems is how to reach them.'

Consequently, they have realized that different target groups demand the employment of different communication strategies, but the answer to the why still eludes managers as they lack an in-depth knowledge of the segments identified. Here, however, they cannot rely on general categories: the prestige of local institutions depends primarily on their perception in the local community. The response given by the representative of Haáz Rezső Museum is very suggestive in this respect: 'In an earlier answer, I have already hinted at the type of visitor we lack, and this absence is caused exactly by the inadequate channeling of our message. Steps taken towards the tourism industry have not proven to be effective, tourists are still the most difficult to reach with our messages. Our long-term investment effort is aimed at younger generations; thus, the most intense communication is happening through the schools.'

In analyzing visitor segments, it is obvious that institutions rely very much on the presence of students in the public school system. Almost each respondent declared that a significant percentage of their audience is represented by this age group who, through personal relations, are brought in by teachers. 'classes whose teacher likes to go to museums will come visit us, but also other cultural institutions. It's not the student who must wish to come, it's the teacher.' This implies the question of teachers' attitudes which, through occasional consultations and personal relations, they attempt to improve. 'Visitors who are school students come to the museum in organized groups, so their teacher and group leader is our link to them, which also means that he or she is an efficient communication partner of museum workers.'

In questions regarding cultural education, the position taken by cultural managers is unclear. Museums in Székelyland play a prominent role, having already recognized the importance of museum education. The manager of Csíki Székely Múzeum in Miercurea Ciuc has declared the following: 'Education is one of the most important duties of a museum. On the one hand, a museum transmits information, conveys knowledge, but also entertains and educates. And if it does all this, then it becomes the most versatile among all other cultural institutions, and has the best chance to be efficient, and achieve the goals set in its mission statement. And of course, this educational duty, which means museum education programs, has been an extremely important element in our activity in the last decade.' In this case, similarly to many others, good practice is compared to Hungarian institutions:

‘One of our employees has formal training in museum education, which is important because even institutions in Hungary have much more experience and a good methodological network in this respect.’

Among those interviewed, Northern Theatre Satu Mare and Hungarian State Theatre Cluj-Napoca had their own volunteer program, whereas Hungarian State Theatre Cluj-Napoca has started a two-step theatre education program for high-school students as well. The two philharmonic orchestras included in the study – similarly to Romanian philharmonic orchestras in general – regularly organize educational concerts for preschoolers and students, events which focus more on frontal presentation than learning by discovery. Institutions typically do not have regular reports on the efficiency of their communication programs. Among the types of follow-up used, managers mentioned end-of-season surveys, guest books, as well as relatively big events. However, based on the conclusions, are regarded as types of compulsory tasks, and are rarely included into the next planning process.

4. Conclusions

This study attempted to shed light on the community roles of Transylvanian Hungarian cultural institutions in the context of organizational management. Based on interviews conducted with 13 managers out of the 30 cultural institutions with significant Hungarian-speaking communities in Transylvania, Partium and Banat, it can be stated that the institutions have indeed recognized the importance of a live, two-way dialogue with their respective audiences – not without a clear connection with laws and expectations regarding the performance of managers. On the one hand, it is important to understand that this might be the first time these institutions face the expectations of socially aware operation, and these expectations are often hard to synchronize with the decades-old bureaucratic system. One of the important takeaways from the interviews is that Transylvanian Hungarian (and Romanian in general) cultural institutions are not prepared for operation based on community participation. This, on the one hand, is a matter of financing, as until the monthly pay of people responsible for basic activities is still insufficient, and there is no separate budget allotted for infrastructural development in the institutions, investments that ensure basic activity will be the top priority. With regards to this, the employees’ workload was mentioned several times: in an institution without sufficient personnel, one employee will have to take on more tasks at once.

On the other hand, there is a lack of skilled personnel that supports community participation, which puts further burden on the institutions. Only an insignificant number of institutions studied include a department dedicated solely to tasks related to public relations, mostly because the system of public servant jobs in the country did not follow the changes that have occurred in the cultural sector. There

is also a lack of cultural education professionals, a phenomenon attributed to a deficient offer in higher education in the field. Respondents reported that their employees have gained precious practical experience through their relationships with other institutions in fields such as museum and theatre education, yet a real attitude adjustment is still overdue.

Transylvanian Hungarian cultural institutions – according to national tendencies – rely greatly upon the presence of students in the public education system. This implies some significant investments by the organizations concerning relational capital as well a cultural offer tailored specifically with a particular age group in mind. It is obvious that schools have formal relations with cultural institutions that are in no connection to each other with regard to their content and offer. In practice, this means that the offer of these cultural institutions is not in accordance with the expectations of the school curriculum – to be so is desirable because, as the managers have also mentioned, if the offer was based on any component of formal education, teachers would be more accessible.

Taking into account all of the above, we can conclude that there is no consensus regarding the stimulation of community participation in the Transylvanian cultural institutional network. For teachers and outsiders to accept and appreciate these initiatives, a coordinated effort is necessary, which, through follow-up work, is able to gather qualitative and quantitative information regarding the success of the programs, and use them to create an integrated cultural and educational policy.

In the century of communication and experience, institutions of knowledge acquirement, art perception and the accumulation of cultural capital are changing (Jackson, Kabwasa-Green and Herranz, 2006; Watson, 2007). While in the United States of America and Western European states, community development is built on the synergy of culture and education, in Central and Eastern Europe, the attitude shift that could lead to an open cultural practice based on the participation of the visitor/ participant is underway right now. Information-based learning is replaced by experience-based events, which has brought about the change of basic tasks in public collections and the performing arts. Recognizing that the immense potential of cultural institutions could be the key to realizing the ideal of the responsible, curious citizen capable of critical thinking and self-expression is gaining ground in the Romanian institution system. It is a question of competence, commitment, and perseverance on the part of local communities and decision-makers how local initiatives will be able to integrate into the everyday comings and goings of a particular social group, and how they can grow into regional or national perspectives.

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PUBLIC ADMINISTRATION TRAINING SYSTEM. NEW TRENDS, SOME ASPECTS AND PARTICULARITIES INTRODUCED BY ROMANIAN ADMINISTRATIVE CODE

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Abstract

Paper intends to highlight and analyze some novelty aspects introduced by the Administrative Code in the field of professional training system for public administration, including 'big four' categories of personnel: central appointed officials, local elected officials, contractual staff and emphasizing civil servants. This is due to the new access conditions (requirements) introduced, regarding the graduated studies for the occupation of certain categories of positions, but also from the perspective of the competence frameworks and the training credits system which represents from a legislative point of view an absolute novelty. We will also focus on the institutional aspects, as well as those related to the public training provider and other training providers, the mandatory annual training plan, the standards and some relevant methodological aspects concerning initial public administration (PA) education and continuous training. Practicalities, questions and points of view are not missing from this study-essay.

Keywords: competence frameworks, training credits system, access conditions, training providers, training need analysis, annual training plan, performance appraisal, civil servants.

1. Preliminaries

The Administrative Code is the newest regulatory act for public administration as a whole, it comprised 16 normative acts that were abolished. The Code was adopted through Government Emergency Ordinance (GEO¹), published and entered into force on the same day, on the 5th of July 2019, and it contains 638 articles and 6 Annexes/Appendices. Articles related to the professional training are, mainly: for civil servants: articles 458, 459, for contractual staff: article 551, for local elected officials: article 217, for central appointed officials: there are no specific provisions. Now the Administrative Code is subject to the Constitutional Court (CCR) analysis according to the Constitutional provisions followed by a notification of the Romanian Ombudsmen. This main regulatory framework in the field of training for public administration is completed with a range of programmatic and strategic documents², but we find that all are outdated and rightly we raise the question ‘what’s next’?

2. To whom does it apply?

The provisions apply to civil servants³ (high ranking civil servants positions (HRCS)⁴ – secretaries-general, deputy secretaries-general, governmental inspectors, prefects, subprefects; senior civil servants general positions (SCS)⁵ – general directors, deputy general directors, directors, deputy directors, heads of the sector, heads of office; regular civil servants general positions (RCS)⁶ – counselors, experts, inspectors, auditors, judicial advisers (counselors), public tender advisers (counselors)⁷, centrally appointed officials (dignitaries – ministers, secretary of state and undersecretary of state), local elected officials (mayors, deputy mayors, city and county councilors) and contractual staff (under a labor contract – officials’ cabinets, those who do not have in their job description prerogatives/duties that imply using

1 GEO no. 57/2019.

2 Strategy on professional training for public administration 2016-2020, adopted through GD no. 650/2016; GD no.1066/2008 to approve the rules regarding the professional training of civil servants; Strategy for the development of the civil service 2016-2020, adopted through GD no. 525/2016; Strategy for strengthening the public administration 2014-2020, adopted through GD no. 909/2014; GO no. 129/2000 regarding adult vocational training; Strategy of education and vocational training in Romania for the period 2016-2020, adopted through GD no. 317/2016; Long Life Learning National Strategy 2015-2020, adopted through GD no. 418/2015.

3 The Administrative Code recognized the right and the obligation of the civil servants to get training programs in order to improve their knowledge in public administration matters/issues.

4 Top management level.

5 Managing level.

6 Executive level.

7 New introduced position by Administrative Code.

public force/power on executive and managing positions and under a management contract – public administrators: commune, city, county – managers).

For occupying a permanent position in HRCS, it is mandatory to have university studies, master studies, to graduate specialized training programs delivered by the National Institute of Administration (NIA) and to have at least 7 years seniority after university graduation. For occupying a temporary HRCS position is not mandatory to graduate a specialized training program delivered by NIA. We may note that about 90% of HCRS in Romanian public administration are temporarily appointed in their positions.

For occupying a permanent position of SCS is mandatory to graduate university studies, master studies and to have at least 5- or 7-years seniority after university graduation depending on the requirements of the position. A new condition introduced through the Administrative Code is to follow/attend a training program according to the training credits system or to follow/attend a 30 hours training program. We may also note that the Administrative Code introduced for senior civil servants, recommendations to follow a specialized program in order to develop their skills delivered by NIA.

In order to promote to the next professional-grade, it is mandatory for RCS to follow/attend a training program according to the training credits system or to follow/attend a 30 hours training program and to obtain at least the ‘good’ rating in the last two performance appraisal processes.

A new provision regulates that in the competitions for occupying public functions, the subjects and related bibliography must have⁸: information and topics regarding the respect of human dignity, the protection of human rights and fundamental freedoms, the prevention and combating of incitement and discrimination. This fact requires a special training field for members of the competitions’ committees.

Administrative Code introduced some new conditions regarding studies for certain positions as follow (Table 1):

Table 1: Conditions regarding studies for certain positions

Position	Studies	Mention
Secretaries general of territorial-administrative units (UAT)	Law or Administrative or Political sciences	mandatory
Public administrators – commune/city/county managers	Economics or Administrative or Technical or Law	recommendation
Ethics advisers	Social sciences	recommendation

8 Administrative Code: article 467, paragraph 2.

3. Main issues

According to the Administrative Code, about training participation, the public institutions have the obligation to ensure the participation for each public official (civil servant or contracting staff) in at least one training program every two years, organized by the National Institute of Administration (NIA) or other training providers. There are no provisions regarding central appointed officials or local elected officials in this respect.

Analysis of training need is fulfilled mostly through these two methods: within the performance appraisal process – yearly, by civil servant’s superior or proposed by civil servant on his/her own evaluation and approved or not by the head of the public institution.

Competence frameworks are the reference framework for organizing and developing the career of civil servants, expressed by all the standards, indicators and descriptors used with reference to a person’s ability to select, combine and use knowledge, skills and other acquisitions consisting of values and attitudes, for successfully solving the tasks established in the exercise of a public function, as well as for professional or personal development under conditions of effectiveness and efficiency⁹.

The norms regarding the content, the competence and the procedure of elaboration and approval of the competence frameworks are approved by the decision of the Government (GD), at the proposal of the National Agency of the Civil Servants (NACS)¹⁰.

Public institutions have the obligation to draw up an annual training plan for the civil servants and for the contracting staff, to show the estimation and the distinct highlighting of all the amounts foreseen in their budgets for training purposes. For civil servants, the model for the annual training plan is approved by the President of the National Agency of Civil Servants (NACS) Act. There are no provisions on who is in charge of the model document for contractual staff. The annual training plan should be the tool/instrument to further support the design of the training programs and offers of training providers.

Training credits system¹¹ introduced by Administrative Code is required for promotion, both for regular civil servants and senior civil servants, and it will be extensively regulated through GD proposed by NACS¹². The training system will include credited programs/courses, seminars, conferences, study visits, professional exchanges.

9 Administrative Code: article 401, paragraph 3.

10 Notice: There is no deadline for NACS to submit the GD.

11 Administrative Code: article 483, paragraph 3.

12 Notice: There is no deadline for NACS to submit the GD.

4. Training system or training market? Budgetary matters

Providers of professional training for public administration are ‘a great unknown’. On the one hand, we have the public provider which is National Institute of Administration (NIA)¹³ with its role temporarily consolidated through Administrative Code, and on the other hand private providers (most of them commercial entities/SMEs companies), but also foundations or associations (NGOs), operating through ‘ancient’ GD no. 1066/2008. This last regulatory act has recognized among training providers for public administration personnel even universities, but there were many interests for those kinds of specific activities until now.

We may classify types of training programs using some criteria as follow: period (short-term programs – 3 / 5 / 7 days, and long-term programs (specialized programs) – 1 / 3 / 6 / 12 months), location (organized at other locations/training resorts or organized at the premises of public institutions), method of delivery (delivered in the class-room or delivered in online or as blended learning), choice options (providers general offers and customized/on-demand).

Practitioners, academics, ‘pracademics’ or independent trainers/freelancers could ‘teach’ or ‘train’ within these programs, Administrative Code stipulating¹⁴ that each person from all categories of personnel, can act as a trainer for public administration programs and this activity is not an incompatible one.

University, master and Ph.D. studies cannot be financed from the state budget or from the local budgets¹⁵. Instead, the following should be eligible and could be financed by public institutions: postgraduate training programs, postgraduate training, and continuous professional development programs or advanced research postdoctoral programs¹⁶. Civil servants¹⁷ following training programs, lasting more than 90 days in a calendar year, organized in the country or abroad, financed in whole or in part through the budget of the public institution, from the state budget or the local budget, are obliged to commit in writing that they will work in the public administration between 2 and 5 years from the graduation/completion of the programs, in proportion to the number of training days they have benefited.

13 (Re) established in 2016 through GO no. 23/2016. Four months after entry into force of Administrative Code, the NIA was (re)abolished by the new Government, and its activity was included within Ministry of Public Works, Development and Administration (MPWDA) (November 2019). On April 30, the Government adopted a GD, not yet published, which regulated the fact that the former NIA became a so-called ‘National School of Public Administration’, without legal personality led by a pre-middle management civil servant, within the MPWDA (May 2020).

14 Administrative Code: article 462.

15 Administrative Code: article 458, paragraph 9.

16 As they are defined in the National Education Law no 1/2011.

17 Administrative Code: article 458, paragraph 6.

Payments from the budget¹⁸ may cover training fees¹⁹, travel costs, and accommodation²⁰.

5. Standards and best practices?

It is a tough truth that today there are no standards²¹, monitoring, and evaluation in training delivery. There is no authority responsible for authorization/licensing or supervising training programs and training providers for public administration personnel.

Not very far in the past, a range of specific NACS Regulations no. 269 and 270/2015²² established an official and specific PPP model for public training. They gave the best results in several indicators: number of participants, number of training programs, budget revenue and first of all – quality and measuring training instruments. It lasted two years (2015-2016), but unfortunately, those best practices have not been taken over, and they were abrogated.

Among the main tasks of the Government, the Administrative Code²³ added a new and interesting one ‘it provides binding/mandatory standards at central and local public administration level to guarantee good administration’, but nothing was designed, regulated, piloted or sent it into practice yet, even less in terms of the public administration training system.

18 We may note that there is a huge lack of authority coming from Ministry of Finance and even Court of Accounts in monitoring training costs which are in some cases increasingly multiplied compared to the amounts the regulation allowed.

19 The average fee for 1-week training program is of around 200 Eur (plus VAT) at private providers and 150 Eur (VAT included) at public provider.

20 The accommodation including meals according to the Regulation GD no 714/2018 is of around 50 Eur/day/person, and it can be extended exceptionally at 75 Euro/day/person.

21 There is a single special provision in Administrative Code for civil servants that are ‘ethics advisers’. In this case training standards are elaborated by NACS and training delivery by NIA. Public institutions have the obligation to ensure the participation of ethics advisers in the training programs, organized by NIA. But as we showed previously in the study, the NIA was abolished, and its activity was not transferred and is not operational yet.

22 NACS Regulation 269/2015 regarding partnership contracts, establishment of the Register of professional training partners for public administration, approval of the contents of the records of the training programs carried out and the specific indicators for measuring training activities; NACS Regulation 270/2015 for the approval of the documentation of administrative compliance and of the compliance with the minimum standards regarding the technical, logistic and didactic capacity in carrying out the training programs.

23 Administrative Code: article 25, letter (p).

6. Conclusions and some ‘questionable issues’

The Administrative Code has tried to bring a number of new concepts to an emerging sector, such as the competence frameworks, the training credits system and so on, but without bringing the necessary clarity for their sustainable implementation. Moreover, it has left some compulsory fields of action uncovered in this intrasystemic Lego game.

It is not set a deadline/a legal term for many regulatory acts that the public administration personnel expect them (see Table 2).

Table 2: Deadline for regulatory acts

Regulation Act	Responsible	Deadline/Status
GD regulating methodology rules of professional training for civil servants	MPWDA	Not established
GD regulating methodology rules of professional training for contracting staff	MPWDA	Not established
GD regulating the activity of public training provider activities (former NIA)	MPWDA	Not established
GD regulating competence frameworks for civil servants	NACS	Not established
GD regulating training credits system	NACS	Not established
President of NACS Act regulating the model for Annually Training Plan	NACS	Not established
President of NACS Act regulating the standards for ‘ethics advisors’ training programs	NACS	Not established

We are constantly approaching a ‘work in progress’ in this field of training in public administration, in which hypotheses, stakeholders’ view, regulators’ view, beneficiaries’ view seek their answers and the intersection of a good and sustainable re/set-up.

The organization of the training system for the public administration personnel is not subject to a common standard, existing with most models of good practice applicable, compared and presented in various working meetings, studies, and specialized publications, and which refer mainly to the legal and institutional bases, governance and control structure, financial, managerial and personnel rules, as well as at the functions performed, areas in which heterogeneity takes precedence over homogeneity, be it the European or the American space.

But the lack of a clear vision and benchmarks in the Romanian domestic space creates real difficulties of adaptation and long-term development with consequences for the public administration and the ‘public’ of the administration.

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RISK GOVERNANCE AND A POLYPHONY OF VOICES AROUND THE ISSUE OF VACCINATION IN ROMANIA. CASE STUDY – ‘VACCINES SAVE LIVES’ ONLINE CAMPAIGN

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Abstract

This study seeks to identify how multi-level governance was achieved throughout the measles outbreak in Romania. This study takes the Facebook campaign 'Vaccines save lives' as a case study to examine how the Romanian Ministry of Health and online users communicate on the issue of vaccination. Applying a network approach and content analysis, I aimed at assessing stakeholders in terms of *online connectivity and shared content*. The *online connectivity* within the Ministry of Health's online campaign on vaccination was analyzed using a social network analysis (NodeXLPro). This network analysis provided insights into the degree of interaction among the Ministry of Health and Romanian citizens and into the online users' roles. The *shared content* of the Top 10 influencers was tackled upon using the Health Belief Model constructs. This model was used in assessing the individuals' attitudes and beliefs when deciding to adopt or not a recommended behavioral change.

Keywords: vaccination, immunization, network analysis, influencers, HBM constructs.

1. Introduction

Effective risk communication involves various levels of ambiguity and uncertainty (Ulmer *et al.*, 2007). Fear and anxiety were the two emotional responses which prevailed in Romania in 2016 and 2017 when the National Institute of Public Health¹ in Romania confirmed the increasing numbers of cases of measles and deaths throughout one year (675 cases in September 2016, to 3,466 cases and 17 deaths in March 2017 to 10,279 cases in measles and 37 deaths in December 2017). This situation brought high levels of uncertainty which were also stirred by emotional-inducing media framings of the measles outbreak and by national anti-vaccination movements whose main endorsers were religious groups and Romanian known persons (for example, Olivia Steer). This goes hand in hand with ‘a reflection of the same phenomenon occurring on an international scale’ (Dascălu, 2019, p. 5).

Within this context of fear and uncertainty, when people try to seek and share information, the Ministry of Health decided to launch the online campaign ‘Vaccines save lives’ on November 9, 2016 in an attempt to prevent the wide spread of measles outbreak. Through this online campaign on Facebook, the Ministry of Health (‘desprevaccin.ro’/ ‘aboutvaccine.ro’ as username) tried to provide a collaborative perspective on vaccination. This online public campaign belongs to what van Asselt and Renn (2011, p. 431) define as risk governance, namely ‘the various ways in which many actors, individuals, and institutions, public and private, deal with risks surrounded by uncertainty, complexity, and/or ambiguity’.

Following Piattoni’s (2010, p. 1) idea about multi-level governance where there is a need for ‘(...) increasingly dense networks of public and private, individual and collective actors’, Anna Berti Suman (2019, p. 2) highlights the importance of multilateral governance in risk situations, which should include ‘multiple actors, not necessarily all governmental, that join their efforts for a shared objective’. This goes in line with Sellnow *et al.*’s definition of risk communication, namely ‘(...) an interactive process where all parties are given access to multiple messages’ (Sellnow *et al.*, 2009, p. 17). Hye-Jin Paek (2016) links effective risk governance to a deeper understanding of the communicative process. Paek (2016, p. 1) emphasizes that communication is a complex process that ‘requires not only consideration of content, but also consideration of how, to whom, at what point, and through which channel to deliver the content. Risk communication must also consider the nature of risk, people’s characteristics affecting their risk perceptions, and the complex media environment’.

Focusing on a collaborative perspective and following the above-mentioned aspects about multilateral governance related to the context of risk-related deci-

1 <http://www.cnscbt.ro/>, accessed on January 27, 2018.

sion-making, I aim at (1) identifying the network of collective actors involved in the Facebook campaign ‘Vaccines save lives’ and (2) determining the consistency of alignment between the content shared by the Ministry of Health, as a decision-maker, and the top 10 influencers in the ‘Vaccines save lives’ network.

2. Theoretical framework

The ways crisis management professionals and researchers perceive, interact with, spread information in crises and risks situations to the respective affected communities has been deeply transformed by the technological advances of social media networks (Veil, Buehner and Palenchar, 2011). White (2012) noted that social media became one of the main tools and channels of communication not only for those directly involved in crises situations (emergency managers, volunteers, survivors) but also for the general public looking for information. Besides information seeking or sharing, publics use social media also for issue relevance and emotional venting/ support (Liu, Bartz and Duke 2011, p. 345).

In his review of best practices in public health risk and crisis communication, Covello (2003, p. 5) highlighted the importance of communication channels that encourage listening, feedback, participation, and dialogue. Veil, Buehner and Palenchar (2011, pp. 119-120) recommend that practitioners should engage social media in their daily risk and crisis communication activities, should join the conversation, including rumor management, should check all information for accuracy and respond honestly to questions or should follow and share messages with credible sources.

2.1. Network approach

Within the new paradigm of citizens as prosumers of information, the theoretical frameworks on stakeholders have also changed. Sedereviciute and Valentini (2011) make a plea for assessing stakeholders in terms of online connectivity and relationships, on the one hand, and of shared content, on the other hand. Thus, the two researchers propose a holistic stakeholder mapping model which integrates the Stakeholder Salience Model (SSM) with the Social Network Analysis (SNA). The Holistic Stakeholder Mapping Model (SMM) proposes a conceptual approach of how organizational stakeholders can be identified and prioritized.

Blending the three attributes of SSM, power, legitimacy, and urgency, with SNA measures, such as closeness, degree, and betweenness, Sedereviciute and Valentini (2011, pp. 230-232) provide a typology of stakeholders based on their connectivity within a certain social media network: *lurkers* (do not have a central position in the network to exploit their messages fast on to others) versus *influencers* (have con-

nections within the examined network). As observed centrality plays an important role in identifying users. Himmelboim *et al.* (2014) emphasize that centrality helps to explain the degree to which an individual or organization is connected to others in a network.

Starting from the two types of centralities (degree and betweenness centrality), Pervin, Takeda and Toriumi (2014) propose three roles of the online users whose visualization was developed three years later (Mirbabaie and Zapatka, 2017):

- *information starters* are identified using the metric of in-degree, which implies how often a participant node has been retweeted;
- *amplifiers* are identified through the out-degree centrality (how many times a node/ an online user retweeted the message of another node/ online user);
- *transmitters* are identified with the metric of the betweenness centrality which measures how often a node lies on the shortest paths within the whole network. Betweenness centrality provides the node's importance and power.

The definition of a transmitter (Pervin, Takeda and Toriumi, 2014) coincides with Sedereviciute and Valentini's (2011) definition of an influencer since he/she has connections within the examined network.

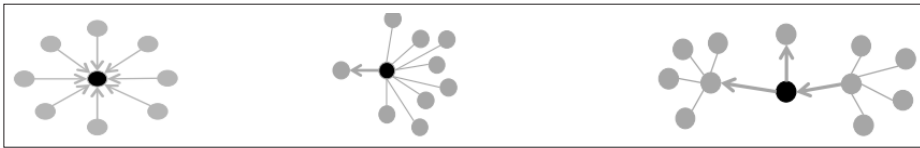


Figure 1: Visualization of an information starter (left), amplifier (middle) and transmitter (right)

Source: Mirbabaie and Zapatka (2017, p. 2174)

Thus analyzing social media and extracting the potential stakeholders is important for an organization (Sedereviciute and Valentini, 2011, p. 230) since these (unknown) stakeholders through their favorable position within a network 'can influence other members by propagating certain content within social media using their numerous ties or an exceptionally good position within a network'. Therefore, this study attempts to assess the content shared on vaccination and to identify the connectivity among stakeholders within the 'Vaccines save lives' Facebook community. Using the Stakeholder Mapping Model (SMM) and Pervin, Takeda and Toriumi's (2014) typology of online users, the following research questions will be addressed:

RQ1: How dense is the interaction among the stakeholders within the 'Vaccines save lives' Facebook community?

RQ2: What types of online stakeholders are present within this Facebook community?

2.2. Brief insights into the Health Belief Model (HBM)

Developed by Rosenstock (1966), the HBM model included four parameters: *perceived susceptibility* (individuals' assessments of the likelihood of contracting a disease), *perceived severity* (individuals' perception regarding the seriousness associated with contracting a particular health condition), *perceived benefits* (positive consequences related to adopting a healthy behavior) and *perceived barriers* (factors that prevent individuals from adopting a preventive health-related behavior). Researchers (Champion and Skinner, 2008; Diddi and Lundy, 2017) argued that perceived susceptibility and severity may combine to form a single construct, which they refer to as *perceived threat*. Two more constructs were added: *self-efficacy* (the degree of confidence individuals have in order to perform the recommended behavior) and *cues to action* (specific stimuli triggering individuals to adopt the recommended behavior, Champion and Skinner, 2008).

Studies showed that (1) educating patients about vaccine benefits and health-care professionals' vaccine recommendations may increase the vaccination rate in future awareness campaigns (Coe *et al.*, 2012); (2) since perceived barriers (vaccine side effects and safety) are of great concern on social media, Guidry *et al.* (2015) consider that health educators should use more narratives focused on the stories of those saved through vaccines; (3) the relationship between the exposure to a public health campaign and behavior should be mediated by four constructs: barriers, benefits, efficacy, and threat (Jones *et al.*, 2015). In a multistage campaign, once self-efficacy and threat are high and perceived barriers are low, then perceived benefits may influence a behavioral change, thus establishing a causal chain between barriers and benefits (Jones *et al.*, 2015).

Given the main objective of the 'Vaccines save lives' campaign, namely to bring a behavioral change (Romanians to vaccinate their children and thus to stop the measles outbreak), this study will explore how the HBM constructs were used in the 'Vaccines save lives' network, namely in the posts and comments of the Ministry of Health (Facebook username 'desprevaccin.ro') and in the content issued by Top 10 influencers/ transmitters. The last question of this study will be the following:

RQ3: What are the frequency of HBM constructs used by Top 10 influencers/ transmitters and the consistency of alignment between the HBM constructs used by these influencers?

3. Methodology

Sampling. The data will include all the Facebook posts and comments found on the 'Vaccines Save Lives' Facebook page from November 9, 2016 to November 9, 2017. These data were collected using NodeXL Pro software program in order to determine the 'Vaccines save lives' network. The Top 10 influencers/ transmitters'

posts and comments were collected with QDA miner 5.0.15. The sampling resulted in 345 posts and comments, out of which 222 posts and comments were uploaded by the main decision-maker, the Romanian Ministry of Health. In the sampling, I excluded comments which were not associated with vaccination and I also included those posts with external links (videos or links to news articles).

3.1. Network analysis

In the network analysis, I used the two stages presented by Sedereviciute (2010) in the utilization of the holistic Stakeholder Mapping Model.

Stage 1. The data were collected using the NodeXL Pro software program. This program helped in extracting the stakeholders present within the 'Vaccines save lives' Facebook community and in identifying the general connectivity of users through network density. The network obtained was analyzed in terms of *degree centrality* and *betweenness centrality* in order to classify the stakeholders as information starters, amplifiers and transmitters (influencers). Whereas *degree centrality* shows the number of direct ties one node/ stakeholder has in relation to other nodes stakeholders within a network, *betweenness centrality* shows the degree to which a node/stakeholder facilitates information exchanges between less central actors of the network, thus serving as an intermediary to spread an important message.

Himmelboim *et al.* (2014, p. 367) mention that the operationalization of online users should give priority to in-degree centrality as it ensures the direction of information toward the public and to betweenness centrality since it 'measures the extent that the actor falls on the shortest path between other pairs of actors in the network'.

The operationalization for the Facebook 'Vaccines save lives' group of the three types of online users in terms of connectivity was the following:

- information starters – online users identified in terms of the in-degree centrality values. They are the online users whose information embedded in posts and comments was considered relevant to be commented upon, thus receiving replies to their comments or posts.
- amplifiers – online users identified in terms of the out-degree centrality values. They are the online users who replied to other users' messages (posts or comments).
- transmitters – online users identified in terms of the betweenness centrality values. They are powerful in terms of the network connectivity.

Stage 2. After the assessment of nodes' In-Degree, Out-Degree and Betweenness Centralities, I provided a more in-depth analysis of the content posted and shared by the stakeholders acting as transmitters (influencers) in order to determine their interest in vaccination.

3.2. Content analysis

The coding scheme was developed using the literature on HBM constructs (see 2.2) and then it was uploaded in QDA miner 5.05.15. It included the following codes and sub-codes (Figure 1, Cmeciu, Coman and Coman, 2018):

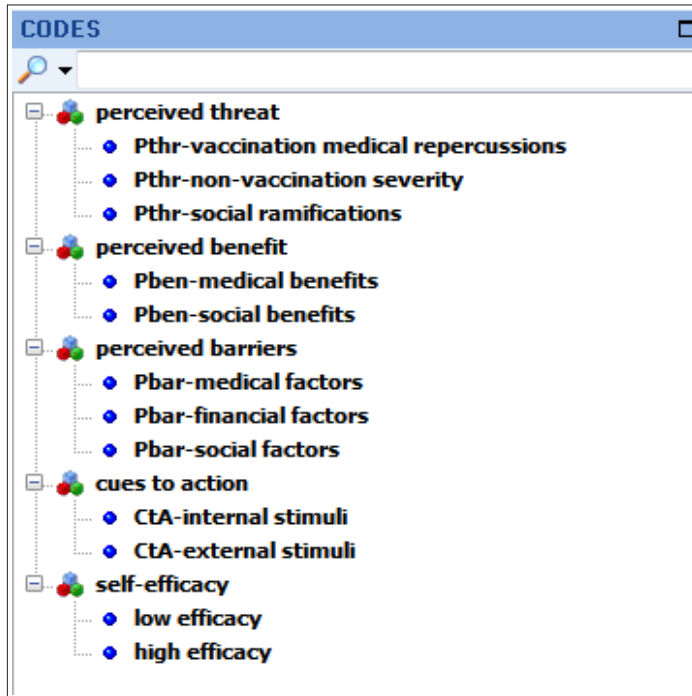


Figure 2: The coding scheme (QDA miner 5.05.15) – HBM constructs

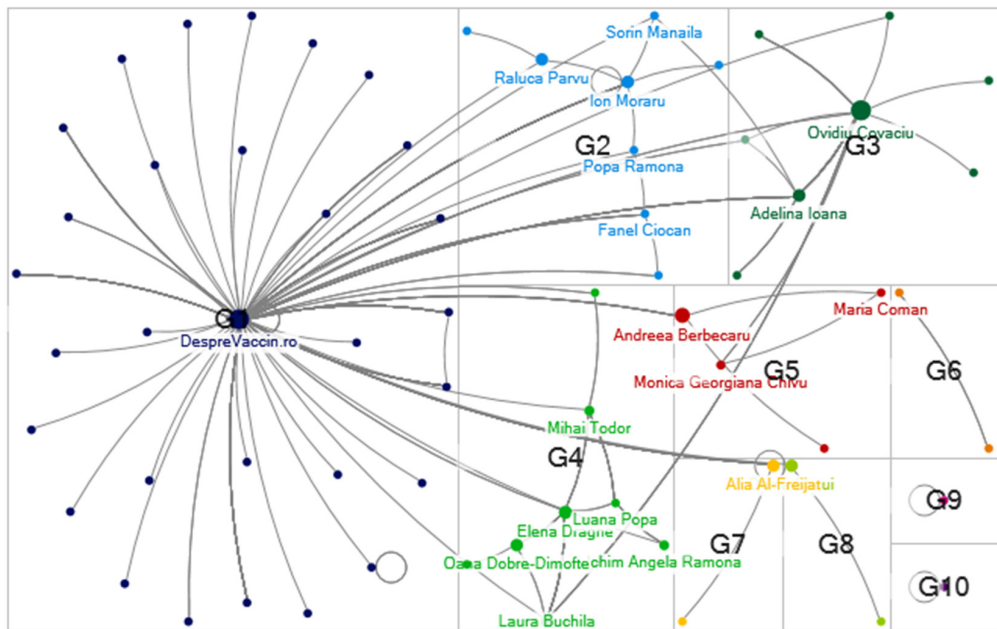
Source: Cmeciu, Coman and Coman 2018

The posts and comments were coded by two independent coders who were previously instructed on the significance of each HBM construct. The intercoder reliability analysis resulted in a value of 0.80. For the individual HBM constructs, the intercoder reliability values were 0.79 (perceived threat), 0.80 (perceived benefits), 0.78 (perceived barriers), 0.81 (cues to action) and 0.80 (self-efficacy).

4. Findings

4.1. The network of online users – ‘Vaccines save lives’ campaign

The network (Figure 3) was obtained from the NodeXL Graph Server. The graph is directed. The graph’s vertices were grouped by cluster using the Clauset-Newman-Moore cluster algorithm. The figure was laid out using the Harel-Koren Fast Multi-scale layout algorithm.



Created with NodeXL Pro (<http://nodexl.codeplex.com>) from the Social Media Research Foundation (<http://www.smrfoundation.org>)

Figure 3: Network analysis – 'Vaccines save lives' Facebook page

Source: The author

RQ1 focused on the interaction among the stakeholders within the 'Vaccines save lives' Facebook community. As the graph metrics shows (Table 1), there were 74 stakeholders (including the Ministry of Health) who took part in the debate over the campaign on vaccination and 10 groups by cluster were formed.

Table 1: Graph metrics – 'Vaccines save lives' Facebook page

Graph Metric	Value
Graph Type	Directed
Vertices	74
Total Edges	291
Graph Density	0.024941725
NodeXL Version	1.0.1.392

The network density as the ratio of existing possible connections among stakeholders in the network provides insight into the first research question regarding the density of interaction. The value of 0.024941725 is considered of very low estimate²,

² The measure for density can vary from 0 to 1, the density of a complete graph being 1 (Scott, 2013, p. 70).

which proves that the ties created by the active users for this specific debate on the vaccination issue in Romania present a low numerical value. As a consequence, the graph may be considered very sparse.

RQ2 referred to the identification of the types of online stakeholders present within the ‘Vaccines save lives’ Facebook page. Figures 4 and 5 depict the degree centrality of the network in terms of In-Degree and of Out-Degree, thus information starters and amplifiers could be identified. The statistical analysis of the In-degree (Figure 4) suggests that only ~33% (n = 25) of the online users possess an In-degree of 0, showing that stakeholders’ comments on vaccination did not receive a reply within the examined network. As observed in Figure 4, the majority of the remaining users (~40%, n=28) possessed an In-degree of one while there was only one user, *desprevaccin.ro*, who had the highest value of In-degree (44). This discrepancy between *desprevaccin.ro*/ The Ministry of Health (in-degree value = 44) and all the other online users (in-degree values ranging from 4 to 1) could be explained by the fact that The Ministry of Health was the only online user who made Facebook posts, all the other online users with an in-degree value up to 1, becoming information starters as commenters who received replies to their comments.

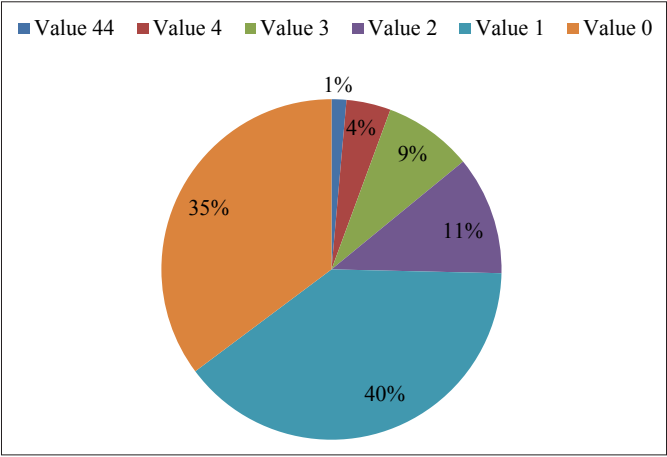


Figure 4: In-Degree Centrality (in terms of values) – the ‘Vaccines save lives’ Facebook page network

Source: The author

The Out-degree distribution (Figure 5) shows that ~19% (n=14) of the users possessed an Out-degree of 0, whereas the highest majority (~ 59%, n = 44) had the out-degree value of 1, meaning that the degree of replying to other user’s messages (posts and comments) was very scarce.

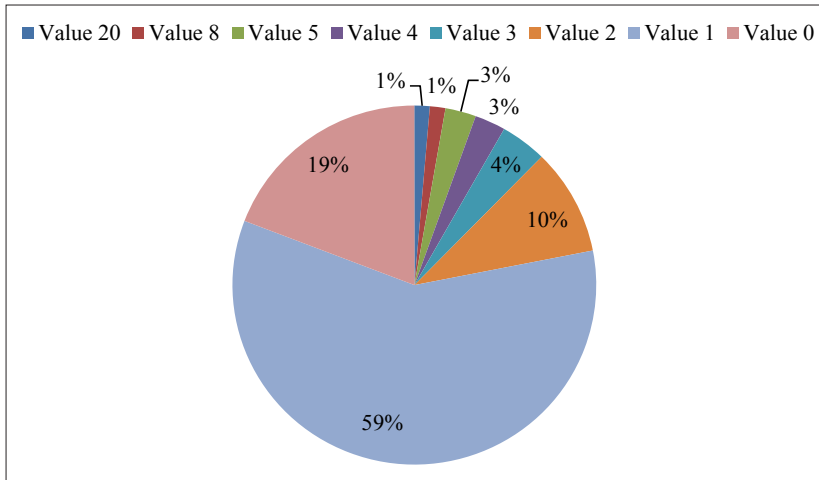


Figure 5: Out-Degree Centrality (in terms of values) – the ‘Vaccines save lives’ Facebook page network
Source: The author

Since the importance and power of a user in a network increases when its Betweenness Centrality increases, we wanted to determine the Top 10 influencers ranked by Betweenness Centrality (see Table 2). The value of Betweenness Centrality provides an insight into the role of transmitters/ influencers. We analyzed the Top 10 influencers ranked by Betweenness Centrality in terms of their In and Out-degree Centrality. This operationalization will give priority both to out-degree and in-degree. So we were interested both in the influencers who received replies to their comments/ information starters (incoming ties) but also in those who posted comments/ amplifiers (outgoing ties).

The top 10 influencers ranked by Betweenness Centrality were part of the first five groups by cluster (see Figure 3). The size of the nodes as influencers varies according to their value (see Figure 3). The bigger the circle, the higher the node’s Betweenness Centrality, thus the user facilitated more information exchanges between less central nodes of the network. As observed, besides *desprevaccin.ro*, there were six other users (*O.C.*, male in G3, *A.B.*, female in G5 and *I.M.*, male and *R.P.*, female in G2, *E.D.*, female and *O.D-D.*, female in G4) who acted as information exchangers between other commenters on vaccination.

Although the first group had the highest number of users ($n = 30$) and *desprevaccin.ro* is the first influencer/ transmitter in the Top 10 influencers (see Table 2), this was the group with the lowest interaction among its users, the majority communicating only with the central node. G2 and G4 contained most of the influencers in the network, in G2 there were five influencers and in G4 there are six influencers. Unlike the other groups where there can be traced a central node, G4 was the group where every user communicated with at least two other users inside or outside the group.

Table 2: Top 10 online users

Influencers/ transmitters (Betweenness centrality value)	
DespreVaccin.ro	1712.583
O.C., male	240.333
A.B., female	110.833
E.D., female	74.333
L.B., female	65.750
A.I., female	63.000
I.M., male	62.500
O.D-D., female	60.000
D.S., female	60.000
R.P., female	60.000

Source: Betweenness Centrality/ transmitters/ influencers – ‘Vaccines save lives’ Facebook page network

The Ministry of Health (*desprevaccin.ro*) was the most active user. The high discrepancy between the Betweenness Centrality values of *desprevaccin.ro* and all the other influencers in Top 10 clearly shows that the Romanian Ministry of Health got involved in the stakeholders’ conversations, both in posting comments and in getting replies to its comments.

As it could be observed from Table 2, besides *desprevaccin.ro* (The Ministry of Health), the Top 10 influencers/ transmitters belong to the wider civil society (on-the-ground citizens, as Berti Suman (2019) labels them). But among these citizens, some of them could be identified either as endorsers of the ‘Vaccines save lives’ campaign or as the founder of the largest pro-vaccination Facebook group (82,290 members in August 2019).

This classification of the ‘Vaccine save lives’ network users into influencers/ transmitters, amplifiers and information starters was followed by a more in-depth analysis in order to determine the degree of relevance of their comment contents. For the content analysis we selected the posts and comments of the Top 10 influencers/ transmitters.

4.2. Top 10 influencers’ shared content – frequency and consistency of alignment

The *shared content* of the Top 10 influencers (transmitters) will be tackled upon using the Health Belief Model constructs (perceived threat, perceived benefits, perceived barriers, cues to action, self-efficacy) since this model is used in assessing the individuals’ attitudes and beliefs when deciding to adopt or not a recommended behavioral change.

As the network analysis showed, *desprevaccin.ro* (Ministry of Health in Romania) was in Top 10 influencers/ transmitters, actually being the most active on-line user (n = 222 posts and comments). Table 5 shows the distribution of sub-constructs for each HBM construct for Ministry of Health and Top 10 influencers.

Table 3: Distribution of HBM (sub-)constructs – Facebook posts of the Romanian Ministry of Health and Top 10 influencers (generated by QDA miner 5.0.15)

Category (HBM construct)	HBM Sub-construct (Code)	% Codes <i>desprevaccin.ro</i> (Romanian Ministry of Health)	% Codes Top 10 influencers
perceived threat	Pthr-vaccination medical repercussions	15.80% (n=35)	12.19% (n=15)
	Pthr-non-vaccination severity	14.90% (n=33)	2.43% (n=3)
	Pthr-social ramifications	0.90% (n=2)	0%
perceived benefit	Pben-medical benefits	25.20% (n=56)	4.06% (n=5)
	Pben-social benefits	2.70% (n=6)	1.62% (n=2)
perceived barriers	Pbar-medical factors	8.60% (n=19)	9.75% (n=12)
	Pbar-financial factors	2.30% (n=5)	3.25% (n=4)
	Pbar-social factors	14.00% (n=31)	18.69% (n=23)
cues to action	CtA-internal stimuli	0.80% (n=2)	1.62% (n=2)
	CtA-external stimuli	5.30% (n=12)	21.95% (n=27)
self-efficacy	low efficacy	0%	18.69% (n=23)
	high efficacy	9.50% (n=21)	5.75% (n=7)
TOTAL		100% (n=222)	100% (n=123)

Although *perceived threat* is the mostly used HBM construct in the online posts of the Ministry of Health, the most prominent sub-construct focused on medical benefits (Pben-medical benefits, n = 56, 25.30%), followed by two types of threats (Pthr-vaccination medical repercussions – n = 35, 15.80%; Pthr-non-vaccination severity – n = 33, 14.90%) and social barriers (Pbar-social factors – n = 31, 14%). Focusing on the diseases' vaccination could prevent, the Romanian Ministry of Health did not let aside the possible side effects and the number of victims if parents do not vaccinate their children. The information about vaccination repercussions and non-vaccination severity was present in the posts of the Ministry of Health as links to the external website of the ministry or of other medical sources.

The Ministry of Health used loss-framed messages when referring to the anti-vaccination movement. Seen as a social barrier, this movement was considered to have caused the high number of children who were not vaccinated. In its posts, the Ministry of Health used interviews with doctors or representatives of the National Society of Family Medicine. These credible sources provided explanations about the

conspiracy theory beyond vaccination, thus counterbalancing well-known myths about the side-effects of vaccination, promoted by online manipulative experts (e.g. 'Vaccination causes autism', 'Vaccines exist just for pharmaceutical companies to gain profit', or 'Vaccines cause exactly the same disease they are supposed to fight against').

In Top 10 influencers' comments, the most prominent sub-construct is *cues to action* focused on external stimuli (n=27, 21.95%), followed by social barriers (Pbar-social factors – n = 23, 18.69%) and *low efficacy* (n = 23, 18.69%).

Online users were reluctant about the efficiency of the 'Vaccines Save Lives' campaign and mentioned the commercial interests lying beyond the agreements between the Romanian Ministry of Health, pharmaceutical companies and media. Four of the top 10 influencers (A.I. – female, A.B. – female, L.B. – female, E.D. – female) posted angry comments demanding the Ministry of Health (desprevaccin.ro) to provide posts on side-effects as well ('We kindly ask you to make a video about the possible side effects! This is CORRECT INFORMATION!', L.B., Nov. 10, 2016). These online users made a plea for non-compulsory vaccination ('We do not want compulsory vaccination, we can judge for ourselves, we are not animals!' A.I., Nov. 10, 2016.) since they were concerned about the safety of the vaccines and about possible diseases which vaccination might bring. Fear was a salient emotion used in their comments, especially when they provided their personal experience. One of the Top ten influencers told her personal story about the death of her daughter ('Not all kids tolerate what you promote. My daughter died immediately after the BCG vaccine.', A.I., Nov. 10, 2016). These personal stories were combined with a distrust in pharmaceutical industry and Romanian government. Media was also accused for having generated a false emotional state which triggered a propaganda for vaccination ('Why are not the cases of the children who suffered after vaccination made public? Why must parents cry their pain out loud on Facebook? (...) Our trust in the Ministry keeps on decreasing. A.B., Nov. 10, 2016).

The other five of the Top ten influencers (O.C. – male, O.D-D. – female, D.S. – female, R.P. – female, I.M. – male) provided pro-vaccination comments. Although the low efficacy of vaccination and medical repercussions as perceived threats were emphasized by the four anti-vaccinators in Top 10 influencers/ transmitters, the other five pro-vaccination online users provided the cues to action sub-construct, encouraging parents to report cases of side effects and to vaccinate their children. They framed the anti-vaccination movement as a perceived barrier (social factor) because the anti-vaccinators used their children's deaths to stir vaccination hesitancy and also followed the advice coming from other online anti-vaccinators instead of acquiring information from competent medical sources. They used gain-framed messages by mentioning their personal experiences on vaccination and made a plea for parents to think at a larger scale. In their opinion, vaccination should go beyond protecting one's child, and it should focus on protecting others.

5. Discussion and conclusions

As mentioned in the introduction of this study, risk governance focuses on various ways in which public and private, individual and collective actors deal with risks surrounded by uncertainty, complexity, and/or ambiguity (van Asselt and Renn, 2011, p. 431; Piattoni, 2010, p. 1). The polyphony of voices present during a risk and crisis situation should be closely linked to what Piattoni (2010) identifies as a multi-level governance since dense networks of collective actors are formed especially through online environment.

In this study multi-level governance related to the issue of vaccination in Romania was tackled upon on two levels: at the level of online connectivity (the network of collective actors formed throughout the 'Vaccines save lives' campaign) and at the level of shared content of the Top 10 influencers.

Previous research (Veil, Buehner and Palenchar, 2011; Tirkkonen and Luoma-aho, 2011, etc.) showed that during crisis or risk communication joining the conversation on social media and having an ongoing dialogue with users are two important elements to preserve an online communication between authorities and users. The network analysis showed that the Romanian Ministry of Health got involved in a real-time dialogue with online users, being the most active user in Top 10 Influencers. It provided not only posts on vaccination, but also replies to users' comments. The network on the 'Vaccines save lives' Facebook page was not formed of a high number of users ($n = 74$). The analysis on the shared content of the influencers/ transmitters showed that two biased discussions on vaccination prevail: reluctance toward vaccination versus trust in vaccination. The HBM sub-constructs associated with reluctance were 'cues to action', 'perceived social barriers' and 'low efficacy'. In line with previous studies on the perception of online users on various epidemics (Tirkkonen and Luoma-aho, 2011; Faasse *et al.*, 2016), the Romanian online users also expressed their distrust in the authorities' competence to handle the outbreak and their revolt against the Romanian government, media and medical companies for having induced an emotional state to justify the bill on obligation of vaccination. This goes in line with some of the findings of the 2017 IRES survey: 40% of the surveyed persons consider that the ineffectiveness of measles control in Romania should be linked to the frequent changes of health ministers, while another 40% are of the opinion that the Ministry of Health being unable to handle the situation is the main cause for the national shortage of vaccine supplies. This survey also highlighted that 27% of surveyed individuals believe that mediatization of cases of vaccination side-effects is one of the main reasons for the decrease in vaccination in Romania.

Gain-framed messages were used by the other half of the Top 10 influencers. A public health campaign (Jones *et al.*, 2015) on vaccination should take into account four HBM constructs (barriers, benefits, efficacy and threats). Jones *et al.* (2015) highlighted the fact that a causal chain between barriers and benefits should be

established. As the analysis showed, the two most salient HBM constructs used by the Romanian Ministry of Health were perceived threat (vaccination medical repercussions) and perceived medical benefits. This goes in line with the results of the IRES 2017 survey on public perception on the bill of vaccination in Romania: 87% of the surveyed persons are of the opinion that the vaccination benefits far outweigh potential side-effects. The other pro-vaccination users from the Top 10 influencers focused their content on social interaction among their family members and other community members. The Ministry of Health's engagement did not limit to the positive-laden aspects of vaccination. The Romanian Ministry of Health also mentioned vaccination medical repercussions as perceived threats, thus highlighting the importance of engaging the other users in discussing the negative aspects related to vaccination (Guidry *et al.*, 2017)

Ștefan Dascălu (2019, p. 5) considers that 'despite the overall positive views on immunization and possibly because of the inefficient implementation of public health measures, the dangers associated with vaccine preventable diseases, such as measles remain an important problem'. This analysis of the multi-level governance of vaccination revealed that there are three levels to be taken into account:

- *the micro-level*: tragic personal experiences of parents who vaccinated their children. Such personal stories combined with a state of anger towards the Romanian political and medical system may constitute important arguments against vaccination. The IRES survey showed that parents' personal opinions (17% of the respondents) were one of the causes of the vaccination decrease.
- *the mezzo-level*: the structure of a public campaign. The 'Vaccines save lives' campaign focused on creating a dialogue between the online users, healthcare practitioners and the Ministry. The Facebook page and the website provided information about immunization and about the benefits of a high vaccination coverage. The dialogue was created but some of the comments revealed that not all the content was read, especially that was embedded in links to other sites. Thus a future online vaccination campaign should embed texts or infographics related to side-effects and not links to such threats, which may not be accessed by users. Information sources constitute one important element of an online campaign. 72% of the surveyed individuals (IRES survey) considered that family doctors have the obligation to inform parents about the vaccination benefits and risks. Despite this opinion, a study on the HPV vaccination campaign in Romania (Crăciun and Baban, 2012) showed that using doctors as credible sources may not be a good choice since they may be associated with an ineffective health care system.
- *the macro-level*: an ineffective national legislative framework on vaccination. There is no legislative framework which should outline the precise responsibilities of the concerned parties. The only working official document on vaccination is the national calendar on vaccination. The Romanian government provides the vaccines as part of the national immunization program free of

charge, but parents still had to pay for vaccines because of the vaccine shortage and they may still choose whether to vaccinate their children without any legal justification (Dascălu, 2019) although throughout the ‘Vaccines save lives’ campaign the Ministry of Health proposed a vaccination bill which was not enacted into a law.

Limitations of the study. A comparative analysis of the vaccination campaigns implemented by various European governments may bring a greater insight into the online users’ connectivity and shared content. Interviews with PR practitioners in the health domain may explain what strategies are used to tailor the messages throughout various disease outbreaks.

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USING SOCIAL MEDIA TO INCREASE TRANSPARENCY OF SUPREME AUDIT INSTITUTIONS

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Abstract

Social media is spreading on the entire earth rapidly changing the way of communication and interactions in different areas of human life. Used in early stages by people who wanted to stay connected with their friends and families, social media became in time a tool used by public organizations to promote transparency, to foster democracy and to keep governments' agencies accountable. Supreme Audit Institutions (SAI) have an important role in promoting transparency in the public sector. They use social media platforms to interact and communicate more with citizens, but in many cases their activity on social media is influenced by different variables. The purpose of this study is, on the one hand, to explore whether and how SAIs from EU Member States are using Twitter as a way to improve their transparency, and, on the other hand, we will seek to understand if the organizational model of SAI, the Corruption Perceptions Index 2016 as defined by Transparency International and the fact that their independence is established by law or not, can influence the activity of SAIs on Twitter. In the end, we will propose a model for Supreme Audit Institutions for the diffusion of information on Twitter.

Keywords: social media, public sector, Supreme Audit Institutions, transparency.

1. Introduction

Supreme Audit Institutions (SAI) are traditional institutions with an important role in promoting transparency in the public sector, but sometimes their activity is put under a question mark, especially in those countries where their message is not very clear and is not getting to the decision factors. That is why, in order to be able to promote transparency, SAIs need to be as transparent as possible in the first place. SAIs need to adopt communication strategies, in order to improve their transparency (González, López and García, 2008). Websites and social media are two tools that should be implanted in SAIs communication strategies to guarantee the success of the external communication (INTOSAI, 2010a, pp. 11-12). Social media networks have gained popularity over the last decade, allowing people to create and sustain relationships with others (Boyd and Ellison, 2007), to communicate, and share content in a social environment (Porter, 2008; Tepper, 2003; Zheng and Zheng, 2014).

International Organization of Supreme Audit Institutions (INTOSAI) has published International Standards of Supreme Audit Institutions (ISSAI) 20 and 21 (INTOSAI, 2010b; INTOSAI, 2010c) and compliance with these standards can transform SAIs into an example of transparency and accountability (Garde Sanchez, Rodriguez Bolivar and Alcaide Munoz, 2014).

2. Sailing through the social media concept

The term 'social media' refers to that part of media designed for social interaction and is centered on it. Social media is associated with different kind of web-based technologies and services such as: blogs, microblogs (Twitter), social sharing services (YouTube, Flickr, Stumble Upon, Last.fm), text messaging, discussion forums, collaborative editing tools (wikis), virtual worlds (Second Life), and social networking services (Facebook, MySpace). These technologies enable users to communicate, interact, edit, and share content in a social environment (Porter, 2008; Tepper, 2003; Zheng and Zheng, 2014).

Kaplan and Haenlein are viewing social media as a group of internet-based applications that are 'built on the ideological and technological foundations of Web 2.0 and that allow the creation and exchange of user-generated content' (Kaplan and Haenlein, 2010, p. 61).

Social media, which has become part of our everyday life (Ellison, Steinfield and Lampe, 2007) is seen by scholars as equivalent to traditional news media (Chouliaraki, 2008).

The importance of social media is growing from one day to another, as more and more people are using the platforms.

At the level of 2016 it has been calculated that there were around 2.44 billion social media users around the globe (Statista, 2016) and since then, every day, more

and more people started to use one or more of the types of social media tools described below:

- **Blogs** are websites managed by authors, whose content is presented in a structured format and is related generally to a defined subject. Blogs allow users to record comments at the end of each article. Blogs have been used by many government agencies to promote open communication with citizens, who, in their turn, can use non-governmental blogs to promote openness when the government has a certain resistance to transparency (Bertot, Jaeger and Grimes, 2012);
- **Wikis** are special websites where voluntary users can create articles that can be modified, corrected and amended in a controlled fashion by other users. Two of the most known wikis are Wikipedia.org, which is an online encyclopedia, and Wikileaks.org – a non-government sponsored wiki supported by a community of hackers and activists which promote openness and fight against corruption by releasing sensitive information related to any government in the world (Bertot, Jaeger and Grimes, 2012);
- **Mashups** are resources or services that combine the data or functionalities of at least two other sources to create a new application, resource or service (Brito, 2008; Robinson *et al.*, 2009). One popular mashup is the Chicago Crime Map which merges the Google Map application with Chicago crime rate data. The Chicago Crime Map evolved into EveryBlock (www.everyblock.com), and it provides a range of local data in the major US cities (Bertot, Jaeger and Grimes, 2012);
- **Social networks** are platforms used to exchange personal and professional information. Most of these social networks allow users to build online communities where they can connect and interact with other users who have similar interests and to interconnect from one of these platforms to another. For instance, users can create YouTube channels and Facebook pages, and then they can create links or include materials from other websites. Among the key elements of the social network service we can identify the ability for a user to create a profile, the ability for users to create a list of other users who have a shared connection or similar interests and the ability to view the connections made by other users in the network (Boyd and Ellison, 2007; Bertot, Jaeger and Grimes, 2012). Examples of popular social networking services include Facebook, Orkut and LinkedIn.
- **Media-sharing services** (video, photo/image, audio) are platforms that allow users to view, discuss, upload, distribute and store digital content in a social environment. Examples of various media-sharing services include photo/image (Photobucket, Picasa, Flickr) and video (YouTube, Vimeo, Dailymotion) (Bertot, Jaeger and Grimes, 2012);
- **Microblogging services** are platforms that usually are combining features of social networking and blogging technologies and allow users to broadcast

small messages or updates to a specific group or community. Popular examples of microblogging applications are Twitter, Jaiku and Tumblr (Bertot, Jaeger and Grimes, 2012).

According to Statista, 'one of the leading statistics companies on the internet, heaving a team of over 250 statisticians, database experts, analysts, and editors', the most popular social network in April 2017 was Facebook with 1,968 million active users, followed by WhatsApp (1,200 millions), YouTube (1,000 millions), Facebook Messenger (1,000 millions). In top ten we can also find Instagram (600 million) and Twitter (319 million) (Statista, 2017).

So, as we can see above, social media is spreading on the globe very quickly, conquering one step by another billions of people.

3. Barriers and drivers for the adoption of social media in the public sector

Though is used by billions of people, social media is still a new technology that must be better understood in terms of its benefits and risks. Several countries, including the U.S., have developed some social media guidelines focusing on their benefits, risks and strategic components, in order to assist public agencies to achieve best practices in the domain of social media (CIO, 2009). Benefits in terms of social media are defined as 'providing of advantages through social media usage that promote and enhance well-being' (Khan, Swar and Lee, 2014). Some researchers are seeing in social media a tool for transparency, openness and democratization, efficiency, user convenience, accountability, citizen involvement, and improved trust (Mäkinen and Wangu Kuira, 2008; Lathrop and Ruma, 2010; Noveck, 2009; Chang and Kanan, 2008; Chun *et al.*, 2010; Cromer, 2010; Dorris, 2008; Kuzma, 2010; Landsbergen, 2010).

Social media channels are step by step diffusing across all levels of government and help to connect government with citizens and other organizations to strengthen the government – citizens relationship (Khan, Swar and Lee, 2014). Social media allow citizens initiatives to hold governments accountable (Mergel and Bretschneider, 2013), and help a government to create a better image for itself among citizens (Khan, Swar and Lee, 2014).

The social media tools have also been used with success in several critical situations such as: the microblogging service Twitter during the East Coast snow storms in 2010 (Gregory, 2010), the use of Facebook to coordinate the Arab Spring in 2011 (Marks, 2011), and the call by the Federal Emergency Management Agency (FEMA) to use social media instead of phone lines to check in with friends and family during earthquakes and hurricanes in late 2011 (Fugate, 2011), and all these indicate that social media became a trusted communication channel in the public sector (Mergel, 2012a).

The diffusion of social media in public administration has generated a big interest among researchers and has a multidisciplinary character (Boyd and Ellison, 2007). Many scholars are highlighting that US federal agencies are using blogs, wikis, and social networking sites, among other social media, to create records, to disseminate information and to communicate with citizens for several years (Barr, 2008; Brown, 2008; Snyder, 2009; Wyld, 2007).

Moreover, social media use in the public sector can be seen as a technological innovation and a transforming agent (Chun and Reyes, 2012), as informing citizens about what their governments are doing can encourage accountability and, more importantly, transparency (Chun *et al.*, 2010; Cromer, 2010). Others, like Mergel (2012b), consider the application of these tools in the public sector as the 'fifth wave' of information and communication technologies (ICTs).

Spannerworks (2007, p. 5) has created an entire list of social media's benefits applicable to the public sector institutions, such as:

1. 'participation: social media encourages contributions and feedback from everyone interested, blurring the line between media and audience;
2. openness: most social media services are open to feedback and participation. They encourage voting, comments, and sharing of information with rare barriers to accessing and making use of content;
3. conversation: whereas traditional media is about broadcast, content transmitted or distributed to an audience, social media are better seen as conversational, two-way interaction channels;
4. community: social media allows communities to be formed quickly and communicate effectively around common interests; and
5. connectedness: social media thrives in their connectedness, exploiting hyperlinks and combining different kinds of media in one place'.

Although there are many benefits of social media use in the public sector, it also involves some risks which result in skepticism and concern. By risk we understand a 'combination of uncertainty plus seriousness of outcome involved' (Bauer, 1967, p. 23).

The social media risk refers to 'the likelihood that a negative social media event will happen (multiplied by) the impact that negative event will have if it does happen' (Webber, Li and Szymanski, 2012, p. 3).

Some of these barriers are related to privacy (Chang and Kanan, 2008; Sola-Martinez, 2009; Tisselli, 2010; Bertot, Jaeger and Hansen, 2012; Bryer and Zavattaro, 2011; Dadashzadeh, 2010; Landsbergen, 2010; Sherman, 2011), security issues – the risk of inserting malware into governments' websites, accuracy, records management and administration-specific requirements (Bertot, Jaeger and Hansen, 2012; Bryer and Zavattaro, 2011; Dadashzadeh, 2010; Landsbergen, 2010; Sherman, 2011), multi-cultural impact (Vitkauskaite, 2010), effects on productivity (Wilson, 2009), social inclusion, data management and accessibility (Bertot, Jaeger

and Hansen, 2012). There are also scholars who believe that social media tools themselves are ineffective (Baumgartner and Morris, 2010), and that are doing a lot of damage to democratization (Shirky, 2011), and that they affect the user's productivity in the workplace: 'once addicted to social media, users tend to spend more time browsing and socializing on social network sites. The use of social media that can cause a lack of productivity in the workplace can be considered a waste of time' (Khan, Swar and Lee, 2014).

4. Social media and the transparency of Supreme Audit Institutions

The impact of the internet on the improvement of the interactivity, transparency, and openness of public sector entities has been highlighted by many authors (La Porte, Demchak and Friis, 2001; Demchak, Friis and La Porte, 2000; Drüke, 2007; La Porte, Demchak, and De Jong, 2002), and all of these elements are seen as positive values to increase citizen trust in governments (Demchak, Friis and La Porte, 2000; Kim *et al.*, 2005). Transparency is highlighted as a key element of good governance too (Kim *et al.*, 2005) and is defined as 'the availability of information about an organization or actor allowing external actors to monitor the internal workings or performance of that organization' (Grimmelikhuijsen, 2012, p. 55), and by being transparent 'the veil of secrecy' is lifted (Davis, 1998, p. 121). In a simple way of saying, transparency is 'the ability to look clearly through the windows of an institution' (den Boer, 1998, p. 105).

In one research Bonsón *et al.* (2012) are highlighting that we can obtain improvement in terms of public sector transparency by using content syndication and social media platforms as a way to bring the public sector agenda and activities closer to citizens and provide news and information in the platforms used by the public. Moreover, in their opinion, at the core of social media for local entities is standing the concept of transparency (Bonsón *et al.*, 2012). SAIs are considered to be one of the institutional pillars that contribute to enhanced integrity (Martini, 2012), 'transparency and accountability; fairness and equity; efficiency and effectiveness; respect for the rule of law; and high standards of ethical behavior in public management – which are fundamentals of good governance and represent the basis upon which to build open government' (OECD, 2005, p. 28). The work of the International Organization of Supreme Audit Institutions (INTOSAI) in promoting greater accountability, transparency, and efficient and effective use of public funds for the benefit of citizens is supported and recognized by the Resolution A/RES/66/20916 of United Nations (UN) General Assembly (UN, 2011).

Adopting good transparency and accountability practices by SAIs is strengthening 'the auditing organisms' public image in the eyes of the citizens and would contribute to legitimizing their authority to control' (Mendoza Zúñiga, 2013, p. 101).

Though the SAIs have an important role in promoting transparency in the public sector, sometimes their activity is put under questions, especially in those countries where their message is not truly clear and is not getting to the decision factors. So, to be able to promote transparency of the SAIs, who must be transparent as much as possible in the first place, to improve their transparency, SAIs need to adopt communication strategies, as Gonzalez, Lopez and Garcia are suggesting in one of their studies (2008).

INTOSAI recognizes that communication is the factor that can influence the success of SAIs' work and indicates that the internal and external communication has a strategic role that contributes significantly to the efficient work of the community of SAIs, designing, since 2010, homogenous procedures in the field of SAIs communication (INTOSAI, 2010a).

Another reason for SAIs to have good communications with media comes from the fact that media might act as a bridge to citizens and the citizen's view of public services. Sometimes public opinion, as expressed by the media, can provide added support and impact for audit topics and audit reports (INTOSAI, Appendix to ISSAI 3100, undated; UN DESA, 2013).

The reason why some SAIs are considering that they need to have a good communication is, on the one hand, because these institutions must justify their existence and, on the other hand, as a way to increase their credibility (Waerness, 1999; Barrett, 2000).

To show that it is aware of the importance of communication for the success of SAIs' work, INTOSAI has published the ISSAI 20 and 21. INTOSAI is also encouraging all member SAIs to share and disseminate as much information as possible concerning their activities promptly through social networks, online collaboration tools and other digital media, and any other relevant communication technology to be developed in the future (INTOSAI, 2010a). The reason for using the modern communication technology is because greater use of this technology can make communication 'faster, more reliable, broad-based and economical' (INTOSAI, 2006).

These new technologies will bring in the near future a change in communication between SAIs and their target groups, who will no longer be just consumers of information, but also producers of information and active participants in the decision-making process (González-Díaz, García-Fernández and López-Díaz, 2013).

In the use of different channels of communication is important not to forget the need 'to integrate both traditional and social media' (Kaplan and Haenlein, 2010, p. 65) into a so-called 'ecosystem whereby everybody works together to achieve a common goal' (Hanna, Rohm and Crittenden, 2011, p. 273) which, in the case of SAIs would be the improvement of transparency and accountability.

INTOSAI is aware of the speed with which things are evolving in the online space and understands the importance of the internet. As they are saying 'SAIs acknowledge that websites and social media are two tools that should be implant-

ed in their communication plans to guarantee external communication success' (INTOSAI, 2010a, pp. 11-12).

SAIs are being encouraged by INTOSAI to use alternative mechanisms to release their audit reports and disseminate their content in user-friendly formats, such as:

1. videos posted on YouTube, including videos of SAI representatives testifying before legislative bodies;
2. podcasts posted on iTunes and available on RSS feeds, such as taped interviews of SAI executives discussing their recent products;
3. updates to SAI Facebook pages or other social media, providing information on new products, open recommendations, and financial or other results of audits;
4. messages sent via Twitter feeds to alert legislative and executive officials, citizens, academics, and others to the publication of new SAI products;
5. graphics and visual images from reports posted to Flickr or SlideShare;
6. the use of QR (quick response) codes, sharing widgets, and mobile phone apps to allow users to quickly access the SAI's website and products;
7. online chats and blogs with SAI executives on topics relating to recently issued products, current issues, etc.;
8. appearances by SAI executives on television and/or radio shows (including participation in public/academic debates);
9. simplified presentations of the technical audit reports that are designed to reach a popular audience; and
10. public dissemination points at the SAIs' official locations, such as interactive touch screens delivering news and items of interest regarding the SAIs at the entrance to the SAIs' establishments' (Bowling, 2013, p. 61).

The response to the impulse given by INTOSAI has not been long awaited, as Supreme Audit Institutions across the world are getting more and more involved on social media and are using their accounts for different purposes:

1. The Netherlands Court of Audit (NCA) is using Twitter to 'announce new NCA reports, to direct users to their website, and to make NCA followers aware of parliamentary debates about their reports' (UN DESA, 2013, p. 19). NCA has been extensively crowd sourcing using social media. In 2011 they also launched through LinkedIn the 'Action Plan Teacher' internet forum and the 'Passion for public accountability' project (UN DESA, 2013).
2. National Audit Office (NAO) of UK uses a wide range of social media as a way 'to provide alerts to subscribers when new work is produced' (NAO, 2016).
3. The State Audit Office of Latvia (SAO) has launched a video blog on their YouTube channel with the purpose of informing citizens about the findings revealed during the auditing process, in a dramatic style, allowing citizens in this way to access and understand complicated reports without prior or specialized knowledge. The videos are being created in collaboration with students

from Latvian University to avoid ‘speak audits’ and are also uploaded on SAO’s homepage, and are posted on the most popular social networks in Latvia, including Twitter, which is used by 90% of Latvian politicians, media people and leading authorities, and are shared among the biggest Latvian media, with local governments and non-governmental organizations. By using these forms of communication, SAO wants to promote ‘a more prudent and effective handling of taxpayers’ money’. In their vision, none of the officials or politicians like to be ‘under the spotlight of a video story which is widely shared on social networks – especially when they are depicted as money wasters or unskilled managers and, even more so, if the story is told by a popular TV personality’ (EUROSAI, 2015).

4. According to the GAO, ‘SAIs are improving their websites with Web 2.0 technology and have started to use social media, regarding them in some cases as a strategic element’ (GAO, 2010, p. 7). The GAO has set for itself the goal of improving ‘efficiency and effectiveness in performing GAO’s mission and delivering quality products and services to the Congress and the American people’, and in order to do so the GAO started to use a Facebook page, a Twitter account, a YouTube channel and a Flickr page, to share its work with Congress and citizens – ‘Facebook and Twitter for news reports, testimonies, and podcasts and YouTube and Flickr for videos and report graphics, respectively’ (GAO, 2010).

4.1. *Types of organizational models of SAIs*

There are some scholars who suggest that there are major differences among the SAIs belonging to INTOSAI in the way how they are creating their communication strategy as a means of enhancing their transparency and accountability depending on various factors: media systems (Mediterranean or polarized pluralist, Northern European or democratic corporatist, or North Atlantic liberal models) and types of SAIs’ structure (Anglo Saxon or Westminster, Napoleonic or judicial, and the board or collegiate models) (González-Díaz, García-Fernández and López-Díaz, 2013; World Bank, 2001; Van Zyl *et al.*, 2009; Santiso, 2008; OECD, 2011).

Due to the fact that different models have closer ties to different institutions, for instance the Court model to the judiciary, the Board model to the legislature, and the Westminster model to the executive (Santiso, 2009), the model could, in theory, influence the likelihood of greater transparency as suggests a study operated on a number of 16 SAIs of the Westminster model, 8 of the Judicial model, and 6 of the Collegiate model.

Evidence shows that countries with Westminster and Board models present a greater average of transparency practices (8.8 and 8 practices, respectively) compared to countries that have adopted a Judicial (6.8) model (EIP, 2014).

Standard typologies of Autonomous Agency Audit (AAA) classify them according to their institutional features and functions and include three ideal types of AAAs: the monocratic model, the court model and the board or collegiate model.

- The monocratic model is prevalent in Anglo-Saxon countries such as the US, the UK or Canada, and, in Latin America, in Colombia, Mexico, Peru and Chile;
- The court model is followed by the Roman law countries such as France, Italy or Spain, and, in Latin America, Brazil and El Salvador; and
- The board model is an institutional hybrid and is adopted by countries such as: Germany, Netherlands, Sweden, and, in Latin America, Argentina and Nicaragua follow this model (Santiso, 2009; Stapenhurst and Titsworth, 2006).

Three main organizational models of SAIs exist:

1. Westminster model, also known as the Anglo-Saxon or Parliamentary model, found in the United Kingdom and most Commonwealth countries including many in sub-Saharan Africa, some European countries such as Ireland and Denmark, Austria, Estonia, Finland, Hungary, Cyprus, Latvia, Lithuania, Malta, Poland and Latin American countries such as Mexico, Peru, Chile, Colombia. Though this SAI has a single head, with the title ‘Auditor General’ or ‘President’, the authority exercised by the head of the SAI varies. In some cases, all important decisions are made by, or approved by, the President (Auditor General), in others, the authority can be delegated to subordinate officials within a strategic and corporate planning framework for the whole office. The SAIs from this model are independent bodies that report to the Parliament and the staff of this type of SAI are trained accountants and auditors. The audit office has no judicial function and the traditional type of audit carried out is financial audit. However, the tenure of office of the head of the SAI is usually term limited; however, in some cases the position is held until retirement (EIP, 2014; World Bank, 2001; DFID, 2004; Committee of the Heads of the SAIs of the European Union, 2004; Stapenhurst and Titsworth, 2006).

2. Judicial or Napoleonic model, found in Greece, Turkey, Belgium, the Latin countries of Europe including Spain, Italy, Portugal, France, francophone Africa and Asia, and several Latin American countries including Brazil and Colombia, El Salvador; often referred to as courts of audit or courts of accounts. In Francophone Africa, this model may co-exist with general state inspectorates, some of whom may be nominated as the country’s SAI. They are usually part of the executive but independent of specific ministries and departments (EIP, 2014; World Bank, 2001; DFID, 2004; Committee of the Heads of the SAIs of the European Union, 2004; Stapenhurst and Titsworth, 2006). SAIs of this type have judicial and administrative authority and are governed by collegiate/board bodies composed of judges, with members which act on equal term and one judge is named as ‘President’. The staff of the courts of audit is formed by qualified lawyers. Though the traditional purpose of this type of SAI is to conduct compliance audits, in our days they conduct finan-

cial audits and performance audits too. The SAIs from this model are independent of both the legislative and the executive branches of government. This type of SAI does not depend on the legislature for follow-up, however less parliamentary involvement can mean less pressure, and thus less transparency for a SAI.

3. Board or Collegiate model, found in some European countries including Germany, the Netherlands, the Czech Republic, Luxembourg, the Slovak Republic, the EU – the European Court of Auditors, also in Argentina and Nicaragua, and Asian countries including Indonesia, Japan and the Republic of Korea (EIP, 2014; World Bank, 2001; DFID, 2004; Committee of the Heads of the SAIs of the European Union, 2004; Stapenhurst and Titsworth, 2006). These SAIs have no judicial functions and the ‘President’ may still have a significant influence on the decisions made in the collegial process. In this system, the audit board prepares and sends an annual report to the cabinet, which sends the report further to the Parliament (World Bank, 2001).

5. Methodology

This study aims to understand if SAIs from EU member states are using their accounts on social networks such as Twitter to improve their transparency and in the same time to see if there is any connection between factors such as: the Corruption Perceptions Index 2016 as defined by Transparency International, the fact that their independence is enforced by law or not and the organizational model of SAI can influence their activity on Twitter. Based on the results obtained we will propose a model for Supreme Audit Institutions on how to share information on Twitter.

A preliminary investigation has been conducted to identify which one of the following social media platforms: Twitter, Facebook or YouTube is being used by SAIs from the 28 EU Member States. In order to find out, two methods were applied. On the one hand, an investigation was conducted to see if there are links from the SAIs’ official websites of the EU Member States to their accounts on social media. The second method was applied to those SAIs of EU Member States for which is impossible to identify on their official websites links to their social media accounts. In this situation, different queries were used on the internet search engine www.google.com, such as: ‘their name + twitter’ e.g. ‘cour des comptes on twitter’. The existence of an account on each one of these platforms was codified with ‘1’ and the absence of an account was codified with ‘0’. Results are indicating that 15 of 28 SAIs included in sample are using Twitter, 10 are using Facebook and 10 are using YouTube.

Based on the above results from the preliminary investigation we decided that our research will be focused on investigating only Twitter accounts of SAIs included in our sample. YouTube and Facebook accounts will be used in our future research.

In order to find out if SAIs are using social media as a way to improve the transparency and if the model of SAI, the Corruption Index and the fact that the independence of the SAI is established by law or not, is influencing the disclosure of this type of information on Twitter or not, we will create a checklist containing a list of items based on ISSAI 21 and Bowling (2013, p. 61). Each item from this checklist will be scored with 0 for non-disclosure or 1 for full disclosure.

The higher the number of items from our checklist is disclosed by SAIs on their Twitter accounts, the more transparent those SAIs will be.

By answering to the second question of our study we will be able to understand whether the activity of SAIs on social media can be influenced by variables such as: the model of SAI, the Corruption Index and the fact that the independence of the SAI is established by law or not. In this sense, we will use the website www.birdsonganalytics.com to extract information about the activity of each one of the Twitter accounts of SAIs included in our sample. The website www.birdsonganalytics.com is operated by Digital Tomorrow Today Limited, a company registered in England and Wales under company number 04453239.

The data retrieved will be coded into a checklist with 0 if the SAI is publishing that type of information and 1 if the SAI is not publishing that type of information.

The results will help us to understand how and if the Corruption Index, the type of SAI, and the fact that their independence is established by law or not, are influencing the total number of followers, the most active day and hour for followers and SAIs, the number of hash tags and the total of tweets, retweets and replies from their accounts. The number of followers that one SAI has on Twitter can show us how much the citizens of that country are interested in that SAI's activity. The number of hash tags, followings, user mentions can show us how much the SAI is involved in spreading information about their work and the level of their openness.

The number of tweets, retweets, replies is showing us how much that SAI is involved in spreading information related to their work through their Twitter account. Moreover, we can check to see if the day when the SAIs are more active is correlated with the day when their followers are more active, and based on that we can propose to SAIs to provide more information on their accounts at those hours and in those days when their followers are more active so that their impact is much more consistent.

6. Disclosure of results

We have created a checklist for a sample of 28 SAIs of EU Member States to identify which of these have an account on Twitter, Facebook or YouTube. The existence of an account was codified with '1' and the absence of an account was codified with '0'.

The results from Appendix A1 revealed that 15 out of 28 SAIs included in the sample are using Twitter, 10 are using Facebook, and 10 are using YouTube. The same Appendix indicates that only 7 of the 28 SAIs have accounts on all these 3 social media networks. Since the majority of SAIs have accounts on Twitter we decided that it will be more appropriate to conduct our research only on Twitter.

We have identified 15 SAIs as having accounts on Twitter, but the SAIs of Germany and Portugal never had activity on Twitter so we excluded them from our research, and our final sample is formed in the end of 13 SAIs.

Further, we have used the website www.birdsonganalytics.com and www.twitonomy.com to extract information about the activity of each one of the Twitter accounts of the SAIs included in our sample.

6.1. Type of information shared through the Twitter account

6.1.1. The Westminster Model

According to our results, the SAI of UK is the only one from the Westminster Model which shares information about all the items detailed in our checklist and, from all SAIs from this model, only the SAIs of Latvia and UK are sharing information about announcements related to job vacancies. There are just 3 SAIs (Latvia, Lithuania and the UK) which are sharing links to INTOSAI website and only the SAI of UK is sharing podcasts related to the SAI's activity.

As per the results, 75% of all SAIs from this model are publishing information in INTOSAI language, 87% of SAIs are publishing information about different events organized by SAI or to which the SAI is going, are publishing articles in press, or are publishing photos and videos. All SAIs are publishing information about their reports and links to their official website. A low rate of transparency can be registered for: the podcasts section, as only 10% of SAIs are publishing this kind of information; announces related to job vacancies, as only 25% of SAIs are publishing this kind of information; links to INTOSAI website, as only 37% of SAIs are publishing this kind of information.

The influence of the Independence Score

As we can see in Appendix A SAIs who have the independence score 0.67 are publishing the same type of information, except Denmark, which does not share information in an INTOSAI language. On the other hand, SAIs who have the independence score 1 are not totally homogeneous as there are differences between countries regarding the Events section and Announcements related to jobs vacancies. The SAI of Poland, which has the independence score 0, is sharing the same kind of information as the one of Denmark which has the independence score 0.67.

The influence of the Corruption Index

By analyzing the results, we can observe that there is no pattern that could put us in the position to say that the decision of sharing a certain type of information

through Twitter by SAIs from the Westminster Model is influenced by the Corruption Index.

6.1.2. The Court Model

In the Court Model, the results of the analyzed data are much more homogeneous than the ones from the Board Model and the Westminster Model, and they seem to be influenced by the Corruption and Independence indexes only in a small measure. The SAI of France has the highest Corruption Index and Independence Score inside the Court Model and is also publishing more information on social media as the one of Italy. However, the difference is not too high, and the results might be influenced by the fact that there are only 2 SAIs included in our sample for this Model.

6.1.3. The Board Model

In the Board Model, the results do not appear to be influenced so much neither by the Corruption Score, nor by the Independence Score, but the fact that our entire sample is formed by only 13 SAIs might have an influence over the results, so we should extend our sample for a better view over the results.

6.2. Overall results

If we are analyzing the overall results, there is a low rate of transparency related to the vacancy of jobs inside SAIs, as from 13 SAIs analyzed only 3 SAIs (Latvia, UK and the Netherlands), meaning 23% are publishing this type of information. A total of 4 SAIs, meaning 30%, (Denmark, Poland, Italy and Sweden), are not publishing content on Twitter in an INTOSAI official language and 2 SAIs, meaning 15%, are not publishing information about events which involve the participation of the SAI. All SAIs are publishing information related to their reports and links to their official websites. On the contrary, only 4 SAIs (Latvia, Lithuania, UK and Slovakia) are publishing links to INTOSAI's website. A percentage of 77% of the total of the analyzed SAIs are publishing information in photo and video format, and 85% of the analyzed SAIs are sharing press articles related to the SAI's work.

6.3. SAI and followers' activity

The number of tweets, retweets, and replies of SAIs from the Westminster Model does not seem to be influenced by the Corruption Index and the Independence Index according to the resulted data from our sample.

On the other hand, the results for SAIs from the Court Model are indicating that the Corruption Index and the Independence Score might influence the number of tweets, retweets, and replies. In this case the number of tweets, retweets, and re-

plies for the SAI of France is higher than the number of tweets, retweets, and replies for the SAI of Italy.

In the Westminster model, the most active day for tweets and retweets is Wednesday for 5 out of 8 SAIs. In the replies' case the most active day for 3 SAIs is Tuesday.

As the results are indicating, the followers of SAIs from the Westminster model are much more active on Wednesday. Though most of the SAIs from this model are more active on Wednesday, there are SAIs which have no synchronization in their activity with their follower's activity:

1. For tweets is the case of Finland (Thursday), Latvia (Tuesday), Poland (Thursday);
2. For retweets is the case of Estonia (Thursday), Finland and Latvia (Tuesday); and
3. For replies is the case of Finland (Tuesday), Latvia (Tuesday), Lithuania (Monday), Poland (Thursday), UK (Friday).

SAIs from the Court Model are more active on their Twitter accounts when their followers are more active, precisely Wednesday, apart from Italy concerning the tweets (Friday).

Followers of SAIs from the Board Model are more active on Wednesday, but only the SAI of Slovakia in the case of tweets is more active on Wednesday. SAIs of Netherlands and Sweden are more active on Tuesday or Thursday.

7. Conclusions

The objective of this study was to identify and to explore whether and how SAIs from the 28 EU Member States are using Twitter as a way to improve their transparency and, on the other hand, we aimed to understand whether the activity of SAIs on Twitter could be influenced by variables such as the model of SAI, the Corruption Index and the fact that the independence of SAI is established by law or not.

As the results indicate, except the SAI of Lithuania (Tuesday) and the SAI of UK (Monday), the day when all followers of the SAIs of all other countries from our sample are more active on Twitter is Wednesday at different hours, but most of them somewhere between 5 – 8 p.m. In this context, we propose that each SAI adopts a new approach related to their tweeting activity, and become more active on Twitter when their followers are more active, so that the impact of their activity increases.

As the results are indicating, the SAIs' followers are more active on Twitter on Wednesday, except for UK (Monday) and Lithuania (Tuesday). Moreover, except for 2 SAIs (Latvia and Finland), in all other cases, on average, the number of tweets in a day is somewhere between 0 and 1.

We also could observe that there might be a small correlation between the Court Model and the type of information tweeted by SAIs, but we could not identify any important correlation between the Westminster Model and the Board Model and the type of information tweeted by SAIs included in these models.

8. Further research

In further research we will seek to see if the sentiment for each one of the user-names of SAIs from our sample is positive, negative or neutral.

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Appendix A1

Presence on social media of EU countries

EU Countries	Account Type		
	Twitter	Facebook	Youtube
Estonia, Latvia, Lithuania, France, Netherlands, Poland, UK	1	1	1
Austria, Portugal	1	1	0
Italy, Sweden	1	0	1
Denmark, Finland, Germany, Slovakia	1	0	0
Malta	0	1	0
Czech Republic	0	0	1
Belgium, Bulgaria, Cyprus, Croatia, Greece, Hungary, Ireland, Luxembourg, Romania, Slovenia, Spain	0	0	0
Total	15	10	10

Source: Authors' projection

Appendix A2

Defining the variable Corruption Index, Independence and SAI type

SAI	CI	Independence	Type of SAI
Austria	75	0.67	Westminster
France	69	1	Court
UK	81	0.67	Westminster
Italy	47	0.67	Court
Denmark	90	0.67	Westminster
Finland	89	0.67	Westminster
Netherlands	83	1	Board
Sweden	88	1	Board
Estonia	70	1	Westminster
Latvia	57	1	Westminster
Lithuania	59	0.67	Westminster
Poland	62	0	Westminster
Slovakia	51	0	Board

Source: Transparency International (2016)

Appendix A3

Defining variable 'How the independence of the Supreme Audit Institution is established from the executive'

The independence of the National Audit Body from the executive is established by	Independence
Constitution	1
Law	0.7
Administrative regulation	0.3
Not defined explicitly	0

Source: Authors' projection

Appendix A4

Type of information shared through social media

SAI	Content in INTOSAI language	Participation to different events	Type of information shared through social media Score [0, 1]							Total
			Reports of SAI	Articles in press	Announce related to vacancy of jobs	Podcasts related to SAI's activity	Photo & Video	Links to SAI site	Links to INTOSAI site	
Austria	1	1	1	1	0	0	1	1	0	6
Denmark	0	1	1	1	0	0	1	1	0	5
Estonia	1	0	1	1	0	0	0	1	0	4
Finland	1	1	1	1	0	0	1	1	0	6
Latvia	1	1	1	1	1	0	1	1	1	8
Lithuania	1	1	1	0	0	0	1	1	1	6
Poland	0	1	1	1	0	0	1	1	0	5
UK	1	1	1	1	1	1	1	1	1	9
Total	6	7	8	7	2	1	7	8	3	-
France	1	1	1	1	0	0	1	1	0	6
Italy	0	1	1	1	0	0	1	1	0	5
Netherlands	1	1	1	1	1	0	1	1	0	7
Sweden	0	0	1	1	0	0	0	1	0	3
Slovakia	1	1	1	1	0	0	0	1	1	6
Total	2	2	3	3	1	0	1	3	1	-

Appendix A5

SAI and followers' activity

SAI	SAI and Followers activity 21.09.16-25.05.17									
	Total Tweets	Tweets on average / day	Re tweets	Replies	Total Hashtags	Most active day for SAI			Most active day for followers	Most active hour for followers
						Hashtags /Tweet	Tweets	Retweets	Replies	
Austria	203	0.82	6	86	181	0.89	Wednesday	Wednesday	Tuesday / Wednesday	6:00PM
Denmark	24	0.1	3	0	57	2.38	Wednesday	Wednesday	none	5:00PM
Estonia	1	0	0	0	0	0	Wednesday / Thursday	Thursday	none	8:00AM
Finland	510	2.06	220	44	484	0.95	Thursday	Tuesday	Tuesday	10:00AM
Latvia	1052	4.26	427	149	45	0.04	Tuesday	Tuesday	Tuesday	7:00PM
Lithuania	27	0.11	4	7	32	1.19	Tuesday / Wednesday / Wednesday	Wednesday / Monday	Monday	7:00AM
Poland	87	0.35	0	0	0	0	Thursday	Tuesday / Wednesday	Thursday	7:00PM
UK	179	0.72	16	24	51	0.28	Wednesday	Wednesday	Friday	8:00AM
France	215	0.87	15	107	218	1.01	Wednesday	Wednesday	Wednesday	7:00PM
Italy	120	0.49	2	2	256	2.13	Friday	Wednesday	Wednesday	5:00PM
Netherlands	78	0.32	7	0	49	0.63	Thursday	Thursday	Tuesday	7:00PM
Sweden	77	0.31	0	0	82	1.06	Tuesday	Tuesday	none	7:00PM
Slovakia	191	0.77	4	0	35	0.18	Wednesday	Thursday	Friday	2:00PM

THE ROLE OF ARTIFICIAL INTELLIGENCE IN COLLABORATIVE GOVERNANCE, TRUST BUILDING AND COMMUNITY DEVELOPMENT ANALYSIS

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Abstract

The role of artificial intelligence (AI) in public administration and collaborative governance becomes more and more acknowledged. The main objective of the paper is to present a qualitative analysis of the role of AI in matters of collaborative governance. Now, artificial intelligence represents an important part of the modern society. AI has the great capacity of generating significant benefits for the people and the overall economy. Moreover, a system of collaborative governance proves necessary for an ethical implementation of the newest technologies involving artificial intelligence.

The creation of restrictive policies with regard to the use of AI will aid in the proper implementation of the most advanced technologies while minimizing risks. On the other hand, through the collaboration between the public and the private sectors, a more secure, homogenous and developed society could be created. Collaborative governance has the potential of breaking the barriers that were in the way of the expansion of knowledge within the society, and through the involvement of artificial intelligence, new levels of functionality could be achieved. Moreover, taking into consideration the fact that artificial intelligence cannot be corrupted, a process of trust building among the community will be able to emerge.

Keywords: collaborative governance, trust building, artificial intelligence, public sector.

1. Theoretical viewpoints – AI in the public sector

The use of information technology and artificial intelligence plays a major role in present times, as public innovation programs have been drafted around the world. According to Tony Blair ‘Information technology is changing our lives: the way we work, the way we do business, the way we communicate with each other...’ (Bekkers, Duivenboden and Thaens, 2006, p. 3).

In the middle of the array of changes that occurred because of the development of artificial intelligence, and the power acquired by technology, the government intends to become the head of these developments. In this respect, the notion of e-government was developed lately, in the light of a new form of public management, that eventually ‘brought a shift in the value priorities away from universalism, equity, security and resilience toward efficiency and individualism, coming to redefine the role of the people within a society’ (Bekkers, Duivenboden and Thaens, 2006, p. 7)

With regard to the delivery of public services, the introduction of intelligent automation will eventually create connected spaces where the occupant experience will be largely improved. On the other hand, the energy sector is heavily investing in automation, artificial intelligence and robotics in order to enable an effective knowledge transfer, providing a workplace experience that is able to meet ‘a digital-first, millennial talent pool’ (Greisler and Stupak, 2007).

The innovation of the public sector is an ongoing process, as the public arena is constrained to comply with the new rules and regulations that come into place due to the introduction of the most advanced technologies. OECD adopted the Declaration on Public Sector on May 22, 2019 (Santos, 2019, p. 1).

Since the introduction of artificial intelligence in most of the employment areas, the newest technologies brought about a revolution within the public sector. Starting with the 1950s, when artificial intelligence was created, the world entered a new phase, where all the processes started to go through automation. Eventually, automation became one of the most pressing needs of the modern society, due to the fact that the flow of information is very fast, and the pace of living escalated quickly during the past years.

Along with the insertion of artificial intelligence, the functionalities of the society and the companies changed, calling for innovation in multiple sectors. In this respect, the processes of automation were introduced nearly everywhere, starting in the most advanced areas of the world, such as Western Europe, the United States and the United Arab Emirates.

The public sector is going through a phase of renewal for the past years, as more technologies were implemented, eventually answering to the needs of the customers. It is important to take into consideration the fact that the public sector is still flawed, and that there are still plenty of issues that could be addressed through the introduction of artificial intelligence. Some of the examples that could be brought

to light are the bureaucracy and the waiting lines for processing different requests and documents.

AI refers to automation that goes beyond the physical automation of the tasks that previously took a human brain to be completed, to automation of activities such as conversation, data analysis and other activities (Miller, 2017, p. 3).

The UN report of 2019 covers various AI projects that are piloted, implemented or planned by the governments across three applications, namely, citizen engagement, improvement of the operational efficiency, AI strategies for policy and legislation. The AI applications in government are nascent at the present time, as the governments need to overcome several hurdles in order to successfully adopt the new technologies (Bharadwaj, 2019).

With regard to the AI applications, the government leaders will need to invest in the upgrade of their legacy within the IT systems. Eventually, the failure of doing so, may result in various compatibility issues at the point where the software needs to be integrated. On the other hand, the leaders of the governments will have to make sure their departments have the necessary computing resources for an AI project. This implies the introduction of the cloud computing solutions, but the fact that more technology that is expensive needs to be used is another aspect worth considering (Bharadwaj, 2019).

The introduction of intelligent automation and the use of artificial intelligence already started to have a great impact over the workforce. Exploiting technology will eventually enable workforce transformation, being a process that will create highly adaptable and change-ready enterprise environments capable of meeting the demands of our digital world (Accenture, 2016, p. 8).

Artificial intelligence is a very important aspect of government, with various applications that are already running in order to reduce backlogs and cut several costs. AI also helps predict fraudulent transactions and identify criminal suspects through the most advanced facial recognition techniques (Eggers, Schatsky and Viechnicki, 2017).

Since the replacement of the public administrative officials by robots is still a sensitive topic, technology may make the government tasks more efficient, by complementing the skills of the public officials. In this manner, the promise of AI would be fulfilled, as humans and computers will be able to combine their strengths in order to achieve better and faster results (Eggers, Schatsky and Viechnicki, 2017).

Public servants are using AI in order to make it easier to detect fraud, to make welfare payments and make easier decisions when it comes to issues such as immigration. AI can also be used in planning infrastructure projects and answer different queries of the citizens (Martinho-Truswell, 2018, p. 1). The implications of introducing machine learning in the public administrative systems is related to human involvement. Since the humans cannot still be fully replaced, there is a need to recognize the fact that the government services will eventually become more

efficient and tailored to the needs of the population (Martinho-Truswell, 2018, p. 1). Customer service chat bots represent an early area of government application, as well as the use of websites and portals as means of answering questions that constituents are placed into the position of calling an office and ask a question (Hawthorne, 2017).

It is clear that artificial intelligence brought about great changes in the public sector. Some of the advantages and disadvantages of the use of AI will be briefly presented. The most important advantage would be that of providing the necessary information to the citizens when in need of collecting data. Another advantage is represented by the capacity of information storage by robots. This storage would be achieved with the help of the technologies implemented, in order to create an artificial neural network that will resemble the mechanisms of the human brain. The artificial neural network resembles the human brain, only that it is capable of being involved in faster processes, delivering more accurate information than the human nature. The third advantage would be the increased capacity of the robots to process information and apply it according to the needs and environment. Yet, the fourth major advantage represents the fact that the robots will not be capable of being rude to the people, always in charge of the situation. Last, but not least, the robots will be able to provide the best solutions to the problems of the people, without the danger of being manipulated or wanting to go against the interests of the citizens. More importantly, there is no such possibility to bribe the robots in order to get the job done. The ticket machines for waiting in lines will disappear, as the AI assistant will be able to do a thorough scanning of the people in the room and divide the tasks by categories and the needs of the people.

Major disadvantages would constitute the inability of the robots to fully understand the situations, especially the most complex ones, such as explaining the history of a relationship between two people that eventually ended in divorce. Also, they are not capable of displaying empathy, so it will be hard to relate to them when confronted to a certain issue. Another disadvantage would be represented by the costs of the implementation, and the fact that there will be the need for multiple power sources that we do not afford to have. In addition, there will be a need for engineers to perform maintenance work on the robots, which is costly.

2. Collaborative governance and trust building

Collaboration refers to working in conjunction with others (Wanna, 2008, p. 3). It implies actors, who are individuals, groups or organizations, which are cooperating in some manner. The participants are in a relationship of co-laboring with others on terms and conditions that are subject to great variation (Wanna, 2006, p. 3). At its very core, the term 'collaboration' was originally used in the 19th century, along with the development of the industry. Collaboration became a fundamental norm of

utilitarianism, social liberalism, collectivism, along with mutual aid, involving scientific management and organizational theory (Agranoff *apud* Wanna, 2008, p. 3). Collaboration attracts a positive 'spin' in most of the cases (Wanna, 2008, p. 3). It brings positivity and creativity to any project, involving beneficial outcomes. The collaborative endeavors can also involve the achievement of an outcome or can be related to the prevention of something happening (Wanna, 2008, p. 3).

Collaboration involves cooperation in order to build commonality, improve consistency and align activities that pertain to different actors. Secondly, it can be represented by the process of negotiation, involving a preparedness to reach a compromise and the ability to make trade-offs. Collaboration can involve oversight roles, in the actions of checking, as well as pulling together and central coordination.

According to Ansell and Gash (2008), collaborative governance is known 'as a governing arrangement where one or more public agencies are engaging the non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative, and that aims to make or implement public policy or manage public programs or assets' (Ansell and Gash, 2008, p. 543).

Within a system of collaborative governance, the process of problem solving begins with the identification of a specific situation characterized as undesirable. Attempts of defining the problem and find the root causes are made. This process proves to be a nearly impossible task, because of the societal problems described as '...inherently resistant to a clear definition and an agreed solution' (Head and Alford *apud* Waardenburg *et al.*, 2019, p. 388).

Collaborative governance has emerged in response to the failures of the downstream implementation, along with the high cost and politicization of regulation. Moreover, it has developed as an alternative to the adversarialism of interest group pluralism and to the accountability failures of managerialism. In addition, the trends toward collaboration also arise from the growth of knowledge at the level of society, coupled with the growth of the 'institutional capacity'. The increase in knowledge is directly proportional with the increase in the institutional infrastructures, thus increasing the demand for collaborative bodies (Ansell and Gash, 2008, p. 544).

In the instance where the stakeholders do not have the necessary capacity, along with organization, status or resources to participate, as well as taking into account the circumstance when they cannot participate on equal footing with the other stakeholders, the collaborative governance process will be prone to manipulation by stronger actors. The problem of power imbalance arises, in the moment when important stakeholders do not have the organizational infrastructure to be represented (Ansell and Gash, 2008, p. 551).

Collaborative governance may be defined as a form of general arrangement, as scholars refer to as an 'agency relationship'. These types of bonds usually have two main players, one referring to the 'principal', whose interests are being served, and the other one 'the agent', being tasked with serving those particular interests

(Donahue and Zeckhauser, 2011). There are two main reasons or outcomes that are followed in a system of collaborative governance, namely better outcomes and more resources (Donahue and Zeckhauser, 2011).

2.1. Trust Building

A successful collaboration would prove to be impossible without trust. While the existence of trusting relationships represents the ideal situation in a collaborative environment, the common practice appears to be that suspicion, rather than trust, is the starting point (Ansell and Gash, 2008, p. 561).

Two factors are of maximum importance when it comes to a trusting relationship. The first is concerned with the formation of expectations in regard to the future of the collaboration. These expectations are generally based on past experiences, reputation or past behavior, as well as on formal contracts and agreements (Ansell and Gash, 2008, pp. 561-562). The second factor involves risk taking, in the sense that the partners need to trust each other enough in order to be able to initiate the collaboration.

According to Rousseau, trust 'includes confident expectation along with a willingness to be vulnerable, as the critical components' (Hosmer *et al. apud* Nielsen and Evans, 2004, p. 240). In general, scholars have agreed to view trust as 'one's belief or expectation about the likelihood of having a desirable action performed by a trustee' (Nielsen and Evans, 2004, p. 240).

The concept of trust building can be simplified by explaining the way the management of aims works. One has to take into account the fact that sometimes it is better to get started on some smaller, but tangible action, in order to allow trust to develop slowly. On the other hand, in the circumstance when an immediate need to attain a major objective is paramount, this approach does not prove neither efficient nor effective. In the example of urgent situations, expectation forming along with trust building have to be simultaneously managed, alongside other activities that involve trust building (Ansell and Gash, 2008, p. 558).

Trust is known to accelerate exchanges in the economy, as the actors gain access to more information about the 'predictability of other's behaviors so as to be able to identify reliable partners' intentions about future intentions based on direct experiences with previous business relationships...' (Larson *apud* Nielsen and Evans, 2004, p. 245).

3. Collaborative governance and community development

In the context of community development, collaborative governance can arise either with the engagement of the community, resource management, conflict resolution or public networks, offering a large spectrum of typologies reflecting applied perspectives (Emerson and Nabatchi, 2015, p. 160).

Some of the scholars categorize the collaborative processes as coming from very specific contexts, such as those arising from conflict, as well as those that start with a shared vision (Gray *apud* Emerson and Nabatchi, 2015, p. 160). According to Gray, the two contexts affect the motivations of the participants, proceeding in crossing these dimensions with two distinct outcomes, namely the exchange of information and the joint agreement (Gray *apud* Emerson and Nabatchi, 2015, p. 160).

4. Narrative analysis – the role of AI in collaborative governance, trust building and community development

With regard to the practical aspects of the present article, the method used in the work is qualitative, illustrated by content analysis, document analysis and narrative analysis. Because it is impossible to extract the absolute meaning from the data, an exploratory research is conducted. Content analysis is a qualitative method of research referring to the study of documents and communication artifacts, used to examine patterns in communication in a systematic manner (Bryman, 2011, p. 289). Narrative analysis is one qualitative method used by researchers to create a thematic version of a phenomenon in an attempt to gather detailed information on the topic (Figgou and Pavlopoulos, 2015, p. 546). The objective of the research is to present a qualitative, narrative analysis of the role of artificial intelligence in collaborative governance, along with illustrating the connections between governance, trust building and community development.

With regard to the insertion of AI in the practices of collaborative governance, for the analysis that will be developed in this section, there is a series of aspects that have to be taken into account. The purpose of the analysis is to elaborate on issues such as engaging the community, resource management, public networking, planning, education, as well as trust building with the involvement of artificial intelligence.

When it comes to community engagement, there are several issues that need to be addressed in connection to the introduction and use of artificial intelligence. The development of machine learning and artificial intelligence is very expensive, and at the present times, there are only few companies that can really afford its introduction in their affairs. In order for machine learning to be widely used and adopted, there is a need for it to lower its development costs. These costs can only lower with the use of open source development and a decentralized product development (Mitra, 2018, p. 4).

Moreover, the community behind the implementation of artificial intelligence is able to allow for the access to a large amount of data. The wisdom and experience of the community, bringing together people from different backgrounds and locations, can result in innovative approaches to gather and work with the data that

is placed at the disposal of the citizens. The members of the community can bring their data to the project, creating a space of trust and collaboration.

Through the trust building that takes place in the community, companies can emerge from societies and communities with shared values, beliefs and a bigger vision that serves the long-term interests of those communities. The future of Artificial Intelligence and Machine Learning will definitely be in the hands of the community, rather than driven by the elitist society. In order for AI to reach its full potential, there will be a need for the construction of a global community across countries, encompassing at the same time, the different perspectives and values. It is only in this manner, that great products can be developed, responding to the needs of the society and providing solutions to the pressuring problems of the present and the future (Mitra, 2018, p. 5).

At the level of management, it is clear that managers pertaining to various levels will have to adapt to the world of smart machines. It will not be long until artificial intelligence will be able to take over the administrative tasks that take up most of the time of the managers, successfully completing them, at a much lower cost. AI is capable to automate most of the administrative tasks, and it could be able to take over bureaucracy very soon. When it comes to management, AI can set up the schedules of the employees, allowing for a smoother flow of distributing information in a timely manner. Moreover, it will be capable to take over the basic managerial tasks, allowing for sick days, leave of absence or other related issues.

AI will definitely be able to augment the managerial capacities, also allowing for the collegial interaction between the people and the machines. In addition, the use and implementation of AI in collaborative governance, in this case, management, will leave room for more creativity and allow leaders to express and implement their ideas (Kolbjørnsrud, Amico and Thomas, 2016, p. 4).

4.1. Public networking

The public networks are considered a fundamental characteristic of the modern society, as the contemporary researchers should undertake the study of decision making, along with organization and management. The governance networks are those in which the link actors, who can be either individual or institutional, these being ultimately responsible for the formulation of law that the public administration puts into effect (Opolski, Modzelewski and Kocia, 2013, p. 100). Governance networks are stable relations between various governmental and private groups in which decision making in regards to policy occurs (Kickert, Klijn and Koppenjan *apud* Opolski, Modzelewski and Kocia, 2013, p. 100). Moreover, the involvement of AI in public networking already has a significant impact on the community worldwide, due to the fact that the spread of information takes place in a faster and more secure manner.

4.2. Planning

In order to overcome various challenges that arise in collaborative governance, the management activities should focus on building institutional capacities for joint-action, such as the creation of common standards for the purpose of data collection and processing. On the other hand, Ansell and Gash (2008, p. 546) describe the different effects that a communication strategy can have on the management of a collaboration. In this case, the attractor effect occurs at the moment when the collaboration produces tangible outcomes, showing the value of joint-action through quick wins. The positive learning feedback is another determinant of success in creating politically neutral spaces, reducing cultural barriers and increasing networking (Mikhaylov, Esteve and Campion, 2018, p. 15).

4.3. Education

At the level of university, the schools are encouraged to collaborate with the industry and the business sectors, for the purpose of engaging with the community for the promotion of innovation, along with the transfer of knowledge and entrepreneurship (Mok, 2017, p. 3).

In 2010 two municipalities along the Danish Union of Early Childhood and Youth Educators established a partnership concerned with inter-organizational collaborations for the purpose of innovating the quality-management methods for daycare governance. The problems shared within the partnership involved the management of the service quality of the daycare. New laboratory projects were initiated, in order to explore new quality management methods. Eventually, many stakeholders became involved in the process. The collaborative governance designs are continually negotiated in both the design and implementation phases (Plotnikoff, 2015, p. 209). The insertion of artificial intelligence in education comes forward as a natural process, due to the fact that the schools have to adapt to the requirements of the work ethics and environments.

It is necessary to place emphasis on the fact that the insertion of the most advanced technologies in the matters of the administration have created spaces for change. With the use of technology, a new paradigm of collaboration has emerged. The new concept of open government seeks to include society in governmental processes for the purpose of increasing efficacy, efficiency, along with citizen satisfaction (Charalabidis and Koussouris, 2012, p. 27).

5. Conclusions

AI represents a significant aspect of the contemporary society. Its future is directly dependent on the development of the community. When it comes to collaborative governance, the community can benefit from lower costs of the implementation along with the use of artificial intelligence, which will represent a plus for the social environment. Moreover, the costs of the implementation of the new technologies and artificial intelligence can significantly drop in the instance where collaborative governance comes into play. Collaborative governance calls for the engagement of the community in almost all areas of public life. As for the area of public networking, various governance networks are formed, in which the link actors are responsible for the laws that are placed into effect by the public administration. Public networking knew a significant boost along with the implementation of artificial intelligence.

At the level of planning, collaborative governance calls for joint action from the institutions, in order to function properly. It is important to bring to light the fact that AI calls for a great improvement in the governance area, as it can ease processes of communication, networking and development. In the area of education, even though the concept of collaborative governance is relatively new, it seems that it would constitute a good idea to be implemented, improving both the communication skills and other important social and technical abilities for students and teachers in the community.

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TEN YEARS AFTER THE START OF THE SOVEREIGN DEBT CRISIS – A *POST-FACTUM* EVALUATION OF AUSTERITY POLICIES

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Abstract

The sovereign debt crisis which started in late 2009 and engulfed many European Union member states, especially in the Southern and Eastern part of the block, represented an unprecedented situation due to the fact that most of the affected countries were part of the Euro zone and thus subject to the single monetary policy promoted by the European Central Bank, leaving fiscal policy as the only tool available to respond to the challenges posed by the macroeconomic context, as observed at a national level. This led to a series of extraordinary fiscal policy decisions, most of which endorsing austerity and fueling debates on whether this austerity approach would generate the expected results. It is the objective of this paper to study, a decade after their implementation, the impact of these fiscal policies in selected EU member states, shedding more light on what worked and what seemed to falter.

Keywords: austerity, sovereign debt crisis, economic recovery and fiscal policy.

1. Introduction

The sovereign debt crisis which started in late 2009 can be regarded as a continuation of the financial crisis that hit the private sector beginning with 2007, as it caused increased government deficits prompted by considerably lower tax revenues and increased government spending needed to tackle issues such as rising unemployment or bank bailouts (Parnell, Spracklen and Millward, 2017). The crisis represented an unprecedented situation for the European Union due to the fact that most of the affected countries were part of the Euro zone and thus subject to the single monetary policy promoted by the European Central Bank, leaving fiscal policy as the only tool available to respond to the challenges posed by the macroeconomic context, as observed at a national level. Most hit were Southern and Eastern European Member States, which, based on previous long periods of extraordinary fiscal expansion, saw their government finance indicators deteriorate at an unprecedented rate, a situation that prevented them to successfully access the markets for (re-)financing their debt and had to rely on bailout packages from international institutions. However, such bailout packages came with stringent conditions from the creditors, leading to a series of extraordinary fiscal policy decisions, most of which endorsing austerity and fueling debates on whether this austerity approach would generate the expected results. Approximately a decade later, the effects of these austerity measures are fully visible, allowing for deep analysis that could greatly improve the efficiency and effectiveness of responses to future such crises. It is the objective of this paper to study, a decade after their implementation, the impact of these fiscal policies in selected EU member states, shedding more light on what worked and what seemed to falter.

For the purpose of this research, we adhere to the understanding of austerity proposed by Blyth (2013, p. 2) who defines austerity as ‘a form of voluntary deflation in which the economy adjusts through the reduction of wages, prices, and public spending in order to restore competitiveness which is (supposedly) best achieved by cutting the state’s budget, debts, and deficits’. However, as Parnell, Spracklen and Millward (2017) point out, the voluntary character described by Blyth is sometimes actually the result of external actors (most likely creditors) imposing such measures as a condition for providing with the much-needed financial rescue packages.

In this context, we recognize the case of Greece as presenting the most potential for conducting such an analysis, as it had by far the most acute dynamic, thus making certain effects and relations most visible. Portugal, Italy and Spain present with similar research opportunities on the effects of austerity, but with lower intensity. Regarding Ireland, which is the other country that inspired the already famous PIGS acronym, the fundamental difference from the other four heavily affected Euro zone Member States lies in Ireland’s fast current account improvement, which, as Regan (2014) argues, had nothing to do with fiscal austerity measures,

but was a consequence of an export-led growth regime fueled by high levels of US investments in the Irish economy, investments triggered by other types of policies that boosted Irish comparative advantage and successfully managed to attract FDIs in capital intensive industries. For this reason, the paper focuses on Greece and, to a lesser extent, on Portugal, Italy and Spain.

2. A snapshot of the crisis

The focal point in the sovereign debt crisis which started in 2009 is, as Lim, Moutselos and McKenna (2019) note, the fact that heavily affected economies, with default looming, often do not have any satisfactory resolution options as they are unable to access financing on international markets at affordable interest rates (if at all), creating major obstacles in financing government expenditures and meeting debt obligations. Looking at the case of Greece (who exhibited the most severe fiscal situation), the inability to receive financing from the markets is illustrated in Figure 1, depicting exorbitant yields for government bonds with a 10-year maturity.



Figure 1: Greece's 10 years government bond yields (%)

Source: World Bank

Being far from a market failure, this situation was a direct consequence of the extremely poor state of Greek public finances, characterized by increased deficits (Figure 2) and a staggering debt to GDP ratio, which mounted fast from 126.7% in 2009 to 172.1% in 2011 (Figure 3).



Figure 2: Greece's public deficit (% of GDP)

Source: World Bank

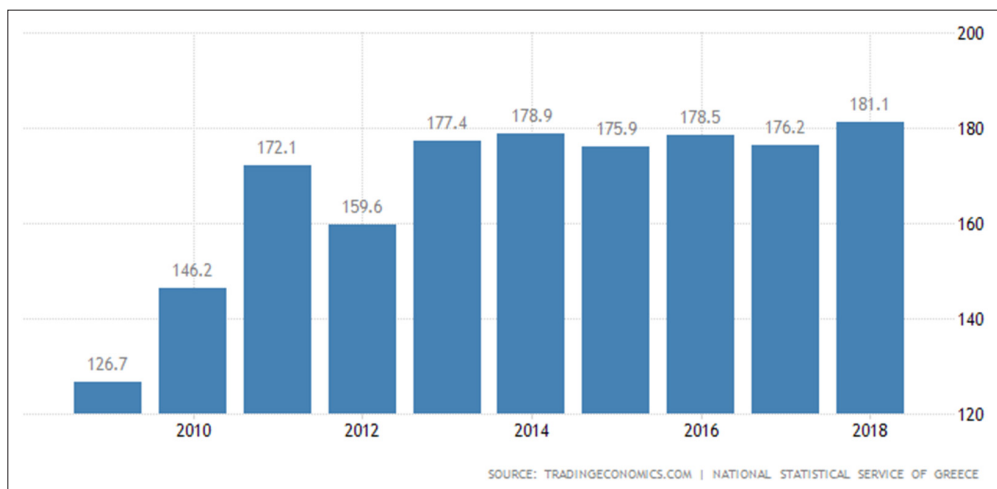


Figure 3: Greece's public debt (% of GDP)

Source: World Bank

Similar (although not this desperate) situations were valid for Portugal, Italy and Spain, putting a lot of pressure on their government financing costs. However, unlike Greece and Portugal, which are small economies, the Italian and Spanish cases represented a real danger to the future of the Euro zone, as an Italian or Spanish default would have represented a Euro-catastrophe. This made the situation more complex, especially from a Greek perspective. Due to its participation in the single currency area, Greece did not have access to the two economic policy instruments that could have made its situation easier: currency devaluation and

inflation via an aggressive cut of interest rates. Paradoxically however, it was exactly this Euro zone membership that presented Greece with an extra argument in the negotiations with the Troika (a term used to denote the consortium made out of the International Monetary Fund, the European Central Bank and the European Commission), as a Greek default would have given a poor signal to already anxious markets, which had the potential of creating a contagion effect and spelling doom for more heavyweight Italy and Spain.

As it is not our objective to analyze the Greek bailout negotiations, the focus will be put on the effects of resulting austerity measures, with more and more such policies being implemented with each of the 3 bailouts starting from 2010, leading to a staggering fourteen austerity packages targeting virtually all fiscal areas – a course of action that has clearly put its mark on economic growth. Figure 4 depicts the evolution of Greece’s GDP growth rate between 2009 and 2018, while Figure 5 illustrates the country’s yearly GDP in the same period, showing a prolonged contraction trend that led to a staggering negative 34% difference between a EUR 330 billion GDP in 2009 and a EUR 218 billion GDP in 2018. This severe contraction, besides the obvious depiction of precarious economic activity, actually represents a major obstacle in Greece’s debt repayment struggle, as the weakening of the economy means that debt has risen in relative terms (Figure 3), an effect which is contrary to the objective of the austerity policies of achieving faster debt repayment.



Figure 4: Greece’s GDP growth rate (%)
Source: World Bank

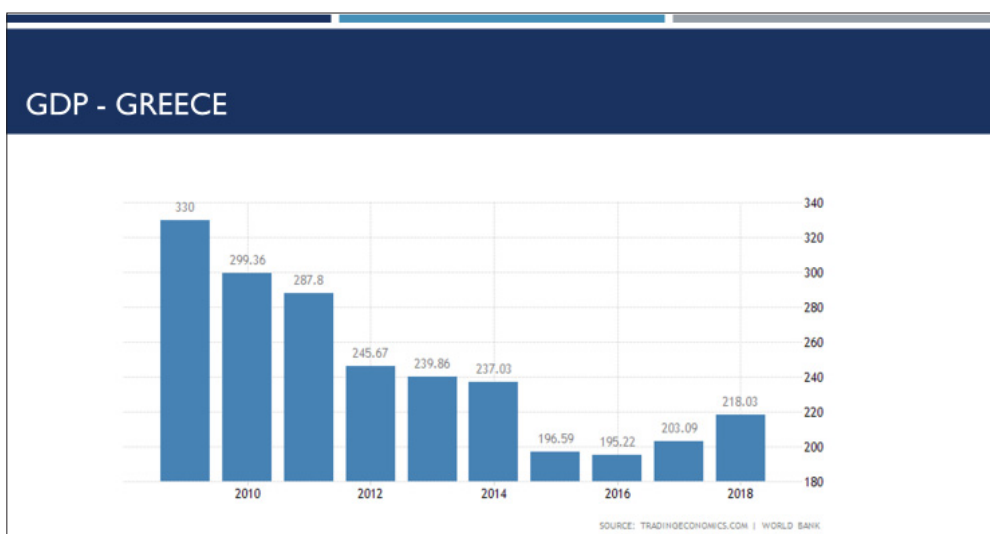


Figure 5: Greece's GDP (billion EUR)

Source: World Bank

Looking at the cases of Spain, Portugal and Italy, one can identify a similar (although not as severe) pattern, marked by austerity driven negative economic growth and its effects on the debt to GDP indicator.

3. Austerity, a debatable solution

Despite the determination with which international creditors (mostly under the form of 'the Troika') pushed for the implementation of severe austerity policies in debt encumbered states seeking for bailouts, the efficiency of this particular solution was subject of intense debate. However, what were at the moment of acute sovereign debt crisis mere forecasts, whose results were favoring one approach or the other, now, a decade after the onset of the crisis, economists have the possibility of analyzing real data that provide with the inputs that are needed in order to better understand the effects of austerity and design future policies that are based not on predictions, but on actual facts.

In most cases, austerity measures were demanded and eventually imposed by international creditors by deploying inducements or coercive threats as an instrument to reshape the policy preferences of national governments (Lim, Moutselos and McKenna, 2019). This is certainly applicable to the Member States that were affected by the sovereign debt crisis and had to resort on the financial help of international institutions, but, in the case of crisis struck EZ members, especially in the case of Greece, whose fiscal situation was most severe and thus the absence of a bailout agreement and the consequential Greek fallout was constituting an

increased threat of contagion, with dire consequences for the single currency area, the pressure was bi-directional, a situation that provided Greek negotiators with arguments to partially resist the Troika's vigorous demands for severe austerity measures. Analyzing the Spanish and Italian cases and their negotiations with international financing institutions, Badell *et al.* (2019) argue that the attitude towards European integration is also likely to play a role in resisting pressures for starker austerity formulated by the creditors.

Taking the analysis one step further, Alesina, Favero and Giavazzi (2018) distinguish between Expenditure Based (EB) and Taxed Based (TB) austerity measures, concluding that: (1) EB measures have, on average, a small negative effect on output growth, while TB, which are associated with longer recession periods, have much more meaningful effects on output; (2) investment growth tends to respond positively to EB measures and negatively to TB measures; (3) consumption and net exports respond negatively to both EB and TB. The same authors show that these effects hold even in the case of substantial austerity plans, like the austerity packages that were introduced in Greece, Spain, Portugal or Ireland during the government debt crisis that started in 2009, confirming that TB austerity measures induce deeper recessions than those falling within an EB approach.

In this context, Papadopoulos and Roumpakis (2018) show that the austerity policy approach contributed to deepening the recession in the Southern European states, as it affected the existing welfare model made out of employment security, home ownership and pension adequacy and destabilizing the traditional family model, with familial household facing high levels of indebtedness, substantial income reductions and lower socioeconomic security. Their findings are complemented by the research of Branco *et al.* (2019), who conclude that, in the cases of Italy, Portugal and Spain, austerity prompted structural reforms on labor market regulation and social protection endured almost a decade later, with just a few cases reporting significant policy reversals, most of which were the result of a change in the ideological makeup of government (Portugal in 2015, Spain and Italy in 2018). This being said, the same authors identify (1) declining unemployment, (2) expanded EU level governance and market-based supervision and (3) resistance to change due to interests and constituencies emerging from the new realities as favoring policy continuity at the detriment of core reversals. Such a view is confirmed by Wren-Lewis (2016), who shows that some degree of austerity was inevitable in the Euro zone countries hardest hit by the sovereign debt crisis, but, in the same time, the extremely high level of unemployment that followed such measures could certainly have been avoided. Similarly, Engler and Klein (2017) show that austerity measures implemented in Italy, Spain and Portugal between 2010 and 2014 consisting in (sometimes severe) cuts in government expenditures and increases of taxes were unsuccessful in reducing the debt/GDP ratio of these countries and are susceptible of contributing to the subsequent recession. Referring to the Portuguese

case, Weeks (2019) shows that seven years after Portugal received the ‘rescue financial package’ from the international institutional creditors, youth unemployment is high (more than one third), with public and household debt and corporate liabilities levels registering extremely high levels, roughly double the indebtedness levels reported in the mid-2000s.

Focusing on the financial sector, Bergman, Hutchison and Jensen (2019) study how EU policies, including domestic austerity programs, have impacted perceptions of sovereign and bank default risk in Portugal, Ireland, Spain and Italy, the EZ member states that were hit hardest by the sovereign debt crisis. After conducting a thorough econometric analysis, they conclude that domestic austerity programs ‘did not systematically move CDS spreads for either sovereign debt or bank bonds’, attributing this lack of effect to either the fact that these austerity measures did not restore confidence in sovereign debt or bank solvency, or to the fact that they were fully anticipated by the markets.

In addition to its economic shortcomings, the post 2009 severe austerity approach taken by many EU countries has also represented failure from a health-care perspective, as an increasing number of suicides and increasing numbers of people being unable to access care were reported (McKee *et al.*, 2012). Also, as Lopez-Valcarcel, Beatriz and Barber (2017) report, cuts in public spending during the economic crisis may have reduced the fairness of the healthcare system by impeding access to health services. These findings are in line with the conclusions of Kyriopoulos, Nikoloski and Mossialos (2019), who show that Greek household health expenditures were negatively affected by the austerity policies, highlighting the importance of complementary measures aimed at protecting basic healthcare during prolonged economic recessions.

Moreover, Pottier and Delette (2019) argue that the implementation of austerity measures and structural reforms based on the ordo-liberal economic model could have endangered the EU project due to the fact that it enabled populist and Eurosceptic political parties to gain more influence, while putting pressure on the perception of sovereign democracy in those countries where austerity was implemented despite their rejection by the people, an example being the results of the Greek referendum on the subject. The findings of the paper of Papadopoulos and Roumpakis (2018) confirm the pressure that ordo-liberal austerity measures have applied to a fragile European integration process.

4. Conclusion and Looking Ahead

The body of research consisting of numerous papers analyzing the policy approach based on introducing severe austerity measures to struggling governments are probably well captured by the conclusions of Gechert, Horn and Paetz (2019)

who, after estimating the effect of fiscal policy shocks on potential output, argue that the austerity measures taken in the Eurozone countries after the crisis were ‘badly timed and thus not only deepened the crisis but may have caused evitable hysteresis effects’. However, at this point perhaps the most practical use of economic research on the case study represented by policy reactions to the sovereign debt crisis in Euro zone Member States is ensured by focusing on applying the deep knowledge of the complex interaction between austerity and economic slowdown facilitated by such analysis to developing more efficient (and implicitly less economically disruptive) ways of addressing similar issues in the future.

For this purpose, it is in the first phase important to recognize that, in the aftermath of the European sovereign debt crisis, the fiscal policy approach is defined between the opposing pressures of two categories of factors: (1) sound finance demands from institutional creditors and financial markets and (2) protection and safety demands from domestic democratic constituencies (Moury and Afonso, 2019). Moreover, we underline the argument of the same authors according to which the failure to accommodate both these sources of tension could result in sub-optimal outcomes, as was the case of Italian disregard for EU rules in favor of more lax spending backtracked due to the pressure from markets. The understanding of the interaction between these two antagonistic forces is thus crucial in addressing future similar situations and successfully using the results of the past austerity centered fiscal therapies for designing more efficient responses.

From this perspective, possible solutions could be linked to debt mutualization through the creation of the highly controversial ‘Eurobonds’, that would equalize the borrowing requirements among all Eurozone countries – a rational but politically improbable action (Weeks, 2019). Indeed, such an approach, although presents with unchallengeable economic merit, is blocked by formidable political resistance, as the European identity is not strong enough so that political leaders from Member States with sound fiscal parameters could convince their constituents of picking up the debt burden of those less fiscally disciplined, a state of fact that denotes the consolidation of the dichotomy between monetary and fiscal policy that induces Euro zone structural fragility (Dan, 2014). Moreover, as Maniu (2018) notes, the reluctance of a mutual tackling of debt during the Greek crisis has fueled Euroscepticism in both professional and common European settings, with political commitment backing the single currency being overall weak (Masini, 2018). In this context, we highlight the more realistic prescription arguing that high degrees of public debt should be tackled through a ‘balanced policy mix of structural reforms, mild austerity measures, and if possible, budget reallocation in favor of investment’ (Engler and Klein, 2017).

As a concluding remark, we argue that no matter what challenges future economic developments will hold, understanding the errors of the austerity response constitutes an indispensable step in blueprinting better reactions to future fiscal

crises. Although hardly representing any consolation to those involved with the economies that suffered as an effect of excessive austerity, one can remember a famous quote attributed to Thomas Edison (Elkhorne, 1967, p. 52): ‘I have not failed. I’ve just found 10,000 ways that won’t work’. Let this be one of those 10,000 ways.

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INTER-MUNICIPAL COOPERATION AS A TOOL OF RESILIENCE IN SMALL COMMUNITIES*

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Abstract

The hypothesis of the paper is that the resilience of small communities can be engaged by inter-municipal cooperation. The economy of scale of public services is a great challenge for the small communities in Europe. The review of the international models will focus on the models based on the merge of the municipalities and on the models based on the engagement of inter-municipal cooperation. The literature on these reforms will be reviewed. Based on the hypothesis, the regulation on inter-municipal cooperation and service provision of the rural areas in Hungary in the last two decades will be shortly presented. As part of this research, empirical research was carried out in a Hungarian rural area, which has a strong inter-municipal cooperation. Similarly, empirical research has been carried out in a Slovenian rural area which is based on the merge of the small communities. The advantages and disadvantages of the inter-municipal model, and the model based on the merge of the communities were compared in the paper: efficient units of public services provision can be established not only by the merge of the communities but by the establishment of inter-municipal associations. Although decision-making is more complicated, the small communities could be more resilient based on this model, because the flexibility and the community building of the small municipal model prevail as well. The merge of the municipalities offers more efficient decision-making, but the resilience engaged by the grassroots service provision requires some administrative actions in this model.

Keywords: inter-municipal cooperation, small municipalities, merging of municipalities, comparative analysis, Hungary, Slovenia.

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1. Introduction

In Hungary, the system and the provision of public services have changed radically in the last decade. Previously, the system was based on a strong, but fragmented municipal system and the reforms of the early 2010s were driven by centralization – and partly on concentration – of public service provision (Balázs and Hoffman, 2017, pp. 13-15). The regulatory methods and the related budgetary support system were adjusted to serve this aim. Although a new centralized public service provision system has been created, the municipal administration was concentrated by the establishment of the joint municipal offices which can be considered as obligatory inter-municipal cooperation (Hoffman *et al.*, 2016, pp. 464-465).

The primary research method is a jurisprudential one, but the effects of the regulation and the practical outcome of the new system of municipal finance will be analyzed as well. An empirical study was carried out in a Hungarian and a Slovenian rural area, through which the differences of the inter-municipal approach and the merge of the communities can be observed.

First of all, I would like to have an European overview, in which we would like to analyze the transformation of the rural governance in the European countries, and to analyze the trends of changes. After the short review, I would like to analyze the transformation of the Hungarian system, and the effects of the reforms, especially the transformation of the municipal roles. The resilience of the small communities can be observed by these changes because the former paradigm has been radically changed in the first half of this decade. Therefore, empirical research is required for the analysis of these tasks. Thus, The Department of Administrative Law of Faculty of Law, Eötvös Loránd University has accomplished a research on the inter-municipal cooperation of the rural areas. In our research, we put an emphasis on the fact that the presence of inter-municipal cooperation in the Hungarian municipal system serves as a tool of self-governance and resilience tool in the continental local government systems (Pálné Kovács, 2016, p. 585).

2. Methods and approaches of the comparative municipal law

The analysis is focused on the legal regulations on inter-municipal cooperation. Primarily the regulation on municipal system and tasks were analyzed. Beside the jurisprudential analysis, the research also included an empirical inquiry regarding the role of the inter-municipal cooperation in a given rural area. The jurisprudential analysis focuses on the Hungarian regulation. It will be shown that the Hungarian municipal system is a fragmented one which is based on the municipal status of the small communities, comparative research was carried out in a country with a similar municipal system: partly based on the merged small communities and partly on the inter-municipal cooperation of these units.

The practice of a Slovenian rural area has been analyzed, as well. The empirical research – which has been based on the jurisprudential and financial analysis of the facultative service provision of several municipalities – was based on a qualitative method. Semi-structured interviews were done from the summer of 2018 to the spring of 2019. The number of municipalities was limited due to the pilot nature of the research and the limited resources. The research was focused on the analysis of several characteristic municipalities in detail.

The selection of the analyzed rural area has been based on the hypothesis that the task performance of the smaller municipalities could be based on the cooperation with a given rural area (Nagy, 2017, pp. 24-25). We have examined similar rural units (with approx. 9,000 inhabitants) in Hungary and in Slovenia. Both have a central community, which has approximately 5,000 inhabitants, and the economy of both areas is based on the significant role of tourism. The micro-region of Balatonlelle (Hungary) has been analyzed in Hungary. Its central community is Town Municipality Balatonlelle, which has approximately 5,000 inhabitants, and 6 – mainly small – municipalities belong to the surrounding area (the 6 municipalities have a total population of approx. 3,500 inhabitants). In Slovenia, a similar area was analyzed: the municipality of Bled. It is a merged municipality with three communities; the central one is Bled at the Lake Bled with 5,500 inhabitants.

3. Inter-municipal cooperation and fragmented spatial structure in Hungary

3.1. *Fragmented spatial structure in Hungary and its consequences: a short historical review*

Hungary has a fragmented spatial structure. The majority of the Hungarian municipalities had less than 1,000 inhabitants in 2010 (see Table 1).

Table 1: Population of the Hungarian municipalities (1990-2010)

Year	0-499	500-999	1,000-1,999	2,000-4,999	5,000-9,999	10,000-19,999	20,000-49,999	50,000-99,999	100,000-	All
Inhabitants										
1990	965	709	646	479	130	80	40	12	9	3,070
2000	1,033	688	657	483	138	76	39	12	9	3,135
2010	1,086	672	635	482	133	83	41	11	9	3,152

Source: Szigeti (2013, p. 282)

The governance of the rural areas in Hungary has been based on this condition, and the (inter-communal) cooperation had a significant role. Although after World War II, Hungary belonged to the Communist Block, the transformation of the spa-

tial structure had similar ways from the 1960s, when a new tool of the rural governance appeared: the merger of the municipalities. The main form of this merging process was the formation of the common village councils (*községi közös tanács*). Although merging communities was an important element of the new reforms, the intercommunal associations were reborn. The cooperation between towns and villages was not solved by the merge of the municipalities, and the town areas were not universal in the 1970s (Balázs and Hoffman, 2017, p. 9). In 1990 a new, local government system was established by the Amendment of the Constitution and by the Act LXV of 1990 on the Local Self-Governments (hereinafter: Ötv). This system was a two-tier, but local-level centered system. The local-centered nature of the Hungarian local government system was strengthened by the system of voluntary inter-municipal associations. Article 44/A of the amended (former) Constitution declared that the right to cooperate is a fundamental right of municipalities. These rights had similar constitutional protection as human rights, only at a lower level. Therefore, the introduction of a compulsory inter-municipal association system was very difficult (Verebélyi, 1999, pp. 30-36), almost impossible, due to the requirement of a broad political consensus (two-third majority act) to establish them.

Meanwhile, local public service systems – which were built on the duties and responsibilities of the local governments – had several dysfunctional elements. The main dysfunctional element was the fragmented spatial structure which was strengthened by democratic changes, as a counterpart to former Communist times: where compulsory inter-municipal associations (the above presented common village councils) treated size inefficiency problems. As it was mentioned, this type of inter-municipal cooperation was the merger of villages practically, as village councils and their administration were basically amalgamated. This compulsory form was unpopular among Hungarian municipalities; therefore, it disappeared with the democratic changes, giving opportunity to a disintegration tendency in the transition period (Hoffman, 2009, pp. 130-132).

This fragmentation and the related size inefficiency problem was tried to be solved by inter-municipal cooperation. The inter-municipal system of the Ötv was based on voluntary cooperation. The new types of associations could not stop the disintegration because of their voluntary nature and the poor financial support provided by the central budget. In 1994 a partial review of the regulation took place. The paradigm of the voluntary inter-municipal cooperation remained but supplementary funding from the central budget was introduced by the legislation for the establishment of inter-municipal associations and for their service delivery (Balázs and Hoffman, 2017, pp. 10-12). As a result of these reforms, the number of inter-municipal associations radically increased after 1997 (see Table 2).

The joined form of municipal administration was stimulated as well. The establishment of joint municipal clerks was strongly supported by the central budget. The disintegration tendencies of Hungarian local administration stopped at the end

Table 2: Number of the inter-municipal associations responsible for public service provision between 1992 and 2005

Year	Number of the inter-municipal associations responsible for public service provision
1992	120
1994	116
1997	489
1998	748
1999	880
2003	1,274
2005	1,586

Source: Belügyminisztérium (2005, p. 205)

of the 1990s, giving place to the concentration of the municipal administration in rural areas. In 2004, a new type of inter-municipal association was introduced by the Hungarian legislation – the multi-purpose micro-regional association – based on the French inter-municipal association form ‘SIVOM’. The central government significantly supported service delivery through associations: in 2004, the share of the special subsidies for them was 1.19% of the whole central government subsidies for local governments, and in 2011 it already reached 2.91% (Hoffman, 2011, p. 31). A pure concentration tendency could be observed in the field of the Hungarian local public services from the late 1990s. The problems of size inefficiency and economies of scale were tackled within the municipal system by inter-municipal associations. A centrally encouraged inter-municipal system seemed to be a key for the resilience of the small municipalities, which can provide the basic services jointly for their inhabitants (Szabó, 2019, pp. 105-106).

3.2. The transformation of the framework: new challenges after the municipal reforms of the first years of the 2010s

The legal status of the Hungarian municipalities is determined by the new constitutional rules on the local self-governance. The former regulation was changed radically, the former decentralized model of the Ötv has been transformed by the new Constitution – the Fundamental Law of Hungary – and by the new Municipal Code – the Act CLXXXIX of 2011 on the Local Self-Governments of Hungary (hereinafter Möt). Formerly the right to self-governance was institutionalized as a collective right by the Constitution, but the Fundamental Law defines the elements of the self-governance as competences. The Constitutional Court stated that the local governments do not have fundamental rights, therefore they cannot sue constitutional complaints. Practically, the legislation has a very broad competence to define the legal status of the municipalities.

A simple solution has been chosen by the central government to reduce the fragmentation of the public service system: the most problematic service provisions were centralized and now they are performed by the local agencies of the central governments (Nagy, 2017, pp. 23-25). The main tasks of the education, inpatient care, residential social care, and residential child protection are performed by these agencies. The maintenance of the state-run schools belongs to the responsibilities of the Klebelsberg Center which has been defined as a central government agency with regional bodies (Fazekas, 2014, p. 299). The residential social care and children protection institutes are maintained by the county directorates (agencies) of the Directorate General of the Social and Children Protection. The inpatient health care institutions are maintained by the National Healthcare Service Center. The local governments are mainly responsible for the local public utilities, for the maintenance of the kindergartens, for basic social care, for basic services of child protection, and for cultural services. The municipal tasks have been significantly reduced, which is reflected by the size of the local government expenditure: before the reforms, in 2010 the total local government expenditure was 12.8% of the GDP, while in 2017 it was 6.0% only (see Table 5).

Table 3: Local government total expenditure in Hungary (in % of the GDP) 2002-2017

Year	2002	2006	2010	2011	2012	2013	2014	2015	2016	2017
Local government total expenditure (in % of the GDP)	12.9%	13.0%	12.8%	11.6%	9.4%	7.6%	7.9%	8.1%	6.0%	6.3%

Source: Eurostat (2019)

The new municipal legislation tried to reduce the fragmentation of the spatial system by strengthening the towns which could now be responsible for service provision for the small municipalities of their town area as well. The legislator retained inter-municipal associations in a simplified form, with only one type of the inter-municipal association, which is a multi-purpose one with legal personality, managed by a council. Even though the former unincorporated forms should have been transformed, instead they just disappeared. A new type of the association evolved. It can be described as an umbrella organization because the former independently organized associations – which did not have legal personality – could be mainly integrated into this new type of inter-municipal association (Nagy and Hoffman, 2014, pp. 309-312). Because of the lack of the incentives and the centralized municipal tasks – practically the main tasks of the former associations were centralized, and these tasks are performed now by the central government and by its agencies – the number of the voluntary association seriously – by approx. 40% – dropped (see Table 4).

Table 4: Number of the (voluntary) intercommunal associations in 2013 and 2014

Year	Number of (voluntary) intercommunal associations
2013	1185
2014	709

Source: Balázs and Hoffman (2017, p. 16)

The freedom of establishment of municipal bodies has been reduced by the institutionalization of the joined municipal administrations. A new, compulsory form of the inter-municipal cooperation has been established by the Mötvt: the joint municipal office (Balázs, 2014, p. 426). Villages of the same district (*járás*) having less than 2,000 inhabitants are obliged to take part in these associations¹. Villages having more than 2,000 inhabitants and towns can take part in such an association, if they become the headquarter municipality of these offices.

The small municipalities faced new challenges: several important municipal tasks – especially the education and partly the culture and social care – have been centralized, the former state aid for the (voluntary) inter-municipal cooperation has been reduced, and an obligatory joint municipal administration model has been introduced.

4. Consolidation of the new structure and the inter-municipal cooperation as a tool for the resilience of small municipalities

4.1. *The new model of the joint municipal administration*

The new model is based on the limited responsibility of the municipalities and a joint municipal administration model. It seemed that the inter-municipal administration will be based on the obligatory joint administration, which was introduced during the first half of the 2010s. These joint municipal offices – which have been institutionalized as an obligatory inter-municipal cooperation (Swianiewicz and Teles, 2019, pp. 132-122; Rozsnyai, 2019, pp. 18-19; Fazekas, 2018, p. 217) – became the common form of the administration of the Hungarian rural municipalities (see Table 5).

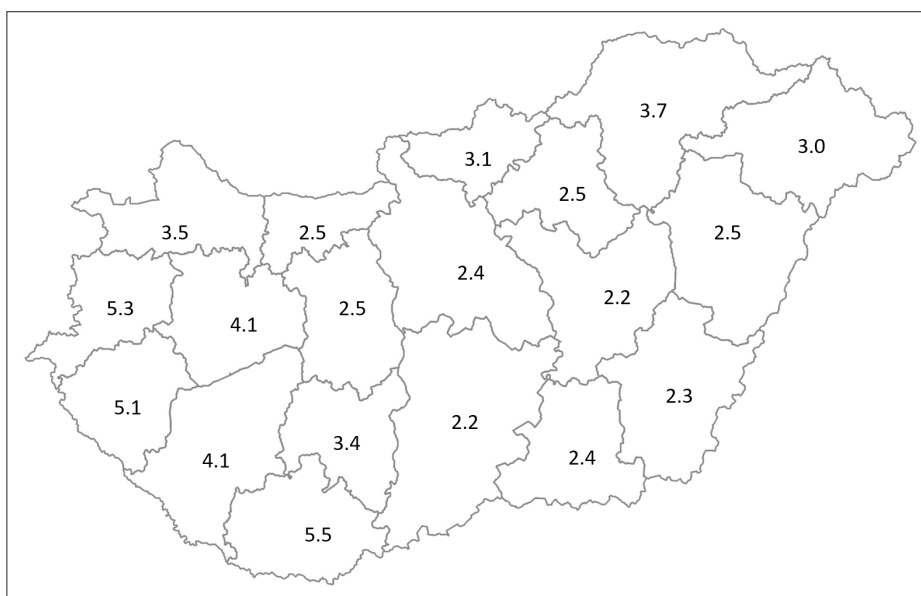
¹ There are only a few exceptions: the common office could have less than 2,000 inhabitants, if at least 7 municipalities take part in the cooperation, or if the population is at least 1,500 inhabitants and the protection of the right of the (national) minorities requires the independent office. I would like to note that this – ethnic minority-based exception – has been modelled after the administration of three villages in county Vas, which have Slovenian majority.

Table 5: Number of joint municipal offices and independent municipal offices in 2014 and 2018

Year	Joint municipal offices		Number of the (independent) municipal offices (mayor's offices)	Number of local municipalities in Hungary
	Number of joint municipal offices	Number of participant municipalities		
2014	749	2,632	521	3,176
2018	738	2,632	546	3,178

Source: Balázs and Hoffman (2017, p. 17); Szabó (2019, pp. 102-106)

The reason for this transformation is that most of the Hungarian local self-governments have less than 2,000 inhabitants. The fact that at least 2,000 inhabitants should be provided by the joint municipal offices resulted in a dual system. In those counties which have a very fragmented spatial structure (especially in Northern Hungary and in Western and Southwestern counties) the joint municipal offices were established by more than three (sometimes more than 4 or 5) village municipalities, and the (independent) municipal offices (the mayor's offices) are rare. In the Eastern and in several Central counties, where the average population of the municipalities is relatively high, the number of the members of the joint municipalities are lower (mainly 2 or maximum 3), and the independent municipal offices are more common (see Table 6).

**Figure 1:** Average number of members of joint municipal offices in 2018

The administration of small municipalities is now based on the inter-municipal model, which can be distinguished as a concentration of the municipal administration. Several advantages can be observed: the administration of the small villages

Table 6: Number of joint municipal offices and independent municipal offices in 2018

County	Number of (1st tier) municipalities	Number of (independent) municipal offices	Number of joint municipal offices	Number of municipalities which are members of joint municipal offices	Average number of members of joint municipal offices
Bács-Kiskun	119	43	34	76	2.2
Baranya	301	5	54	296	5.5
Békés	75	26	21	49	2.3
Borsod-Abaúj-Zemplén	358	37	86	321	3.7
Budapest	24	24	0	0	
Csongrád	60	26	14	34	2.4
Fejér	108	36	29	72	2.5
Győr-Moson-Sopron	183	20	47	163	3.5
Hajdú-Bihar	82	34	19	48	2.5
Heves	121	19	41	102	2.5
Jász-Nagykun-Szolnok	78	32	21	46	2.2
Komárom-Esztergom	76	24	21	52	2.5
Nógrád	131	9	39	122	3.1
Pest	187	121	27	66	2.4
Somogy	246	10	57	236	4.1
Szabolcs-Szatmár Bereg	229	50	60	179	3.0
Tolna	109	11	29	98	3.4
Vas	216	4	40	212	5.3
Veszprém	217	9	50	208	4.1
Zala	258	6	49	252	5.1
Total	3,178	546	738	2,632	3.6

Source: Szabó (2019, pp. 102-106)

became more professional because the former ‘mini offices’ were abolished. Although the majority of these offices have approximately 12-15 civil servants, it is a progress compared to the former system, where offices in the small villages had only 5-6 civil servants typically.

4.2. *Based on the joint municipal offices – the rebuilding of the system of inter-municipal voluntary associations*

The number of the inter-municipal voluntary associations has been decreased significantly after 2013. This decrease has had multiple reasons. First of all, the municipal tasks have been reduced significantly after 2011/2012. The majority of the public education institutions (elementary and secondary schools, vocational education and hostels for the schoolboys and schoolgirls), the residential child care, the majority of the residential social care services, and several cultural tasks were nationalized, thus the municipal nature of the tasks was abolished. The options for creating an inter-municipal cooperation have been limited by the new public service provision model (Hoffman *et al.*, 2016, pp. 461-465).

Secondly, the support of the budget for encouraging inter-municipal cooperation has been reduced. This support was an important factor in the increasing number of inter-municipal associations during the late 1990s and 2000s (Hoffman *et al.*, 2016, pp. 457-459).

Thirdly, the umbrella associations are preferred by the new regulation on inter-municipal association. The legal personality of the associations required more complex administrative structures; therefore, several inter-municipal associations have been merged into larger ones (Balázs and Hoffman, 2017, pp. 15-17).

A silent transformation of the Hungarian inter-municipal system can be observed. Although the number of associations was significantly decreased in 2013/2014, the trend has changed in the last years (see Table 7).

Table 7: Number of the (voluntary) intercommunal associations from 2013 to 2018

Year	Number of (voluntary) intercommunal associations
2013	1185
2014	709
2018	1000

Source: Balázs and Hoffman (2017, p. 17); Szabó (2019, pp. 102-106)

It is obvious that the former model has been partially rebuilt. The rebuilding of the system of voluntary inter-municipal cooperation can be analyzed by the review of the number of these associations by counties (see Table 8).

The number of voluntary inter-municipal associations is higher in those counties which have fragmented spatial structure. A correlation can be observed by the

Table 8: Number of the (voluntary) intercommunal associations by counties in 2018

County	Number of (1st tier) municipalities	Number of villages	Number of voluntary inter-municipal associations
Bács-Kiskun	119	97	48
Baranya	301	287	85
Békés	75	53	25
Borsod-Abaúj-Zemplén	358	329	86
Budapest	24	0	2
Csongrád	60	50	33
Fejér	108	91	27
Győr-Moson-Sopron	183	171	50
Hajdú-Bihar	82	61	36
Heves	121	110	59
Jász-Nagykun-Szolnok	78	56	37
Komárom-Esztergom	76	64	14
Nógrád	131	125	43
Pest	187	133	61
Somogy	246	230	68
Szabolcs-Szatmár Bereg	229	201	93
Tolna	109	98	48
Vas	216	203	50
Veszprém	217	202	66
Zala	258	248	69
Hungary	3178	2809	1000

Source: Szabó (2019, pp. 102-106)

comparison of the number of these voluntary associations to the number of the joint municipal offices. The joint municipal offices can be interpreted as a ‘catalyst’ of the inter-municipal associations. The joint administration put forward a joint public service provision model, thus the management of the service provision system of the small villages has been strengthened by the new model. Although the joint municipal offices have been a catalyst, the state aid has remained limited. The voluntary decision of the municipalities resulted in the increasing number of this cooperation which was based on the effectiveness of the service provision and the requirement of the quality of the provision in the small villages, as well. The role of the small communities is preferred by the new rules on inter-municipal cooperation because the principle in the decision-making is the ‘one member – one vote’, thus the small villages have a relatively significant influence on the decisions of the associations.

The profile of these associations has been transformed in the last year. During the 2000s the associations were established partly for the classical administrative tasks and for public service provision. Because of the obligatory establishment of the joint municipal offices, the new inter-municipal associations are mainly based on the joint public service provisions. The main field of the joint administrative task management is the joint municipal office. The joint service provision is based on the municipal offices; the territorial scope is different from the 2000s. The new cooperation is mainly a cooperation of the neighboring villages (so-called micro-districts) and not the cooperation of the towns and villages in a small (micro) region.

5. A comparative case study: social care provision by an inter-municipal association (in Hungary) and by a merged municipality (Slovenia). The case study of Balatonlelle (Hungary, Somogy County) and Bled (Slovenia)

5.1. *Framework of the comparison*

The Hungarian and Slovenian municipal systems can be considered as similar ones. This is also attributable to the fact that partly due to the small size and population of the country, equaling roughly one-fifth of Hungary, the Slovenian model is based on strong centralization. As an important difference between the two systems, however, is that a single-tier system of local government is established in Slovenia, notwithstanding several attempts at reform (Setnikar-Cankar, 2011, pp. 641-643). Moreover, although the high level of concentration implemented in the socialist era was eased in the course of local government reform in 1993 and 1994, it remains relatively concentrated. Currently, 212 municipalities operate in Slovenia, 11 of which are city municipalities. This means that the Slovenian local governments cover an average of 9-10,000 inhabitants, and are generally composed of several architecturally separate municipalities. In other words, Slovenian local governments cover a unit corresponding to a Hungarian micro-district. Although the system is concentrated, there are major differences in municipality size: the largest one, Ljubljana, has 283,000 inhabitants, while the smallest one, Hodoš, has 375 inhabitants. Taking this into account, the role of partnerships is significantly smaller within the Slovenian system; the Slovenian model does not require mandatory partnerships. Solutions involving partnerships are strongly encouraged on a sectoral level².

2 Voluntary inter-municipal associations promoted with financial incentives play a key role in local law enforcement in Slovenia, and Slovenian partnerships also perform important tasks in regional development and regional coordination (Bačlija-Brajnik, 2018, pp. 251-253).

Regarding social tasks it is necessary to note that the tasks of Slovenian local governments are relatively limited; they are directly responsible for providing home assistance, home assistance with a signaling system, certain crisis services, and home meal services, but they are only required to provide access in relation to other services. Thus, the involvement of local governments in this area is significantly more limited than in Hungary, although by providing such basic services, Slovenian municipalities are key actors in the provision of social services (Hlebec, 2017, pp. 496-505). The differences and similarities suggest that the systems of the two states lend themselves to comparison. The analysis of the Slovenian solutions is particularly interesting because these are applied within a concentrated and centralized system, where small municipalities are not independent; practically all – even the smallest local government – consist of several municipalities. In contrast, within the system aimed at maintaining the independence of small municipalities, cooperation between local governments and best practices emerging from it may obviously play an important role.

5.2. Example of successfully providing services within a partnership: Joint Family and Child Welfare Service of Balatonlelle and Partnership for Internal Control

Balatonlelle has traditionally demonstrated best practices in the provision of services through partnership and in cooperation between the micro-district center and its catchment area. Since 2005 some social services in Balatonlelle have been provided through an inter-municipal association called the Joint Family and Child Welfare Service of Balatonlelle and Inter-Municipal Association for Internal Control. The inter-municipal association currently has seven municipalities³ as members. The multi-purpose sub-regional inter-municipal association – with the participation of 14 local governments up to 2013 – had been the direct precedent to this association. Due to the termination of the small regional system by the Mötv, the association was significantly transformed. It continued to operate basically within the neighboring municipalities of Balatonlelle, i.e. it became essentially a partnership at (peri-urban) micro-regional level (Pálné Kovács, 2016, p. 594). Taking into account the substantial reform of the mandatory tasks of local governments implemented since 2012, the provision of municipal welfare gained in relevance in partnership cooperation. The partnership provides social services through the Common Family and Child Welfare Service of Balatonlelle. Such services include a social kitchen, including three cooking kitchens operated in different municipalities. Home assistance is provided with the help of 5-6 employees; there are more

3 Balatonlelle, Karád, Látrány, Visz, Somogytúr, Somogybabod, Gamás.

than one hundred people who may receive care. The population pyramid of the municipalities is unfavorable; there are many old people, therefore it is also important to provide care for the elderly in smaller neighboring villages. Currently, 30 old people can be provided care in the daytime. Although not comprising part of the institutions of the partnership, there is a club for the elderly in Balatonlelle that is open to the inhabitants of partnering local governments free of charge. Home assistance with a signaling system and parental assistance is also provided, and since 2016 family and child welfare services are provided in the form of a partnership.

In the course of developing the partnership, the aim was to establish an efficient, coordinated, but at the same time citizen-friendly system of services that also supports the conservation of municipal identity. Although the partnership is seated in Balatonlelle, it has several branch offices, and the employees taking part in the organization of services generally conduct their activity in the given municipalities. Thus, joint and efficient organization of services is connected to a municipality-centered system, where everybody can access basic services at their own place of residence, without travel. In the course of providing services, the public employees of institutions cooperate with the representative bodies and mayors of municipalities, thus mayors also have a clear picture of needs when having to determine municipal funds, and service personnel can also indicate to mayors and representative bodies the life situations in need of and entitled to intervention.

The 'one member – one vote' principle, noted above, strengthens focus on municipalities within the association, serving as a quasi-guarantee for full consideration of aspects of small municipalities. In the course of the interview conducted in the autumn of 2018, the mayors participating in the associations emphasized that according to the municipality's estimates, its costs would increase by 40% if it had to provide these services independently, at the municipal level, but at current standards. Within the scope of welfare services, general practitioner services have for a long time operated within the framework of an independent inter-municipal association.

5.3. Bled – joint local government of the small city and its region

Owing to similarities with Balatonlelle, the local government of the Slovenian city of Bled also provides an appropriate basis for comparison for the analysis of partnerships. Partnerships play a lesser role also on account of the one-tier local government system in Slovenia (Setnikar-Cankar, 2011, pp. 641-643). There are no mandatory partnerships, but there are sectoral areas in which the establishment of partnerships is supported, such as local law enforcement (Bačlija-Brajnik, 2018, pp. 251-253).

Bled does not operate a complex partnership scheme like Balatonlelle, especially not in the area of substantial social administration as is the case in Balatonlelle. In

this area Bled – in addition to funding provided by the state – performs its mandatory duties and provides financial support (Nagy *et al.*, 2019, pp. 169-174). Social services, namely, are provided by the municipality in Bled. Thus, tasks are performed within a merged framework of local government instead of the partnership scheme operated in Balatonlelle. The conservation of the identity of smaller village ‘parts of the municipality’ (with 1,500 and 1,000 inhabitants) (essentially villages under one local government) under one local government with Bled is a priority within the merged system, although municipal identity is to be primarily conserved by means of cultural services. In the course of providing social services, the service system seated in Bled provides the services. Separate service points in parts of the municipality were not organized, but obviously, efforts are made to ensure that the carer and not the cared is mobilized, if possible. The central location and good accessibility of the Bled unit is the main reason for the above, strongly centralized organization of services.

6. Conclusions

The provision of public services in small villages can be organized differently, but two main approaches have been evolved: the inter-municipal cooperation and the merge of the municipalities. A third solution is the centralization of the services when the provider is an agency of the central government. These models have been analyzed – mainly in the light of the transformations of the Hungarian regulation. In Hungary, the inter-municipal approach became more significant during the late 1990s and in the 2000s, but the reforms of the 2010s resulted in a strongly centralized model. Although the Hungarian model became one of the most centralized in Europe, the inter-municipal system has been partly rebuilt in the second half of this decade, and it was based on the joint municipal offices. The new model was an evolutionary one, and it focuses on the effective service provision of the small villages. It is an element of the resilience of these small municipalities.

In 2018 and 2019 this inter-municipal approach was compared to an approach based on the merge of the municipalities by an empirical case study. The service provision of a similar Hungarian and Slovenian rural area was compared. It is clear that the Hungarian solution has been more complex, but it fulfils its main aim: an effective service provision for a town and its neighboring villages. The Slovenian model is a simpler one, but the small villages have a limited role in that approach.

An inter-municipal model can be a tool for the resilience of the small villages: their independence and identity can be guaranteed meanwhile an effective service provision model can be established.

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THE PERCEPTION ON VIRTUAL REALITY AS AN E-GOVERNMENT PERSPECTIVE. APPLYING TECHNOLOGY ACCEPTANCE MODEL AND PAD AFFECTIVE MODEL

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Abstract

In an increasingly technological world, Virtual Reality (VR) is an emerging innovation that promises to profoundly impact the socio-economical context. The scope of the study is that of understanding the users' perception on their VR experiences in general, and the potential use of VR technology as part of the digital government. Navigating virtual offices, attending public meetings remotely, job training, digital visualizing and interaction with data, city branding with immersive experiences, etc. are some of the possibilities that can enhance citizen-public administration interaction. Methodologically, the research uses an opinion survey. The main emphases are on the ease of use and the usefulness of VR, attitudes towards it, use intentions and emotional flow. The results show a rather positive perception on the use of VR from the point of view of ease of use, of usefulness and emotional implications. However, there are no clear correlations between this VR general opinion and the potential use of VR in public administration. To the best of our knowledge, the issue of VR and e-government is still poorly addressed. Therefore, a comprehensive understanding of individuals' perspectives can help local authorities to further plan the digitalization of its services.

Keywords: Virtual Reality (VR), E-Government, public administration, Technology Acceptance Model (TAM), PAD Affective Model.

1. Introduction

As technologies are being overwhelmingly rapidly introduced in different companies and public institutions, successful technology adoption is important for the full participation of all the entities in modern society (Partala and Saari, 2015). In this context, the present study aims to understand the users' perception on their Virtual Reality (VR) previous experiences in general, and on the potential use of VR technology as part of the digital government.

A computer-based technology that uses head-mounted eye goggles, VR (or virtual environment, artificial world) stimulates a three-dimensional situation in which the user experience has the feeling of being present (Grudzewski *et al.*, 2018). VR is a simulation in which computer graphics are used to create a visually real-time interactive and realistic experience in which the synthetic world responds to user commands (e.g., verbal, gesture). The interactivity and human sensors are responsible for the feeling of immersion, of taking part in the action on the screen, of feedback, and on manipulating and touching the graphic objects (Burdea and Coiffet, 2003; Mazuryk and Gervautz, 1996). As immersive 360° video is a very important element of VR (Li *et al.*, 2017), past researches have shown that VR represents a mix of three I's. While it is clear that VR is both *interactive* and *immersive*, by being not only an environment, an interface, but an application that solves real-time problems, it also implies *imagination* (the ability to perceive non-existing things) (Burdea and Coiffet, 2003).

Having a wide applicability potential, VR is used for simulation systems for the training of pilots, astronauts, drivers, for experiments and simulations in the medical field, for modeling and visualization in the scientific fields, in computer-assisted design, for creating computer games and animations, for branding, marketing, and tourism, for live events, education, retail, real estate, healthcare, research, etc. (Kassaye, 2007; Chiou *et al.*, 2008; Bessis and Dobre, 2014; Marasco *et al.*, 2018; Grudzewski, 2018; Flavián, Ibáñez-Sánchez and Orús, 2019). Considering that, to the best of our knowledge, the use of VR in e-government is still poorly addressed, a comprehensive understanding of individuals' perspectives will help local authorities to further plan the digitalization of its services.

The present paper is a descriptive multiple case study. Being a pilot investigation, it has no explanatory or predictive valance. The analysis aims to better comprehend the general insight on the use of VR from the point of view of emotional reaction and the point of view of perceived ease of use and usefulness. Moreover, the paper intends to assess to what extent VR is considered a proper digital perspective on public administration.

The originality and novelty of the paper is threefold. First, still being a poorly addressed issue, the link between VR and public administration is considered. Second, the perception of VR is assessed through both the Technology Acceptance Model (TAM) and PAD Affective Model (pleasure-arousal-dominance). Third, the

addressed case study in Romania, a country eager to consume technology, yet found itself in its early stage of e-government implementation.

2. Technology and government

Moving forward from the moment in which e-government has simply consisted in the creation of a web page, nowadays, e-government implies a more in-depth digital transaction with the citizen (Ndou, 2004). In the context in which the public sector implies information exchange and collaboration, e-government refers to a technology-based modernization of the public sector by identifying and developing the organizational structure, by interacting in new and various way with the individuals and other stakeholders, and by reducing the cost of the organizational process (Alenezi, Tarhini and Masa'deh, 2015; Mirchandani, Johnson and Joshi, 2008). E-government provides fast, inexpensive, trustworthy, reliable services and supposes an enhanced and open-communication process (Mirchandani, Johnson and Joshi, 2008; Ndou, 2004; Zhang and Chen, 2010). In addition, e-government implies avoidance of personal interaction, higher empowerment to the individuals, convenience for the individuals to receive the services how and when they want them, savings for all the stakeholders, personalization possibility, time efficiency, confidentiality, ease of use, enjoyable experiences, the accuracy of information, safety, and visual appeal (Mirchandani, Johnson and Joshi, 2008; Ndou, 2004).

The most common applications on which government can use digital reality are the following ones: simulate environments (e.g., for training), create immersive experiences (e.g., in the tourism domain, for museums visitors), visualize and interact with data, enable maintenance, enhance education, improve public health and safety, support investigations and case management (Briggs *et al.*, 2018). Tózsa (2013) is proposing a list of VR applications that can function in public administration. Among the most interesting ones are the following: choosing avatar figures, entering and navigating in the virtual offices, downloading and uploading information, entering real-time dialogue, attending public meetings, making appointments, initiating administration procedures, etc. (Tózsa, 2013).

Describing the digital reality ecosystem (virtual reality, augmented reality, mixed reality, immersive perspective, 360 video), Briggs *et al.* (2018) stress the benefits it has on government institutions: it enables individuals, referred to as customers for governments (Osborn and Gaebler *apud* Ndou, 2004), to perform tasks faster and more accurate by providing the best information at the right time; it overcomes the shortages of distance by connecting resources with needs; it can improve the effectiveness of training, and it makes it less costly.

VR technology is considered to have a great impact on consumers and on the way they perceive services and products (Grudzewski *et al.*, 2018). By digitalizing

the communication process, the organizations can provide cutting-edge, optimal, more productive, dynamic experiences (Flavián, Ibáñez-Sánchez and Orús, 2019; Guth and Brabham, 2015), ensuring higher standards of transparency and privacy protection (Szabo *et al.*, 2016). Likewise, considering that public organizations have external-facing applications in which the experience of end-users is very important, virtualization technology is fundamental (Government Technology, undated). User-centric services are considered to increase the trust level in government and increase general satisfaction (Szabo *et al.*, 2016). In this respect, a potential introduction of VR public services needs a previous assessment on the way this technology is perceived in general and projected on public administration in particular.

3. Technology and emotions

There is an increasing organizations' effort to implement IT innovation for both operational improvements and strategic advantages (Bala and Venkatesh, 2016). Technology adoption is believed to be a dynamic process characterized by strong emotions in users and, thus, by a high predictive power (Deng, 2017).

Technology Acceptance Model (TAM) (Davis, 1989), developed based on the Theory of Reasoned Action (Fishbein and Ajzen, 1975), aims to explain the user's perception and behavioral intention on a certain technology. Thus, technology adoption or non-adoption become important outcomes (Partala and Saari, 2015). The main two variables are: the *perceived usefulness* (the probability that by using a specific tool will enhance an individual performance) and the *perceived ease of use* (the degree to which the use of a certain technology is free of effort) (Davis, 1989; Wang and Sun, 2016; Venkatesh and Bala, 2008; Vaportzis *et al.*, 2017). There are positive and significant relationships between these two variables and the attitude towards the use and the adoption of a certain technology (Ferreira, Da Rocha and Da Silva, 2014; Chuttur, 2009). Later studies have extended TAM by adding variables as individual differences (socio-demographical variables), system characteristics, social influence and facilitating conditions, technology anxiety (Venkatesh and Bala, 2008).

User experience includes all the elements that affect an individual's interaction with a product, a system, a technology (Partala and Saari, 2015). The literature talks about three components that can shape a future behavior: the perception of instrumental qualities (usefulness and usability of the system), the perception of non-instrumental qualities (appeal and attractiveness), and emotional reaction (Kujala *et al.*, 2011). However, emotions are perceived to play the central and the most pervasive role in understanding an experience (Partala and Saari, 2015).

A technological implementation is believed to be assessed in two dimensions. While, on one hand, there is the evaluation of threats and opportunities in respect

to the personal aim, on the other hand, there is the potential control the individual has on the expected outcome of the technological completion (Deng, 2017). By combining the transactional model of stress and handling with the coping model of user adaptation (CMUA), Bala and Venkatesh (2016) consider two processes approached by individuals within a changing environment (as can be the case of VR implementation in public administration). The first process, cognitive appraisal, refers to the evaluation of the relevance for the well-being of an individual (whether the person has anything at stake regarding the event and whether the individual has the resources to exert control over the situation to prevent harm or improve the benefits). The second process, adaptation, deals with cognitive and behavioral efforts to manage stressful events either by applying problem-focused strategy (the aim is to solve the problem at hand) or emotion-focused strategy (the aim is to reduce the emotional distress). Thus, CMUA evokes four adaptation strategies in the IT context: benefit maximizing, benefit satisficing, disturbance handling, and self-preservation (Bala and Venkatesh, 2016)

Therefore, the link between technology use and emotions is increasingly important. Technology, as fully integrated into our daily routine, has the potential both to arouse emotions in the users and to influence the way these are materialized (Serrano-Puche, 2015). Lately, emotional perspective, along with cognitive constructs, social judgment, risk perception, and attribution, is continuously incorporated within technology acceptance research (Venkatesh, 2000; Deng, 2017; Tsoy, 2017). In accordance with the flow theory, Csikszentmihalyi (1990) suggests that an enjoyable experience depends on the degree to which one feels in control of a certain task, one is encouraged to have a playful, exploratory and balanced behavior.

A taxonomy on emotions states that they can be discussed from two perspectives. On one hand, the dimensional perspective stresses that emotions can be grouped into valence and arousal. On the other hand, the discrete perspective offers a wider set of emotions (ten positive and ten negative emotions) grouped into the Positive Affect Negative Affect Schedule (PANAS model) (Watson, Tellegen and Clark, 1988; Partala and Saari, 2015). On the same respect, Beaudry and Pinsonneault (2010) consider that there are four classes of emotions: challenge emotions that are dependent on the assessment of opportunity and high control, as excitement, hope; achievement emotions that are evoked by opportunity and low control, as happiness and relief; deterrence emotions that are induced by threat and high control, as anxiety and distress; and loss emotions that are determined by threat and low control, as anger and frustration.

In 1974, Mehrabian and Russell have developed PAD Affective Model (Mehrabian and Russell, 1974). They consider that all the emotional responses can be materialized into a combination of three particular dimensions: pleasure-displeasure, arousal-non-arousal and dominance-submissiveness (Li, Ye and Yang, 2017; Rachman, Sarno and Fatichah, 2016). The first two dimensions are initially grouped into

the Circumplex Model of Affect; the dominance dimension is only later integrated into PAD (Zhang *et al.*, 2017). Pleasure-displeasure dimension refers to happiness and enjoyable states (Li, Ye and Yang, 2017; Hall, Elliott and Meng, 2017). The concepts used for assessing the level of pleasure are happy-unhappy, pleased-annoyed, satisfied-unsatisfied (Bakker *et al.*, 2014). The rich of happiness, satisfaction or fun is vital in the consumption decision of a high-tech product (Ferreira, Da Rocha and Da Silva, 2014). Arousal-non-arousal dimension evokes a mental attentiveness that ranges from sleepy to frantic (Li, Ye and Yang, 2017; Hall, Elliott and Meng, 2017). The main adjectives used are stimulated-relaxed, excited-calm, wide awake-sleepy (Bakker *et al.*, 2014). The last dimension, dominance-submissiveness (in control-controlled) signifies the range between influential, powerful, in control, on one hand, and lack of control, influenced, submissive, dominated on the other hand (Mehrabian, 1996; Li, Ye and Yang, 2017; Verma and Tiwary, 2017; Liu and Sourina, 2012). It is believed that the highest in the sense of dominance towards a certain technology, the more positive is the attitude towards adoption (Ferreira, Da Rocha and Da Silva, 2014).

In the endeavor to combine cognitive and affective variables for explaining technology acceptance, Kulviwat *et al.* (2007) develop the Consumer Acceptance Technology (CAT) model as a combination between TAM and PAD. In order to further develop this initial model, Ferreira, Da Rocha and Da Silva (2014) propose Consumer Acceptance and Readiness for Technology model (CART). The main variables are technology readiness, relative advantage, perceived usefulness, perceive ease of use, pleasure, arousal, and dominance as shaper elements for attitude towards adoption and adoption intention (Ferreira, Da Rocha and Da Silva, 2014).

4. Methodology

In the context of rapid technological evolution, the aim of this research is that of investigating the perception of the individuals on VR in general and on the potential use of VR in public administration. The research method used is an online opinion survey.

Based on the above literature, the following hypotheses are developed:

H1. The more positive is the attitude towards the previous VR experience and towards future intentions, the more utility is projected in the use of VR in public administration.

H2. The more VR technology is perceived as easy to use and useful (TAM), the more utility is projected in the use of VR in public administration.

H3. The more pleasure, arousal, and dominance (PAD) is perceived in respect of previous VR experiences, the more utility is projected in the use of VR in public administration.

The research model is schematically presented below (Figure 1).

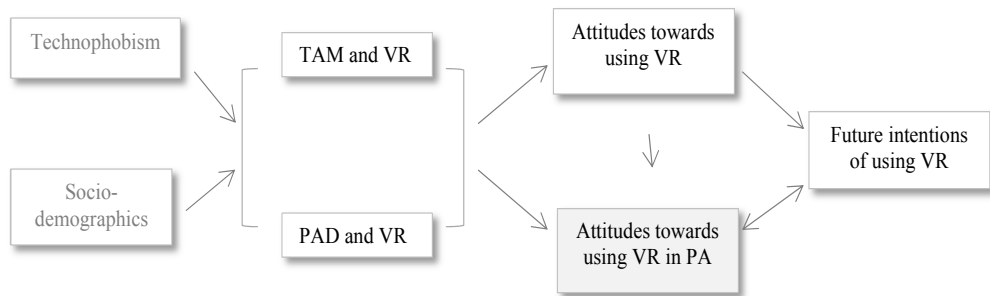


Figure 1: The research model

5. Sample

The sample of the research is composed of a convenient sample ($N=96$) formed exclusively of people that have used VR helmets before. From the socio-demographical perspective, 80% are young people under 23 years old ($M=22.28$, $SD=5.621$), 63% are males, and 71% either graduated from or work in the IT industry. Although almost 20% of the respondents own a VR helmet, 75% have experienced VR less than 5 times. The context of using VR varies between the contexts of different events, festivals, conferences, museums. However, the main circumstances in which the VR helmet has been used are games and IT development departments of different companies.

Based on the Global Attitudes Towards Technology Measure (GATTM) (Edison and Geissler, 2003) (where 1 means *Very technophobe* and 4 means *Not at all*), as expected, the highest majority (more than 70%) of the respondents do not consider themselves as being technophobes at all ($M=3.59$, $SD=.719$).

6. Results

The general attitude on the use of VR is measured in two ways. First, a general question (on a 4-point scale, where 1 means *Very much* and 4 *Not at all*) on how much the individuals have enjoyed using VR has been addressed ($M=3.22$, $SD=.684$). This variable has been transformed into a dummy variable (Attitude on VR_1) to be used in correlational relationships. Second, the PAD attitude scale has been adapted for VR use from the Hall, Elliott and Meng's (2017) research on Facebook use. The scale ($\alpha=.940$, $M=4.247$, $SD=.907$) assesses the attitude towards the existing experience with the system on four dimensions (bad-good, negative-positive, unfavorable-favorable, unpleasant-pleasant). Out of these dimensions, through average computation, a continuous variable (Attitude on VR_2) has been created.

When measuring the general attitude on the use of VR, the data show a paradox. On one hand, more than 89% of the respondents claim that they have rather not enjoyed the VR experience (see Figure 2).

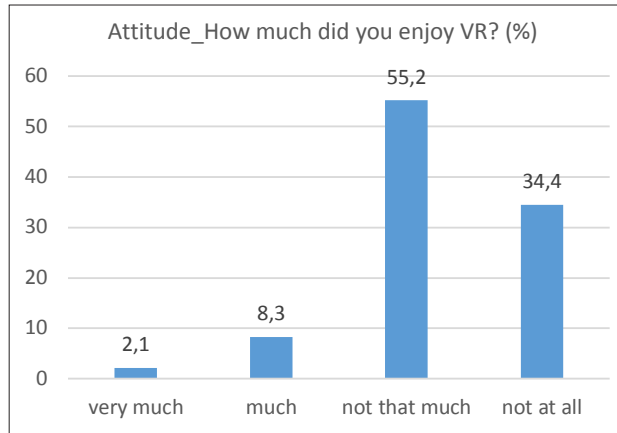


Figure 2: The general attitude on the use of VR

On the other hand, when asked to declare their experience based on the four abovementioned dimensions (bad-good, negative-positive, unfavorable-favorable, unpleasant-pleasant), the data show a very positive general attitude on the use of VR for more than 75% of the respondents (Figure 3).

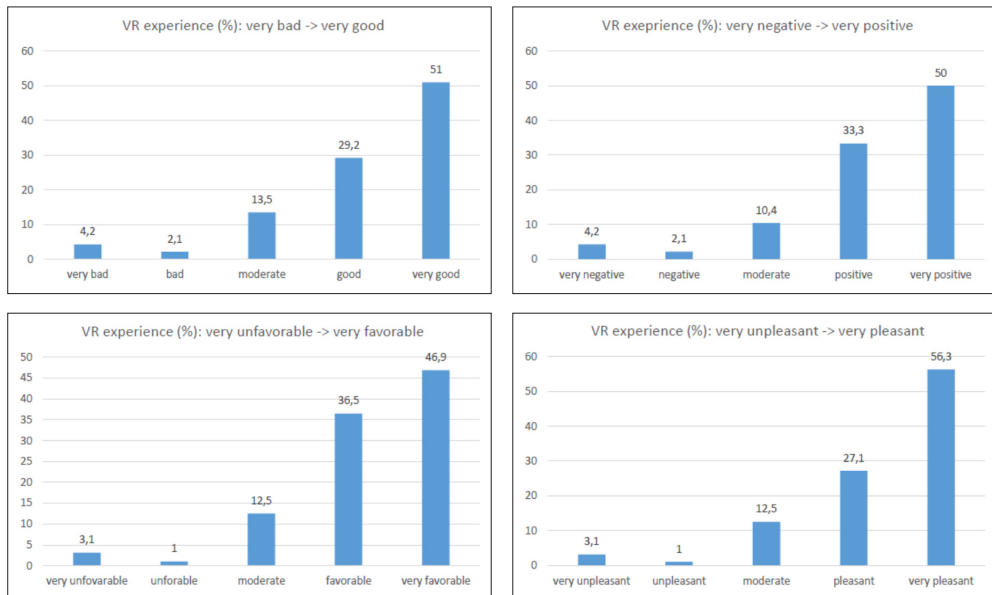


Figure 3: The attitude on the VR experience on the four dimensions

The same paradox is present when the future behavioral intention of using VR is discussed. The general intention to use VR in the future (If you were to use VR again, would you use it?) is measured by a 4-point scale, where 1 means *Very much* and 4 *Not at all* ($M=3.36$; $SD=.618$). For the purpose of the analysis, this variable has

been transformed into a dummy variable (Future intention_1). PAD intention scale (Hall, Elliott and Meng, 2017) ($\alpha=.946$, $M=3.203$, $SD=1.055$) also measures the intention to use the system in the future, on a 5-point scale on two dimensions (I plan to spend a lot less time using VR – I plan to spend a lot more time using VR; I plan to use VR a lot less frequently – I plan to use VR a lot more frequently). Through average computation, these dimensions have been transformed into one continuous variable (Future intention_2).

As Figure 4 shows, almost 95% of the respondents claim that they would rather not use VR headset in the future. At the same time, puzzlingly, when the same question has been asked in terms of time spent and of frequency, the intention is rather positive. Most of the individuals claim that they would use VR at least the same as they did before (Figure 5).

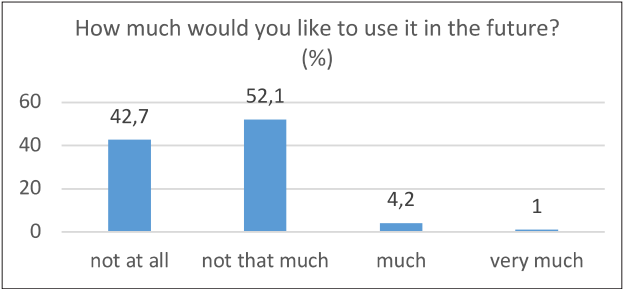


Figure 4: The general attitude on the future intention to use VR

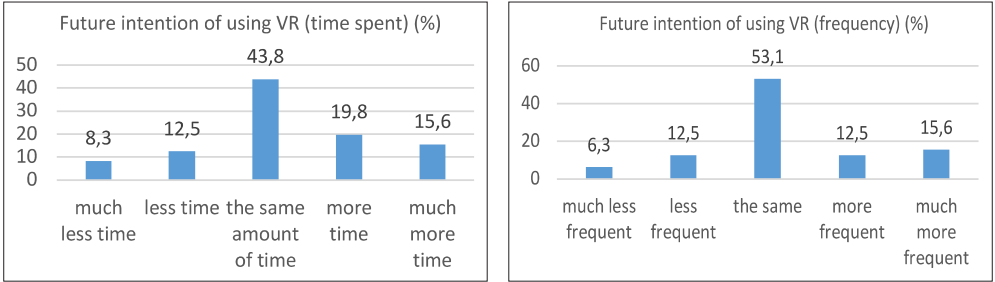


Figure 5: The future intention of using VR in terms of time spent and of frequency

For measuring the technology acceptance, TAM model has been adapted for VR use according to the scale developed by Tuominen *et al.* (2016). It uses a 7-point scale, where 1 means *Totally disagree* and 7 means *Totally agree*. It is divided into three dimensions: perceived ease of use ($\alpha=.823$; $M=5.5208$; $SD=1.12429$), perceived usefulness ($\alpha=.898$; $M=4.0556$; $SD=1.50839$), and emotional flow ($\alpha=.945$; $M=5.5378$; $SD=1.17620$) (see Table 1).

Table 1: The dimensions used for the TAM model

Dimensions	Items	M (SD)
<i>Perceived ease of use (TAM_PEU)</i>	Learning to use the Virtual Headset was easy for me.	5.91 (1.290)
	I did not find it difficult to get the VR headset to do what I wanted it to do.	5.16 (1.496)
	I found the VR headset flexible to interact with.	5.32 (1.504)
	It was easy for me to become skillful at using the headset and the content within.	5.70 (1.258)
<i>Perceived usefulness (TAM_PU)</i>	I believe using VR headset has possibilities of enhancing the effectiveness in the present socio-economic context.	4.09 (1.680)
	I believe that using VR headset would increase my productivity in the present socio-economic context.	3.86 (1.702)
	I believe VR headset could be useful in the present socio-economic context.	4.21 (1.582)
<i>Emotional flow (TAM_EF)</i>	I enjoyed experiencing the virtual reality through VR headset.	5.85 (1.314)
	I thought to experience 3D virtual world was quite enjoyable.	5.89 (1.289)
	I would describe the virtual reality experience very interesting.	5.85 (1.369)
	The virtual reality experience was fun.	5.93 (1.308)
	I felt carried away while experiencing the virtual reality.	4.93 (1.643)
	I felt as if I was a part of the virtual reality environment.	5.19 (1.618)
	I felt deeply about the virtual reality environment.	5.53 (1.582)
	When experiencing the virtual reality, my attention was totally focused.	5.65 (1.429)
	Experiencing the virtual reality excited my curiosity.	5.57 (1.456)
	Experiencing the virtual reality was interesting.	5.88 (1.336)
	When experiencing the virtual reality, I felt that I'm in control.	4.69 (1.623)

The data show that, in most cases, the respondents agree that the VR system is easy to use. Moreover, they perceive the VR headset as moderately useful considering their daily routine and the socio-economic context. Emotionally, they consider the VR experience as being fun, enjoyable, interesting, and attractive.

PAD Affective Model scale (Hall, Elliott and Meng, 2017) is composed of six items for the pleasure dimension ($\alpha=.847$; $M=1.9063$; $SD=.67573$), six items for the arousal dimension ($\alpha=.720$; $M=2.4063$; $SD=.61073$) and six items for measuring dominance dimension ($\alpha=.781$; $M=2.7934$; $SD=.76844$). The items are measured on a 5-point scale on a continuum. The items have been translated in Romanian by two specialists and, additionally, they have been also compared with the French translated scale developed by Detandt, Leys and Bazan (2017) (see Table 2).

The data show that most of the people feel happy, pleased, content, hopeful, relaxed, wide-awake, and aroused while being exposed to VR experience. Moreover, within the pleasure dimension, the perceptions are the most positive ones.

The perceived attitude on the use of VR in public administration is measured by using a general question on the appropriateness of the use of VR in government

Table 2: The dimensions used for the PAD model

	English version	M (SD)
<i>Pleasure dimension</i> (PAD_PL)	Happy-Unhappy	1.95 (.826)
	Pleased-Annoyed	1.73 (.876)
	Satisfied-Unsatisfied	2.07 (.874)
	Content-Melancholic	1.19 (.907)
	Hopeful-Despairing	1.99 (.968)
	Relaxed-Bored	1.79 (.928)
<i>Arousal dimension</i> (PAD_AR)	Stimulated-Relaxed	2.02 (1.076)
	Exited-Calm	2.51 (1.105)
	Frenzied-Sluggish	2.64 (.809)
	Jittery-Dull	3.49 (1.016)
	Wide-awake-Sleepy	1.86 (.763)
	Aroused-Unaroused	1.92 (.854)
<i>Dominance dimension</i> (PAD_DO)	In control-Cared for	2.40 (1.041)
	Controlling-Controlled	2.90 (1.081)
	Dominant-Submissive	2.52 (.906)
	Influential-Influenced	2.75 (1.056)
	Autonomous-Guided	2.93 (1.308)
	Important-Awed	3.27 (1.235)

(VR in PA – dummy variable) ($M=.90$, $SD=.308$). More than 89% of the respondents claim that the use of VR in public administration is a good idea. Likewise, the individuals have been asked to name public administration services that would fit the use of VR (open-ended question). While some of them have been positively surprised by this perspective claiming they have never thought about, others have imagined exact situations in which VR can improve public services. The most numerous answers indicate the use of VR for client services. Either it is about virtual assistance, info points or interactions with officeholders, the respondents underline the need for a better communication flow within public institutions. Mapping is another perspective in which VR is considered a feasible solution. Either it is indoor (guiding the pathway within city hall, visiting museums), or outdoor (visiting the town), tourism is believed to fit the use of VR to a high degree. Finally, VR is considered important to be used in education, in hospitals, and emergency institutions, as police, especially for different types of simulations.

For better measuring the link between VR and public administration, a list of possible VR situations has been created. The individuals are asked in which of the following situations the VR technology would be useful within the public administration context. The items are measured on a 4-point scale (where 1 means *Not at*

all and 4 means *To a very high degree*). They are inspired by Tózsza (2013) and Briggs *et al.* (2018), but not limited to it. The main presented situations are the following: virtual-navigation within department and offices of the organization, virtual participation at the public meetings, virtual training for a job, visualization and digital interaction with data and documents, visualizing public leaders' profiles, virtual navigation throughout the town, virtual navigation at events, digital visualization of the town history, and digital interaction of the disabled persons (see Table 3 and Figure 6).

Table 3: The perception of the use of VR in public administration

The use of VR in public administration	M (SD)
Virtual navigation within department and offices of the organization	2.68 (.935)
Virtual participation at the public meetings	3.20 (.958)
Virtual training for a job	2.86 (1.012)
Visualization and digital interaction with data and documents	2.93 (1.078)
Visualizing public leaders' profiles	2.70 (1.037)
Virtual navigation throughout the town	3.52 (.794)
Virtual navigation at events	3.28 (.959)
Digital visualization of the town history	3.59 (.658)
Digital interaction of the disabled persons	3.56 (.765)

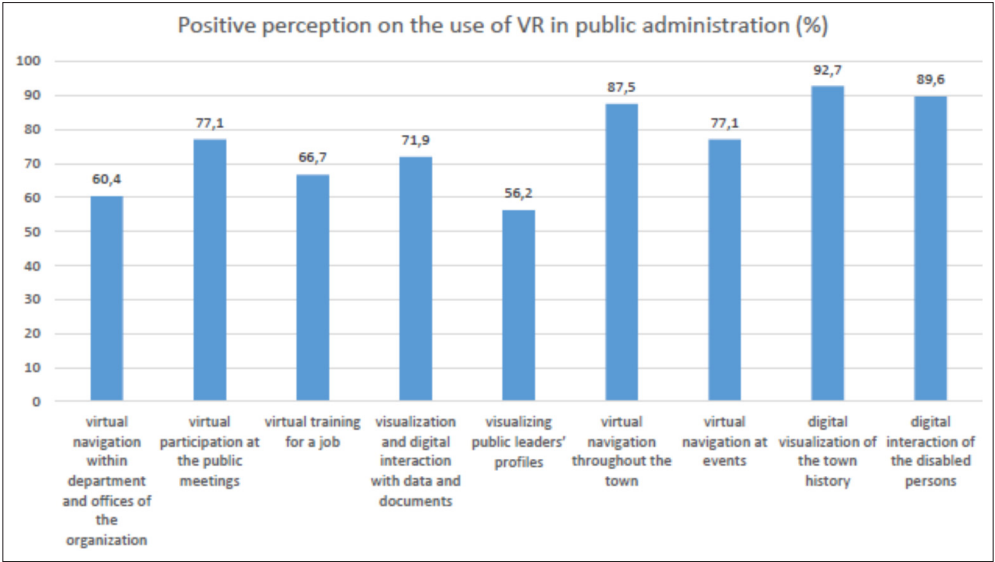


Figure 6: The positive perception of the use of VR in public administration

The most feasible and liked situations in which VR is associated with public administration are twofold. On one hand, VR is perceived as a beneficial tool for

facilitating participation in public meetings held within the government's local or national institutions. On the other hand, tourism is again considered as a very appropriate context for a VR experience. The majority of the respondents consider the virtual navigation throughout the town or the digital visualization of the town's history as efficient ways of using VR helmets. Moreover, the need for a digital interaction of disabled persons is underlined.

7. Discussions

Based on the descriptive analysis, it can be stressed that VR experience is perceived in a rather positive manner from all points of view. However, in order to test the hypothesis, a more inferential approach should be developed. Thus, by transforming all the needed variables into scales, a set of Pearson correlations is conducted. Table 4 shows the main results.

The data show that technophobia is significantly related to the pleasure of using VR ($r = .231$, $sig. = .024$) and to the attitude on VR ($r = -.227$, $sig. = .026$). As expected, while one is less technophobe, the VR experience is more appealing and more positive. However, relationships are low. Women, rather than men, consider VR emotional flow experience more positive ($r = -.239$, $sig. = .020$).

There is a medium significant relationship between the technology acceptance of VR in general and the attitude on it ($r = .522$, $sig. = .020$). Out of the TAM, it can be stated that a positive perception on the ease of use of VR determines a positive attitude on the use of VR ($r = .479$, $sig. = .000$).

A similar relationship is developed between the emotional perception of VR and VR acceptance (ease of use and usefulness) in general ($r = -.483$, $sig. = .000$). Although the general affective perception on VR is moderately connected to the attitude on VR ($r = -.460$, $sig. = .000$), the pleasure dimension of using VR is pretty strongly correlated to the attitude on VR use ($r = -.631$, $sig. = .000$); the more pleasure derives from the VR experience, the more positive is the attitude on VR technology.

The future intention of using VR is intensely associated with technology acceptance in general ($r = .527$, $sig. = .000$) and with the perceived usefulness in particular ($r = .478$, $sig. = .000$). Interestingly, while the attitude on VR, as stated above, is correlated with the perceived ease of use, the future intention of using VR is rather linked with how useful that particular technology is perceived to be. Emotionally speaking, a high level of pleasure ($r = -.486$, $sig. = .000$) and a high level of arousal ($r = -.384$, $sig. = .000$) are correlated with a positive intention to use VR in the future. As expected, a positive attitude on previous VR experience is significant, yet not strongly correlated, with the future intention of using this technology ($r = .428$, $sig. = .000$).

Contrary to expectations, the perception of VR in public administration is not necessarily part of any significant relationship. Although not in a strong manner,

Table 4: Correlations between the use of VR in public administration, general attitude on VR, future intention to use VR, TAM, and PAD

		VR in PA	Attitude on VR_1	Attitude on VR_2	Future intention_1	Future intention_2	TAM_total	PAD_total	GATTM	Gender	TAM_PEU	TAM_PU	TAM_EF	PAD_PL	PAD_AR
Attitude on VR_1	Pearson Sig.	-.131 .228													
Attitude on VR_2	Pearson Sig.	.004 .969	-.358** .000												
Future intention_1	Pearson Sig.	-.285** .008	.227* .026	-.220* .031											
Future intention_2	Pearson Sig.	.083 .449	-.196 .056	.428** .000	-.246* .016										
TAM_total	Pearson Sig.	.175 .110	-.466** .000	.522** .000	-.236* .021	.527** .000									
PAD_total	Pearson Sig.	-.047 .665	.256* .012	-.460** .000	.189 .065	-.409** .000	-.483** .000								
GATTM	Pearson Sig.	-.021 .846	.007 .944	-.227* .026	-.075 .465	-.045 .662	-.164 .111	.126 .221							
Gender	Pearson Sig.	.043 .696	.187 .067	.010 .924	-.017 .868	-.183 .074	-.200 .052	-.068 .512	.021 .840						
TAM_PEU	Pearson Sig.	.174 .109	-.349** .000	.479** .000	-.277** .006	.224* .028	.720** .000	-.306** .002	-.174 .090	-.150 .144					
TAM_PU	Pearson Sig.	.170 .117	-.293** .004	.259* .011	-.061 .557	.478** .000	.812** .000	-.333** .001	-.067 .514	-.121 .240	.288** .004				
TAM_EF	Pearson Sig.	.082 .454	-.496** .000	.563** .000	-.270** .008	.542** .000	.852** .000	-.525** .000	-.177 .087	-.239* .020	.528** .000	.540** .000			
PAD_PL	Pearson Sig.	-.059 .588	.360** .000	-.631** .000	.230* .024	-.486** .000	-.526** .000	.795** .000	.231* .024	.055 .592	-.371** .000	-.313** .002	-.604** .000		
PAD_AR	Pearson Sig.	.017 .879	.286** .005	-.342** .001	.049 .635	-.384** .000	-.379** .000	.764** .000	.187 .068	.085 .410	-.166 .107	-.300** .003	-.443** .000	.649** .000	
PAD_DO	Pearson Sig.	-.054 .624	-.049 .635	-.062 .546	.125 .226	-.059 .567	-.171 .098	.628** .000	-.108 .296	-.247* .015	-.134 .193	-.131 .202	-.133 .200	.143 .166	.112 .279

** Correlation is significant at the 0.01 level (2-tailed).

* Correlation is significant at the 0.05 level (2-tailed).

the future intention of using VR is negatively and significantly correlated with the attitude on the use of VR in public administration ($r = -.285$, $sig. = .008$). It means that a positive intention of using VR in the future implies a negative reaction to the VR use for public services. Being such an unexpected and somehow contradictory to an observed reality result, further research is undeniably needed.

8. Conclusion and research perspectives

In a context in which the topics as VR use in social sciences and VR use in public administration are poorly addressed, this paper aims to define which are the attitudes on VR previous experiences and how these can be linked with attitudes on the potential use of VR in public administration. The Technology Acceptance Model and PAD affective model, both adapted for VR equipment, have been used.

Considering the above-discussed results, on the existing sample, the three developed hypotheses do not validate. The attitude on the use of VR in public administration is significantly correlated neither with the previous attitude on VR experience nor with the perceived ease of use, usefulness or emotional implications on VR. The only significant and negative correlation refers to the link between the attitude on the prospective use of VR in public administration and the attitude on future purposes of using VR.

The limits of the paper are twofold. On one hand, the sample size of the research is small. Aiming to have a sample formed exclusively of individuals that have already tested VR headset, the access to such people has been limited. As VR is rather new, still developing, expensive, and immersive technology, only a few Romanians have managed to experience it. Moreover, due to the minimum VR experience, the responses might have been biased in a desirable manner. Second, since the VR perspective on public administration is on its early stage, validated inventories are still to be developed.

However, this research is a starting point for future empirical approaches. The quantitative perspective can be continued by developing experimental settings in which the VR experience can be controlled and can be customized for public administration specific content (e.g., virtual tours of public offices or art institutions, virtual participation to public meetings, etc.). In addition, a more qualitative approach can also be developed. A set of semi-structured interviews might add valuable information. While the specialists from IT companies, that are working on a daily basis with VR technology, can offer a comprehensive insight on its potential, public administration experts can complete the previous approach with more contextual based information.

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THE EMERGENCE AND DEVELOPMENT OF COLLABORATIVE GOVERNANCE IN SOUTH KOREA: PUBLIC SECTOR REFORM UNDER THE ROH TAE WOO GOVERNMENT (1988-93) AND THE KIM YOUNG SAM GOVERNMENT (1993-98)

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Abstract

South Korea's transition to democracy in 1987 was mass-ascendant and movement-driven in nature. The grand democracy coalition included the opposition party and various civil society groups such as student organizations, labor unions, churches, and social movements. The civil society actors continued to put immense pressure on the post-transitional governments to dismantle the authoritarian political structure and dispense with undemocratic administrative practices. Political authoritarianism in South Korea during 1961-1987 was closely associated with the 'developmental state', which effectively delivered the country's unprecedented economic development. Public sector reform after the democratization, therefore, inevitably entailed the weakening, if not dissolution, of the developmental state, with a view to making public governance and policymaking more transparent, responsive, efficient, participatory, and collaborative. This paper probes the genesis and development of collaborative governance in South Korea, focusing on the public sector reform of the Roh Tae Woo government (1988-1993) and the Kim Young Sam government (1993-1998). The Roh government created the Administrative Reform Committee in May 1988, and the Kim government created the Presidential Commission for Administrative Reform in April 1993. Even though both agencies engaged civilians in the reform process, it was the Ministry of Government Administration for the Roh government and the Ministry of Finance and Economy for the Kim government that played the leading role in building collaborative governance, which demonstrates that the launching of collaborative governance in South Korea was very state-driven. Based on the detailed case study of South Korea, this paper ultimately offers comparative insights and implications for other countries.

Keywords: Public sector reform, collaborative governance, state-society relations, state's strategic choice, South Korea.

1. Introduction

As was the case with many European countries, public sector reform in South Korea (hereinafter Korea) during the past 30 years or so has made great strides in transforming the way public agencies are run and public policies are made in the country. An important transition took place from a practice in which the state had enjoyed a dominant position in the policy-making process over civil society to a new mode of decision-making in which the government had to cooperate with civil society and allow the latter to stay engaged in the policy process. The net consequence of this transition is that power relations between the state and civil society in policy-making have changed from one of verticality and hierarchy to one of horizontality and equality. This important shift in state-society relations has prompted the state to tolerate and eventually accept ‘collaborative governance’, going beyond the traditional emphasis on public officials and formal institutions in the practice of public administration.

One of the noticeable features of ‘collaborative governance’ is a collective and deliberative process in which public officials and non-state actors work together to make and carry out public policies (Doberstein, 2016, p. 820; Ansell and Gash, 2008, p. 544). Different modes of collaborative governance include various types of partnerships among the state, civil society, and the private sector, ranging from joined-up government to hybrid arrangements such as public-private co-management regimes (Agrawal and Lemos, 2007).

However, there exist myriads of collaborative governance partnerships. Their specific form and mode vary considerably from country to country depending on how the state-society relations have developed in the specific context. Furthermore, differing types of collaborative governance scheme can be initiated either by the state, the private sector, or the civic sector, depending on the concrete circumstances in which these different sectors interact with one another.

Whether initiated by the state or by non-state sectors, collaborative governance has drawn a lot of attention from scholarly and policy communities in recent decades. That collaborative governance is in great vogue effectively points to the limits of the traditional governance based on bureaucratic hierarchy. Government agencies acting alone can no longer address policy issues efficaciously. Nor does it solve coordination problems commonly found with regard to intergovernmental organizations as well as civil society associations. In order for the government to resolve social problems and deliver public services effectively, collaborative governance is needed as an institutional arrangement through which government representatives work and cooperate with society. Meanwhile, the involvement of citizens in the policy process provides them with an opportunity to experience and learn about democracy and bring their own ideas and interests to fruition.

In this respect, collaborative governance benefits both the state and society. Such possible benefits – either implicit or explicit – prompt Huxham (1993) to coin the

term 'collaborative advantage' to refer to the synergistic effects produced between and by the collaborating actors. Apparently, 'collaborative advantage' claimed in collaborative governance is a desirable component that creates 'good governance'. It has been argued, however, that the emergence of collaborative governance does not automatically lead to the birth of collaborative advantage. If not properly managed, collaborative advantage fails to obtain due to the complexity of the concerned institutions and the competing and conflicting interests of state and non-state actors, which instead result in a paralysis of collaborative governance.

Collaborative governance does not always succeed. Nor is collaborative advantage always obtained. The specific outcomes of collaborative efforts largely depend on how collective decision-making regimes are designed/defined and how the relevant participants are identified/determined. Rigg and O'Mahony (2013) cite a high level of frustration among participants failing to achieve their goals, poor managerial relationships, and low trust as the main impediment to effective collaborative efforts. Despite optimistic predictions for collaborative advantage and high hopes for synergistic effects, collaborative governance does not always succeed and does not always satisfy the relevant actors.

The actual effectiveness of collaborative efforts notwithstanding, it is already an undeniable fact that collaborative governance has been introduced and commended as a major alternative to traditional bureaucratic governance in many countries, including Korea. Focused on the actual transition in the state governance structure, this paper probes how the policy decisions under collaborative governance differ from those made under traditional bureaucratic governance. Hence, the focus of the study is to scrutinize the extent of collaborativeness in the real-existing collaborative governance in Korea.

The main purpose of this paper is to analyze and evaluate the extent of collaborativeness of Korea's 'collaborative governance' by looking into the restructuring policies of the central government during the Roh Tae Woo (1988-1993) and the Kim Young Sam (1993-1998) administrations. We will show that collaborativeness was limited and partial in reforming public agencies. In other words, 'collaborative advantage' according to Huxham, was not substantive in the case of Korea. The main reason for the lack of collaborative advantage in Korea lies in that the emergence and development of collaborative governance were primarily state-initiated and a result of the state's strategic choice.

The Korean governments under the two presidents were strongly motivated to showcase their 'democratic' characteristics by distinguishing themselves from the previous authoritarian governments that had largely maintained a heavy-handed stance toward and exercised control over civil society. We argue that collaborative governance in Korea was a state-initiated and state-led project and a product of the state's strategic choice. This argument challenges Rhodes' (1994) argument for 'the hollowing out of the state'. In Korea, 'hollowing out' has never happened. Instead,

the transformation of the state was focused on the state's new ability to 'steer' civil society. The state basically remained intact despite the introduction of collaborative governance, featuring and upholding state resilience (Chandler, 2014).

This paper proceeds as follows. The next section will provide a theoretical overview of the contexts from which collaborative governance originates, to evaluate the design and management of collaborative arrangements. This evaluation is critical because it can condition the way state and civil society actors interact with each other and also it can determine the nature of policy outputs. Using the theoretical lenses, the subsequent section will examine the government reform efforts under the two Korean governments to illustrate what actually happened. After that, the reform politics will be discussed, focusing on how public officials and civil society actors acted together and surveying the drivers that propelled collaborative arrangements. The analysis will demonstrate the low level of collaborativeness, marginalizing the participants from civil society in favor of elite bureaucrats. One of the important causes of the lack of collaborativeness can be found in the legacies of the developmental state. During the heydays of the developmental state, i.e., in the 1970s and 1980s, public officials prided themselves on working as a key to the nation's economic development, without significant social challenge against the strong state's course of action. In the final section, which is the conclusion of the paper, we reflect on the features of Korea's bureaucracy-centered institutional design that impede collaborativeness and try to draw theoretical and policy implications for future research and for other cases.

2. A theoretical review of collaborative governance

There is nothing particularly novel about public servants collaborating with social actors. However, in the past years, collaborative governance is drawing more and more attention across countries as well as policy areas, with special emphasis put on public sector reform (Ansell and Gash, 2008). Centered around the involvement of society, 'collaborative governance' can be defined as a 'governing act or arrangement where non-state stakeholders engage in public agencies to collectively make or implement public programs'. Collaborative governance is often called 'participatory governance' or 'civic engagement'. Importantly, the extent of citizen involvement differs considerably, depending on the country where the collaborative arrangement is employed.

What determines the varying extent of citizens' involvement? An answer to this question provides a critical clue to understanding the emergence and development of collaborative governance. It is also closely linked to uncovering the origin and scope of collaborative governance in the country concerned (Emerson, Nabatchi and Balogh, 2012, pp. 2-4). In the literature, a special emphasis has been put on

identifying those conditions that should be present for collaborative arrangements to emerge and operate. Identifying these conditions could help us explain why civic engagement becomes prominent and how public administrators respond to societal demand, both of which largely depend on the existing characteristics of state-society relations. The collaborative governance paradigm acknowledges that either public agencies or civil agents acting alone are unable to achieve policy goals and, therefore, it is imperative to establish appropriate inter-sectoral collaborative arrangements and prevent them from falling apart (Huxham and Macdonald, 1992). It also explains how the state, in its effort to satisfy citizens' needs, determines and adjusts the level of collaborativeness in collaborative governance. All in all, the interactive dynamics developed between the state and civil society shapes the contents of collaborative arrangements and the extent of their collaborativeness.

To understand and evaluate collaborative dynamics, a multilayered context of political and socioeconomic influences in which collaborative governance emerges and evolves should be taken into account (Borrini-Feyerabend, 1996). These political and socioeconomic influences represent external conditions that often open new possibilities for collaborative governance. The contextual conditions can either facilitate or discourage civic engagement, which naturally leads to different trajectories of collaborative governance. They can serve either as constraints or as catalysts depending on the availability of drivers of collaborative acts, the fundamental components of which include leadership and consequential incentives (Emerson, Nabathci and Balogh, 2012, p. 9). Leadership points to the arbiters or deciding officials in a position to mobilize resources, to deal with collaborative action, and to sustain it (Schneider *et al.*, 2003). Consequential incentives refer to internal as well as external opportunities inducing the operation of collaborative arrangement.

Not all contextual conditions join with the drivers to bring about a high level of collaborativeness. Rather, the level of collaborativeness is usually contingent upon a framework that outlines how collective actors run through tasks, make the necessary agenda, and design and implement collaborative decision-making. In order for collaborative governance to function, a framework called 'process management' should be established (Edelenbos and Klinjn, 2006). Collaborativeness tends to be conditioned by formalized coordination mechanisms delineating institutional design and ground rules for collective decision-making and participation in the policy process. This has to do with the question of how to create collaborative structures. The key issue is who is in charge of managing the collaboration. Of particular concern is the issue of a meta-governor who decides the way of running the collaborative arrangement (Klijn, 2008). Who would serve as the process manager between public officials and civic participants? It is usually bureaucratic officials that take a leading role in managing collaboration as the process manager (Bardach, 1998; Grubbs, 2000). As a result, the involvement of citizens is determined by how the officials view civic engagement and define the nature of collaboration, which in-

evitably manifests the state’s strategic choice in collaborative governance. When the bureaucratic perspective prevails, collaborative advantage for non-state actors would prove superficial. This means that the collaboration acts are possible only to the extent that public officials accept and approve.

As such, the state-society relations affect the quality of collaborative arrangement, thus leading to either success or failure of collaborative governance. Public officials who can influence collaborative dynamics as the meta-governor are in a position to identify shared issues worthy of discussion, articulate objectives, and decide the way of communicating with civil society actors. Turning to public sector reform, the scope and method of reform and the nature and substance of involvement of non-state actors are decided by the bureaucrats. Depending on their perception of the situation, they can discreetly suppress or circumvent societal demands. This is because they possess the institutional authority to steer the society, most ideally based on the framework of ‘principled’ engagement (Emerson, Nabatchi, and Balogh, 2012, p. 11).

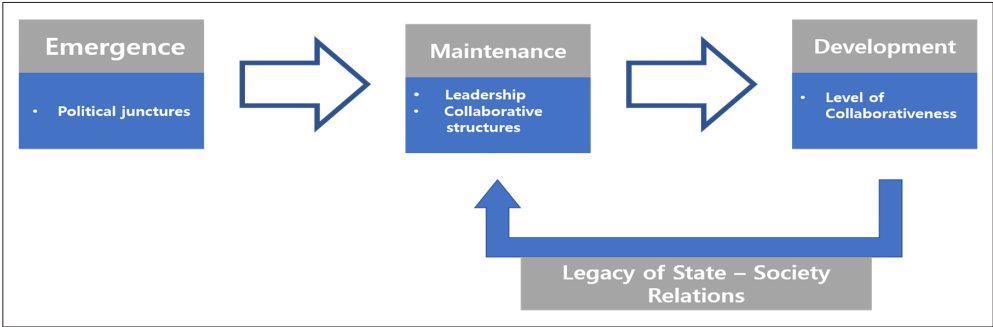


Figure 1: A framework for emergence, maintenance, and development of collaborative governance in Korea
Source: The authors

Utilizing the theoretical framework presented above, we examine in this paper the restructuring and reform process of central government agencies under the Roh Tae Woo and Kim Young Sam governments in Korea to analyze and assess the nature of collaborative decision-making. Focused on the state’s strategic choice and the differing extent of collaborativeness, and with a view to providing a better understanding of the emergence and development of collaborative governance in Korea, we try to answer the following questions in particular: (1) What prompted collaborative arrangement to come into being?; (2) How did state and society actors work together to bring about the transformation of government agencies and bureaucratic roles?; (3) What factors affected the bureaucrats’ intention and ability to ‘manage’ participants from civil society?

3. Collaborative governance and public sector reform under the Roh Tae Woo (1988-1993) and Kim Young Sam (1993-1998) governments

To trace the origins of collaborative governance in public sector reform in Korea – particularly concerning the restructuring of the two central governments – it is crucial to emphasize democratization in 1987 and the consequential strategic leadership of the government based on the declaration of economic liberalization in 1994. The political juncture in 1987 served as a trigger; the state's strategic leadership capable of designing collaborative structures led to the development of collaborative governance in favor of state bureaucrats, marginalizing civic actors. Most importantly, the nature of the collaborative governance framework newly introduced in the country was heavily affected by the lingering legacies of the past state-society relations.

Both Roh and Kim governments were inaugurated in the midst of immense popular hope for greater democracy. The authoritarian period, which persisted from 1961 to 1987 (with the brief exception of October 1979-May 1980), was finally over, and citizens expect comprehensive democratic reforms, including public sector reform. The Roh Tae Woo government, soon after its inauguration, pledged to get rid of past authoritarianism and set up the Presidential Administrative Reform Committee (PARC) in May 1988 as a collaborative arrangement. Likewise, the Kim government established the Presidential Commission for Administrative Reform (PCAR) on April 20, 1993, which was similarly intended to function as a collaborative body.

Obviously, the creation of collaborative institutions was a sign of departure from authoritarian developmentalism that had prevailed during the three decades of pre-democratic era. While allowing civic engagement to affect the reform of government agencies, the two governments promised to become more democratic. Generally, the introduction and operation of these collaborative governing arrangements were aimed at improving public involvement by providing citizens with opportunities to exercise voice and make the government more responsive and citizen-centered (Nabatchi, 2010).

However, defying such conventional wisdom and common expectations, we argue that these two democratic governments installed state-centered collaborative arrangements without much meaningful joint-working and, as a result, the participants from civil society were mainly neglected. The introduction of the collaborative arrangements was primarily a symbolic political gesture to show the people that the democratic government would carry out reform by faithfully reflecting and executing the will of the society. In order to empirically support our argument, we will compare the reform proposals generated by the collaborative institutions with what were actually reformed, with a particular focus on the role of bureaucrats in the process. In this regard, we will examine how the two collaborative institutions

were managed, what reform measures they came up with, and how state bureaucrats responded to the initiatives from social actors, to determine the extent of collaborativeness and evaluate collaborative governance.

3.1. Collaborative governance

The Roh Tae Woo government was the first democratic government in Korea after almost three decades of harsh political authoritarianism. The transition to democracy in 1987 was enabled by an inclusive grand coalition between the opposition political party and the social movement that united students, workers, religious leaders, and ordinary citizens. Prodded by the high hopes the Korean society harbored about democracy, the Roh government began to seek changes in the state system and made efforts to enhance people's trust and participation in the administrative reform process. It launched the PARC to make the policy-making process open and accessible to people. The PARC was established on May 13, 1988 and remained active until July 1989. It consisted of 21 members who represented academic, economic, media, legal, labor sectors, and women. As many as 40 governmental personnel supported the activities of the committee. These staff members were dispatched from the Ministry of Government Administration (MOGA) whose main job was to oversee human resource management of the central government (Korea Institute of Public Administration, 2015, p. 210).

In a similar way, the Kim Young Sam government pledged to accomplish a 'New Korea' with clean politics and a strong economy. The PCAR was set up in 1993 and operated until 1998. It included 15 members, all of whom were civilians, and had 20 working-level officials. As such it was also a mixture of public and private actors. Committee meetings were conducted in a manner of discussion, involving stakeholders, experts from academia, and the relevant ministries, to determine the reform agenda (Hwang, 2008, p. 474). The outcomes of the meetings had to be reported to the Presidential Office that teamed up with public officials many of whom were from the Economic Planning Board (EPB) to set the direction of the reform efforts. The participation of the general public in collaborative governance was designed to broaden the social basis of the restructuring reform and to distinguish the incumbent government from the previous authoritarian predecessors. One of the most distinctive features associated with the PCAR was that a bottom-up method was adopted in which not only the standing members but also the general public were allowed to submit reform proposals (Hahm and Kim, 1999, p. 483).

Inaugurated when the memory of the 1987 democratization still remained fresh and full of pride in that the newly elected president, who had been one of the most iconic spearheaders of the democracy movement of the 1970s and the 1980s, was the first 'civilian' president after 1960 with no military connection, the Kim government benefitted from another driving force for continuing public involvement

in the government re-organization process. It was the president's own charismatic leadership particularly concerning the declaration of *Segyehwa* (globalization) initiative in 1994, which was chiefly about internationalizing the Korean economy to join the OECD. Economic liberalization along with political democratization was already accepted as a norm among opinion leaders in the civilian sector. Government officials also acknowledged that the efficacy of state intervention would swiftly decline as the private sector, that had benefited from the developmental statism of the past decades, grew to the point where it dared to challenge the state for the sake of increasing its own interests (Lee, 2000, p. 125). Heeding the growth of social forces, the economic liberalization initiative with a view to lessening the state's control of the private sector provided a justifying rationale for government structuring and reform reliant on social influences, aimed at making the government more effective and boosting free market activities.

In the context of growing emphasis on economic liberalization, the PCAR focused on reform that would make the government more responsive to the *Segyehwa* policy and to accelerate restructuring such as the consolidation and integration of economic ministries. Strongly motivated by President Kim's personal political ambition to obtain Korea's membership in OECD during his term of office, the operation of the PCAR was rapidly instrumentalized to carry out political campaigns to publicize Korea's economic prowess to the international community. In sum, the collaborative governance attempts during the Kim government couldn't fulfill their public purpose and instead worked to accomplish the president's political agenda, thus making the PCAR arrangement fail to serve as a 'toolbox' to address public problems (Emerson and Nabatchi, 2015; Scott and Thomas, 2017, p. 193).

3.2. Public sector reform

The Roh government's PARC brought in civilian participants representing various walks of life to push for revamping the central government departments. Allowing even labor representatives to participate in the policy-making process shows how inclusive the collaborative arrangement was, considering that one of the critical factors that had contributed to the persistence of developmental statism in Korea during the 1970s and 1980s was effective labor exclusion, as was commonly found in other developmental states in East Asia (Lee, 2011). Despite such inclusiveness, however, most of the committee's reform proposals were either simply unacceptable or ironically conducive to an increase in bureaucratic power. President Roh, who took office in 1988, emphasized equitable distribution of wealth and national reconciliation for a greater democracy in his inaugural speech. In accordance with these principles of state administration, the focus of governmental reform should have been put on dealing with the expansion of new demands from the public, and therefore on enhancing governmental responsiveness and the qual-

ity of public service through de-bureaucratization. Yet, the outcome of the reform confirmed that the traditionally strong bureaucratic power still remained superior to society, a reality deeply embedded in the strong state vs. weak society relations (Kim, Han and Jang, 2008). Such historically embedded state-society relations basically limited the functioning of the PARC as a collaborative arrangement and made it degenerate into a state-centered instrument.

In July 1989, the PARC proposed the abolition of the Ministry of Power and Resources (MOPR) to integrate it with the Ministry of Commerce and Industry (MOCI), and submitted an idea that the Ministry of Culture and Public Relations (MOCPR) and the Ministry of Sports (MOS) were merged to create the Ministry of Culture and Sports (MOCS). At the same time, it recommended the abolition of Korea Forest Service (KFS), and the establishment of Statistics Korea (SK) and Korean National Policy Agency (KNPA) (Kim, 2014, pp. 250-251). Arguing that the value of a pilot bureaucratic organization was decreasing with democratization and economic opening, the committee also proposed a reduction in the function of the Economic Planning Board (EPB) that had served as the key state agency for economic and social development during the era of developmental statism.

Of these reform proposals, the creation of the MOCS, SK and KNPA was accepted. Yet, proposals for abolishing ministries or for reducing the functions of powerful ministries were rejected: i.e., neither MOPR nor KFS was abolished, and the functions of the EPB were not reduced. In short, proposals for establishing new agencies were accepted; proposals for organizational elimination or functional reduction were rejected. These developments in Korea, characterized by the expansion of state bureaucracy, make stark contrast with the general direction of public sector reform in the West during the 1980s. There, NPM-centered reform efforts equipped with neo-liberal roots asserted that the public would be more satisfied with the government if the public sector were downsized (Brinkerhoff, 2008). Contrary to the idea of minimal or limited government, the consequence of reform measures implemented in Korea ironically made a collaborative institution such as the PARC work as an agent to promote the interest of the bureaucracy.

The restructuring reform efforts continued through the PCAR during the Kim government. The collaborative committee prepared a revised proposal for revamping the government in June 1993. The main points contained in the proposal included the following (Ha, 2011, pp. 379-380). First, the EPB, which was on the verge of functional reduction during the previous government, was again slated to be abolished. In its place, a new Office of National Planning (ONP) would be created. But the ONP would be designed only to collect data and coordinate economic policies, while respecting other central government ministries' policy autonomy as much as possible, unlike the way the EPB had worked during the developmentalist era. Second, the Ministry of Social Overhead (MOSO) was recommended to be newly

established, after the Ministry of Construction (MOC) and the Ministry of Transportation (MOT) were abolished. Third, the MOGA was to be discontinued and the Civil Service Commission (CSC) would be established under the Presidential Office, in charge of overseeing the government's personnel management. Fourth, the Ministry of Health and Social Affairs (MOHSA) and the Ministry of Labor (MOL) were to be abolished to transfer the relevant works to other ministries.

As had been the case with the Roh government, in which the plan to merge the MOPR into the MOCI was rejected by the former's strong bureaucratic opposition, almost all proposals during the Kim administration for de-bureaucratization to abolish or consolidate ministries similarly faced enormous bureaucratic resistance. The reform proposals made by the PCAR were in danger of becoming obsolete, while the committee itself was on the verge of becoming defunct. It was President Kim's declaration of the globalization initiative, *Segyehwa*, in 1994 that resuscitated the government reform measures, with an emphasis on the need to meet the international standard by liberalizing the economy and by joining the OECD. Thanks to the presidential declaration, the discussion on the reform proposals were resumed at the collaborative forum to be finalized in December 1994. The reactivation of the reform discussion was possible, owing to Kim's leadership in turning the situation around by announcing the presidential initiative of Korea's globalization. The leader was capable of securing resources and support for collaborative governance and collaborative problem-solving (Bryson, Crosby and Stone, 2015). In this regard, the declaration served as a type of consequential incentive, putting pressure on the relevant participants to preserve collaborative governance (Emerson, Nabatchi and Balogh, 2012, p. 9).

In spite of such collaborative problem-solving efforts, the reform outcomes were a duplicate of those of the Roh government, meaning that the bureaucratic power became more augmented. The EPB, whose dismantlement was recommended, was reborn into the Ministry of Finance and Economy (MOFE) through a merger with the Ministry of Finance (MOF). The proposal to establish a new MOSO failed and instead the MOC and the MOT were merged into a single Ministry of Construction and Transportation (MOCT). The idea of dispensing with the MOGA and of establishing the CSC came to nothing as well. Far from abolition, the MOGA ended up with becoming more powerful by being reorganized as the Ministry of Government Administration and Home Affairs (MOGAHA) through integration with the Ministry of the Interior (MOI) when the successor government under President Kim Dae Jung came to power in 1998. Also, all the ministries that had been asked to be decommissioned were basically retained.

Table 1: A summary of reform proposals and outcomes resulting from collaborative governance in Korea, 1988-1998

Collaborative governance institutions	Reform proposals	Reform outcomes
PARC (Roh government)	Abolition of MOPR to integrate it with MOCI	Unimplemented
	Merger of MOCRT and MOS to create MOCS	Implemented
	Abolition of KFS	Unimplemented
	Establishment of SK & KNPA	Implemented
	Reduction in functions of EPA	Unimplemented
PCAR (Kim government)	Abolition of EPB to newly create ONP	Unimplemented, EPB reborn as MOFE via a merger with MOF
	Abolition of MOT and MOC to newly create MOSO	Unimplemented, MOT and MOC merged into MOCT
	Dismantlement of MOGA to newly set up CSC	Unimplemented, MOGA reborn as MOGAHA during the successor government by merging it with MOI to increase its bureaucratic power
	Dismantlement of MOHSA and MOL to hand over their functions to other ministries	Unimplemented, MOHSA and MOL still existing

Source: The authors

4. The politics of interpreting and instituting collaborative governance

As is clear from Table 1 above, most of the reform proposals during the two governments were unimplemented. On the contrary, execution of the reforms only strengthened and consolidated bureaucratic power. Such outcomes of collaborative decision-making particularly frustrated those participants from the civil society who expected the democratizing governments to respond more actively than the previous authoritarian ones to their citizens' demand for reform. Using newly introduced collaborative governance mechanisms, citizens expected and demanded that the two democratic governments produce 'public values', not vested bureaucratic values. The disappointing result of the reforms revealed that the power of public officials, especially of elite bureaucracy, remained strong even after various collaborative governance institutions were introduced in the aftermath of the mass-ascendant democratization in 1987.

When it comes to the elite bureaucracy, two points are of particular importance: the MOGA for the Roh government and the EPB for the Kim government. In 1998 when the PARC emerged, the MOGA was in a position to influence the

reform process from the beginning. The elite bureaucracy was allowed to dispatch its own officials to the collaborative committee, whose jobs were to collect relevant data, analyze the current organizational situation of the ministries subject to the review for reorganization, and report everything to the committee. These are closely associated with the making of norms and rules leading to agreement on reform goals, which constitutes collaborative structures (Bryson, Crosby and Stone, 2015). Utilizing the informational advantage in favor of itself and far superior to those participants from civil society, the MOGA, which had been in charge of managing government organization, played the role of mega-governor easily by pushing for the reform in a way that kept the society under control as had been the case during the 1970s-1980s at the height of state developmentalism.

President Kim Young Sam's charismatic leadership style helped to keep collaboration windows of opportunity open (Kingdon, 1995). As civil society demand for democratization got stronger, however, the PCAR faced increasing resistance from bureaucrats. In an effort to escape the legitimacy crisis, the government declared the globalization initiative. It provided consequential incentives for collaborative governance to become normalized. These developments in Korea suggest that even when the initial condition of a strong popular call for democratization still favored a collaborative framework, more specific drivers and momentums like the presidential *Segyehwa* initiative proved essentially instrumental for collaboration governance to persist (Crosby and Bryson, 2010). In the midst of economic liberalization the Kim government pursued, the EPB that had had ample bureaucratic autonomy, capable of leading the state-guided economic development during the authoritarian period, discovered and took the opportunity to maintain the dominant hold on the reform process. The EPB, which came under attack as those policy measures aimed at liberalizing the economy emerged more critical, asserted that in an era of increasing globalization, the state would be more likely to become embroiled in fierce competition across the globe. As such, the EPB argued that coordination and integration efforts rather than decentralization would be much more needed to address the globalization challenge.

Simply put, the elite bureaucracy cleverly responded to the strong societal demand for public sector reform and restructuring by those arguments claiming that such cosmetic measures as organizational repackaging, functional conversion, and mission redefinition would be more than sufficient. Collaborative reform measures paradoxically strengthened the bureaucratic power. It was in this context that the powerful pilot agency during Korea's developmentalist era, the EPB, was merged with the MOF to re-emerge as the MOFE, also known as the 'super ministry for economic affairs'. As a result, the reform champions, as mega-governor in collaborative governance, were the public officials from the EPB: they played a leading role in pushing for the economic globalization policy under the Kim government. Similarly, the MOGA was able to sidetrack the popular pressure for disintegration,

when the need for integration and coordination was increasingly recognized and emphasized down the road (Halligan, 2010).

5. Conclusion

As we reviewed in the preceding sections, the public sector restructuring and reform process utilizing collaborative governance during the Roh and Kim governments in the immediate aftermath of Korea's democratization in 1987 was centered on the state bureaucracy. The elite bureaucracy such as the EPB and the MOGA played the role of meta-governor. In fact, the reform was not really based on collaboration between the state and society. There was not much room for partnership or joint work because elite bureaucrats stayed powerful enough to control civilian participants, taking advantage of huge information/data asymmetry and the policy expertise they enjoyed. The newly introduced collaborative governance mechanisms emerged, evolved, and operated in the specific historical context that was embedded in the existing 'strong state vs. weak society' relations.

These relations, in turn, had been formed in the course of state-led economic development under the authoritarian regime. Even though the mass-ascendant and movement-driven democratization combined with unprecedentedly successful economic growth increased the popular pressure for public involvement, the political juncture enabled by the democratization provided only an initial condition for collaboration to emerge. It was ultimately the elite bureaucrats that exploited information asymmetry vis-à-vis civil society, designed collaborative structures in favor of their interests, and discreetly marginalized civil society participants. The indigenous and antecedent conditions of state-society relations heavily affected the functioning of collaborative governance, disclosing that the level of collaborativeness was superficial after all.

Drawing on Jessop's (2016) notion of a strategic relational approach, collaborative governance under the Roh and Kim governments was interpreted to be a state-led policy choice for the democratizing governments to increase their legitimacy and authority over civil society. As it became more and more difficult to control and govern the society that spoke up for citizens' needs, the state elite coped with the increased societal needs by using collaborative governance as a pacifying mechanism to continue social control and to maintain policy dominance. To put it sarcastically, collaborative governance could prove nothing more than a contentless gesture and a largely symbolic ritual, with little impact on the existing power imbalance between the state and civil society. In this regard and in conclusion, about present and future attempts at introducing and developing 'collaborative governance' in Korea and across the world, analysts must not be fooled by the façade of the reform – what matters much more is what is really and substantively changing. Yes, we should not 'judge a book by its cover'!

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PARTICIPATORY BUDGETING AT LOCAL LEVEL IN SLOVENIA*

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Abstract

The co-participation, co-creation and co-production of citizens has attracted a lot of interest in academic and political fields in the last decade. Participatory budgeting is perceived as a direct democracy, which influences better engagement of citizens in public services and public decision-making. With participatory budgeting, local officials can promote transparency, which decreases corruption and improves the effective use of public resources. In the paper, we present the development of participatory budgeting at local level in Slovenia and some first evaluations. In 2019, almost 10% of all municipalities in Slovenia include participatory budgeting in their budgeting process. On average, the municipalities with a larger population and higher budget revenues introduced participatory budgeting. At the same time, irrelevant correlation was found with the higher transparency budget index.

Keywords: participatory budgeting, direct democracy, local government, Slovenia.

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1. Introduction

Managing fiscal resources at local level is usually determined by several tasks and public services that should be provided at local level and determined by regulation. Therefore, for local governments, a large part of their budget is used for fulfilling these obligations. Nevertheless, there is some space, especially in the field of investments or additional non-profit services, for using local public resources. The co-participation, co-creation and co-production of citizens have attracted a lot of interest in academic and political fields in the last decade. Collaborative governance improves trust in the public administration, and can become a way for better cooperation between policy, politicians, and citizens. One of the decision-making processes through which citizens can deliberate and negotiate over the distribution of public resources, is participatory budgeting. Participatory budgeting allows citizens to decide how a particular part of public resources will be spent. Such direct democracy influences better engagement of citizens in public services and public decision-making. With participatory budgeting, local officials can promote transparency, which decreases corruption and improves the effective use of public resources.

Traditional and bureaucratically oriented public administration has not paid much attention to encourage citizens to engage in decision-making. With the development and always-new models of public administration management, and above all new public management, the participation in the decision-making has become an increasingly important element. The Strategy on Innovation and Good Governance at Local Level (Council of Europe, 2007) considers citizen participation to be one of the twelve principles of good governance. In the strategy, the participation is included in the first principle, which emphasizes that citizens are important in the decision-making related activities at local level, whereby manners of cooperation with the public should be clearly defined. Furthermore, the strategy indicates that all citizens should be able to participate in decision-making directly, or through intermediary bodies/associations, with particular reference to decision-making related to the use of public funds.

Although participatory budgeting is not directly mentioned, it is clear from the indications that this principle also includes the approach to drawing up the budget at local level. Institutions and various researchers draw attention to citizens' participation in the decision-making as an important element of public service efficiency, greater legitimacy of government, and citizen confidence (e.g. OECD, 2017; Pina *et al.*, 2010; Piotrowski and Van Ryzin, 2007).

Participatory budgeting in Slovenia is a relatively new phenomenon, which started about five years ago at local level. The regulation on budget at central and local level does not include any premise for participatory budgeting. If we want to be precise, the constitution even declined the role of citizens in connection with the public budget. Despite the strict regulation, participatory budgeting is developing

slowly at local level, where more and more municipality councils involve citizens in their decisions about local budget spending.

In this paper, we present an overview of the participatory budgeting in Slovenian local government. We analyze the portion of budget spending determined by the participatory budgeting process, the way participatory budgeting is implemented, and how successful the engagement of citizens is. We try to test two assumptions:

1. The way and practices of participatory budgeting at local level in Slovenia are similar to cases and procedures in other countries.
2. The smaller municipalities and municipalities with a higher online transparency budget index in Slovenia implement participatory budgeting in their budget preparation process.

The paper is structured as follows: after the introduction, a literature review about participatory budgeting is presented. The next chapter presents methodology of the research and research results. Conclusions and discussion conclude the paper.

2. Participatory budgeting

In the literary reference, participatory budgeting is presented as an innovative approach to empowering citizens as experts who are familiar with the operation of the community in which they live (e.g. Russon Gilman, 2016; Wampler, 2000; Allegretti and Herzberg, 2004; Sintomer, Herzberg and Rocke, 2008). Most participatory budgeting definitions represent it as direct democracy in the adoption of the budget (Shah, 2007). Furthermore, Shah (2007) also highlights the importance, not only of co-decision in the budget process, but also the opportunity for citizens to become familiar with the activities of the local community, and to propose, debate and affect the allocation of public resources. Therefore, it is not merely an element of empowering citizens to participate in decision-making, but also a tool to educate, integrate and promote good, effective public administration.

Numerous authors (Shah, 2007; Russon Gilman, 2016; Wampler, 2000; Birskyte, 2013; Allegretti and Herzberg, 2004; Schneider and Baquero, 2006; Lerner, 2011) highlight the importance of participatory budgeting, as it also enables participation in the decision-making for vulnerable groups in the society. In addition to the aforementioned advantages, the majority also indicate a number of other positive effects of participatory budgeting; namely, better budget transparency, better public services, greater citizen satisfaction, greater confidence in the functioning of the authorities, etc.

The authors Birskyte (2013) and Švaljek, Rašić-Bakarić and Sumpor (2019) also draw attention to the obstacles that can arise in the participatory budgeting; namely, the risk that powerful interest groups introduce their ideas and desires, create

clientelism, and deepen injustice. Another obstacle is that elected decision-making representatives lose their legitimacy in the decision-making process. In some countries, citizens' participation related to the budget is also problematic in view of the adopted legislation (Vodušek and Biefnost, 2011), which prevents such participation of citizens. Given that participatory budgeting is mostly implemented at local level, obstacles are often related to the ability of the local communities to complete the entire process. It involves the constraints arising from institutional capacity, or an inadequate attitude of decision-makers towards the idea. The process needs time, the implementation of certain procedures, and the involvement of decision-makers in evaluating the adopted initiatives. An important obstacle to participatory budgeting is the citizens themselves, who are not willing to participate in the process because of insufficient knowledge of the process, and disengagement. Beckett and King (2002) also note that most citizens are more focused on achieving their own short-term goals than pursuing longer-term goals that are relevant to the community as a whole.

Sintomer, Herzberg and Rocke (2008) set out the conditions that must be fulfilled in order to be able to speak of participatory budgeting. It is important that it involves a repetitive process and not just a one-off attempt. The largest process promoter is the World Bank (2013), which sets out steps in the process that are consistent with the usual budget adoption process at local level. The only difference is that participatory budgeting starts before the first stage, i.e. the stage of drafting the budget. In the previous process, the citizens are to identify investments and projects that are in accordance with the needs of the local community; this is followed by a step, in which proposals are assessed in terms of feasibility, relevance, and meaningfulness, and incorporated into the draft budget through the established local budget adoption process, which is usually submitted to the certifying authority by the mayor.

2.1. Participatory budgeting in Europe

The participatory budgeting in Porto Alegre, Brazil, in 1989, in response to poverty alleviation (Schneider and Baquero, 2006), is indicated in most literary resources involving participatory budgeting as the first example of participatory budgeting. According to some estimates, the results of this first measure, which continued in the following years, improved public infrastructure and its accessibility. The process is now well-defined, and the number of participating citizens who propose projects, is continuously increasing. In the decade that followed, the process first spread to most Latin American countries, and later, to other parts of the world. Today, it is found on all continents.

In 2011, Vodušek and Biefnost (2011) drew up a report on the use of the participatory budgeting of the members of the Council of Europe. Nine (Belgium,

Bulgaria, Denmark, Georgia, Greece, Finland, Malta, Poland, Slovenia and Ukraine) of the 27 countries that participated in the analysis, defined in their legislation that the public should be involved in the drawing up or adoption of the budget. Most of these countries use websites to get the information on the draft budget; the text is rarely sent to interested groups (e.g. in Austria). Some countries enable comments on the published draft budget on a web portal, or organize meetings for the interested public. Although the proposal is in a public debate, none of the above-indicated countries has laid down in the legislation that proposals should be taken into consideration. The analysis therefore clearly shows that it is more about informing the public about the draft budget, and not so much about co-deciding on the drawing up of the budget. According to the analysis, we can conclude that the participatory budgeting, as used in Brazil, fails to exist. Nevertheless, we should take a closer look at the experience of individual local communities, which are still in the minority in most European countries; however, there are participatory budgeting practices at local level in all parts of Europe (Allegretti and Herzberg, 2004).

European examples of participatory budgeting indicate that they are mostly encouraged in a different way, as they are mostly politically motivated, or part of the modernization of the public governance at local level. Europe also encounters some resistance to direct democracy in the budget adoption, because of concerns that the elected authorities will lose legitimacy, and consequently, interest groups or non-profit organizations with a long tradition of cooperative involvement fail to play an active role in the attempts to introduce participatory budgeting. Furthermore, the examples which are implemented in Europe, indicate that so far, they have not been effective in empowering the most vulnerable groups in society, as individual examples have succeeded in activating young people, but not disabled persons, migrants, etc. (Allegretti and Herzberg, 2004).

2.2. Development of participatory budgeting in Slovenia

In 2017, Slovenia reached 69 out of 100 points in terms of an overall budget transparency assessment within the Open Budget Transparency survey (International Budget Partnership, 2017). The worst-rated part of its transparency is the assessment of public participation in budget adoption, where it only obtained 11 points, and is therefore among the worst rated in the region. The assessment justification clearly shows that public participation is best assessed in terms of the legislation and supervisory bodies; however, Slovenia has failed to obtain points in relation to the implementation of public participation. The assessment is given for the state budget; however, this also applies to local budgets.

In the local public finance area, the legislation stipulates that the municipality must submit a draft budget for public debate before its adoption by the municipal council. There are 212 municipalities in Slovenia, of which 11 are urban munic-

palities. Municipalities in Slovenia differ according to several criteria, as there are multiple ratios in terms of the number of inhabitants or the area. The same could be argued for budget revenues and expenditures, as municipalities deviate from the average by more than 20%. This demonstrates great diversity of Slovenian municipalities, not only in connection with indicators, but also in the manner of management and cooperation with citizens. A major problem is the legal obligations that represent i.e. a fixed part of municipal budget spending, the part of the budget that the municipality is to provide for the performance of its tasks. The municipalities may only spend the remaining part according to their own needs. This mostly involves investment spending.

As already mentioned, the legislation provides for a public debate on the municipal draft budget, and most municipalities in Slovenia respect this provision. Almost 90% of municipalities publish a draft budget for public debate on their websites (Klun, Benčina and Umek, 2019). A relatively large percentage of municipalities inform their citizens about the proposed expenditure from the budget in the coming years. The legislation does not stipulate that municipal councilors should take into account public proposals and comments when adopting the budget. It is therefore more about the principle of transparency than public participation in budget adoption. Nonetheless, some municipalities have committed themselves to the introduction of participatory budgeting.

The first attempt in this respect was carried out in 2015, by the municipality of Maribor (the second largest municipality in Slovenia); however, the results were poor, as the municipality encountered considerable unresponsiveness from citizens. Consequently, the idea was put aside until this year, when the municipality will once again try to implement participatory budgeting for 2020, but this time, only in one of the district communities. Participatory budgeting at local level was successfully implemented for the first time in Ajdovščina and Komen, which started the process in 2016 (for fiscal years 2018 and 2019). The municipality of Ajdovščina invited citizens to participate with a lot of promotion, clear instructions, and a transparent process. The process was carried out in such a way that citizens, or a group of citizens, drew up an initiative on the prescribed form, which could not exceed a certain amount of funds. The total amount of the budget earmarked for participatory budgeting was also determined. Several workshops were held in local communities during the promotion of the participatory budgeting, where the processes and rules of the submission of the initiative were presented to the citizens. A special committee, which evaluated the received proposals according to known and predefined criteria, was set up. The selected proposals were then put to the vote. The voted proposals were included in the draft budget, and in the adopted budget (Municipality of Ajdovščina, 2019).

Similarly, the process was carried out in the Komen municipality. The assessment of the participatory budgeting in the above-indicated municipalities showed

that, in this respect, 31 projects in the total amount of EUR 360,000, were carried out in the Ajdovščina municipality, and 22 projects in the Komen municipality in the amount of EUR 120,000. The Ajdovščina municipality continued its practice in 2018 for the next two budget years, during which a special youth section was introduced. The participatory budgeting in the municipality of Kranjska gora was first implemented only for a specific target group, i.e. young people. Only young people could participate in the vote and initiative. They were activated through various youth organizations in the municipality (Danes je tvoj dan, undated).

3. Research on participatory budgeting at local level in Slovenia

Through this research, we intended to verify how many municipalities in Slovenia have already introduced participatory budgeting, to determine the process of the participatory budgeting introduction, and see if any characteristics of the municipality affect the introduction. We collected the data by visiting the websites of all the municipalities in Slovenia, and through the Google search engine by typing in the keywords 'participatory budgeting of the municipality'. We decided to use the search engine, because websites of certain municipalities are not transparent, lack specific budget-related subpages, or the invitation to submit initiatives in connection with participatory budgeting are part of the current news that changes on a weekly basis.

The data obtained enabled us to make a list of municipalities which are introducing, or have already introduced, participatory budgeting, and review ways of participatory budget process implementation. We also used data on the estimated budget transparency index for 2018 (Klun, Benčina and Umek, 2019), data on population (Statistical Office of the Republic of Slovenia, 2019), and data on budget revenues for 2018 (Ministry of Finance of the Republic of Slovenia, 2019) for all municipalities.

After reviewing the websites, we can conclude that by 2019 a larger number of municipalities have started the participatory budgeting introduction process in Slovenia. In 2019, a total number of 21 municipalities, i.e. 9.9% of all municipalities in Slovenia, introduced the participatory budgeting process. On average, municipalities allocated between 0.2% and 4% of the budgetary resources for the participatory part of the budget. Most of these municipalities had no, or low, budget deficit in the previous year. It should be noted however that a large proportion of the budgetary resources in Slovenia, both at national and local level, is determined based on the execution of statutory duties. According to some estimates, this share ranges between 90 and 95% of budgetary resources; therefore, the possibility for participation relates only to a relatively small proportion of resources.

The fact that this has been a highly topical subject in the last year is further supported by the website announcement of one of the municipalities, that it would in-

introduce participatory budgeting in the next budget year. The City of Ljubljana (the capital) argues on its website that participatory budgeting has been implemented for a long time, as all citizens have the opportunity to submit initiatives – not necessarily related to the budget alone – through their web portal, at any time. As indicated above, the initiatives are then reviewed and considered by the representatives of the district communities; moreover, many initiatives are realized. Regardless of this, the portal for the submission of initiatives was not considered participatory budgeting, because it is not linked to the budget adoption process; furthermore, the processes for evaluating proposals and their role in the budgetary expenditure is not clear. In the analysis of the websites, we have determined that many initiatives for the introduction of participatory budgeting have been made by representatives in the municipal council, which is evident from the minutes of meetings of this body in several municipalities. There are only a few citizens' initiatives for the introduction of participatory budgeting on the Web.

After reviewing the processes for the implementation of the participatory budgeting published by municipalities, we can observe some common features of participatory budgeting of Slovenian municipalities:

- All municipalities published a call for proposals, rules for submitting initiatives, and set other conditions (e.g. that the initiator can only be a citizen of the municipality);
- Proposals are collected and assessed at local community or special commission level;
- Some municipalities limited the total amount earmarked for the participatory budget; others limited the value of the individual initiative within that amount; only two municipalities did not set a value framework; and
- All municipalities collect proposals for investment spending within the framework of the participatory budgeting.

In the light of the common features of participatory budgeting processes in Slovenian local self-government, we can conclude that the processes meet the criteria or steps foreseen by the World Bank, and those introduced in other countries. However, a direct link between all practices abroad cannot be provided, since the review of different sources shows that practices abroad differ, and that there are no uniform processes.

In continuation, we wanted to verify if the municipalities which have introduced participatory budgeting have any common features. We examined the degree of inter-connectivity in terms of the size of the municipality, population, the amount of budget revenues, data on whether the budget proposal is published online, and the estimated value of the budget transparency index. The inter-connectivity analysis is shown in Table 1.

Table 1: Spearman correlation coefficient between selected variables

		Participatory budgeting
Spearman's rho	Number of inhabitants	Correlation Coefficient
		,244**
		Sig. (2-tailed)
	Budget proposal available on the municipality web page	,000
		Sig. (2-tailed)
		,823
	Online budget transparency index	N
		212
		Correlation Coefficient
	Budget revenue	-,015
		Sig. (2-tailed)
		,823

** . Correlation is significant at the 0.01 level (2-tailed)

Source: Authors' own contribution

The table shows that there is a statistically significant and positive correlation between the size of the municipality, in terms of population and the amount of budget revenues. Transparency indicators show no statistically significant impact. We can conclude from the verification, that greater financial and institutional capacity impacts on significant potential for the introduction of participatory budgeting in Slovenia. This is also in line with some other research that draws attention to the fact that a sufficient number of citizens is required in order to realize participatory budgeting.

4. Conclusion

Attempts to introduce participatory budgeting at local level in Slovenia are becoming more relevant, especially in 2019. This is partly due to the recent elections, since participatory budgeting has been introduced mainly in municipalities where new mayors were elected. In the next two years, it will become clear whether or not this will be an ongoing budget adoption process. Furthermore, it will be interesting to see if the process expands. Interestingly, the Slovenian municipalities have copied the participatory budgeting processes from each other, and are therefore implementing participatory budgeting under similar rules. The data analysis we conducted confirmed our expectation that larger municipalities and municipalities with more resources implement participatory budgeting more easily, as they have larger

institutional and staffing capacities. On the other hand, in larger environments, it is more likely to reach a wider range of initiatives, and avoid potential deficiencies of participatory budgeting; in particular, it is less likely for certain stakeholders to exercise power. It is surprising that municipalities, in which participatory budgeting is introduced, fail to achieve a higher transparency index. We should seek the reasons for the fact that the index for 2018 is considerably uniform in most municipalities in Slovenia.

A more detailed analysis of the proposed projects shows a difference from the first experience of participatory budgeting in Latin America, and content similarity to European examples. The largest number of initiatives through participatory budgeting in Slovenia relates to the arrangement of safe routes, parks and spaces for children. Fewer initiatives have been promoted or implemented in connection with vulnerable groups, especially disabled persons. However, two municipalities implement a participatory budget specifically for the youth group, which means that vulnerable and minority groups will have to be separately encouraged.

Local communities still have much work to do in order to further develop participatory budgeting. As mentioned at the outset, it is first necessary to change governance models; only then can the ideas of direct democracy be more easily developed. The fact that the two largest associations of municipalities in Slovenia have organized a consultation on the topic of participatory budgeting, indicates a considerable expansion of initiatives this year. It has often been mentioned in the discussion that certain incentives could be part of the country's policy, which could encourage further development, or even financially support municipalities that introduce participatory budgeting by amending legislation so as to allocate a part of the funds to selected projects. Thorough research in Slovenia will only be possible in the future, once the results of the introduction of a participatory budget are known, and when the trend spreads to more municipalities. The current percentage of municipalities is too small for in-depth analysis.

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BUILDING COMPETENCES FOR INTER-MUNICIPAL AND CROSS-SECTORAL COOPERATION AS TOOLS OF LOCAL AND REGIONAL DEVELOPMENT IN POLAND. CURRENT ISSUES AND PERSPECTIVES

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Abstract

The article will be aimed at presenting the legal possibilities for inter-municipal and cross-sectoral cooperation at all levels of local government in Poland, and the presentation, based on empirical studies, of both the type of tasks thus determined and the assessments of the effectiveness of their implementation. The adopted hypothesis assumes that the establishment of appropriate legal instruments for inter-municipal and cross-sectoral cooperation can be an effective tool for local and regional development. The first part of the article is supposed to analyze the legal forms of inter-municipal and cross-sectoral cooperation in Poland. The article comprises both the basic forms of this cooperation such as: inter-municipal unions, administrative arrangements, commercial companies, local associations of municipalities, and other forms, including in particular: agreements between local government units and so-called other partners, metropolitan networks, consortia, clusters and 'local action groups'. The second part of the article addresses the results of empirical studies, which demonstrate the scope and types of tasks being implemented in the forms of inter-municipal and cross-sectoral cooperation in Poland. The article presents the main results of the research that has been carried out: (1) The forms of inter-municipal and cross-sectoral cooperation currently taking place in Poland are not sufficient in terms of creation and implementation of the development policy; (2) The applicable forms of inter-municipal cooperation are not fully effective in fulfilling the tasks assigned; (3) In particular, new legal forms of cross-sectoral cooperation should be established at all levels of local government in Poland.

Keywords: inter-municipal cooperation, cross-sectoral cooperation, municipal tasks, local government, Poland.

1. Introduction

The paper will be aimed at presenting the legal possibilities for inter-municipal and cross-sectoral cooperation at all levels of local government in Poland, and the presentation of tasks thus determined, based on empirical studies. The adopted hypothesis assumes that the establishment of appropriate legal instruments for inter-municipal and cross-sectoral cooperation can be an effective tool for local and regional development. The idea behind the two major reforms of the Polish public administration system introduced in 1990 and 1998 was the implementation of normative solutions that were supposed to be based on the so-called 'partner model of local government' (Izdebski and Kulesza, 2004, pp. 244-248), which was then complemented by the partnership with the private sector (Izdebski, 2007, p. 70).

This is why on the one hand the paper is supposed to analyze the legal forms of inter-municipal and cross-sectoral cooperation in Poland. The presentation will comprise both the basic forms of this cooperation such as: inter-municipal unions, administrative arrangements, commercial companies, local associations of municipalities, and other forms, including, in particular: agreements between local government units and so-called other partners, consortia, clusters and 'local action groups'.

On the other hand, the paper will address the results of empirical studies, which demonstrate the scope and types of tasks being implemented in the forms of inter-municipal and cross-sectoral cooperation in Poland, in particular at the 'gmina' (commune) and 'powiat' (district) levels and as part of vertical unions.

2. Methodology

The methods used in the article are both the legal dogmatic method and those based on empirical research. The legal dogmatic method was used to analyze and evaluate the legal forms of inter-municipal and cross-sectoral cooperation at all levels of local government in Poland. In order to verify the hypothesis that the establishment of appropriate legal instruments for inter-municipal and cross-sectoral cooperation can be an effective tool for local and regional development, the article presents the results of the research obtained using the method of survey and the analysis of the official data on the topic.

3. Legal forms of inter-municipal and cross-sectoral cooperation in Poland

The legal possibility of using certain forms of inter-municipal and cross-sectoral cooperation in the Polish legal system originally covered only communes. In 1990, the Act on local government provided for three forms of cooperation: inter-communal unions, municipal agreements and associations of communes. Special laws

also provided for certain forms of cross-sectoral cooperation, covering especially associations and foundations. Another legal form of inter-municipal cooperation emerged in 1998 as a result of the introduction of a new three-level fundamental administrative system of division into communes (*gminy*), districts (*powiaty*) and regions (*województwa*), thereby complementing the structure of local government in Poland with district government and regional government (Brezovnik, Oplotnik and Vojinović, 2015, p. 41; Hoffman, 2018, pp. 16-17). It is worth mentioning that in the history of local government in Poland, some forms of inter-municipal cooperation emerged as early as in the legal order of the Second Polish Republic (inter-war Poland).

The applicable legal forms of cooperation between local government units are presented in the table below.

4. Legal forms of inter-municipal cooperation in Poland

4.1. *Municipal unions*

The municipal union as a form of inter-municipal cooperation in the Polish legal order can exist in both horizontal and vertical arrangements. This is so because the Polish legislature provided for the possibility of establishing an inter-communal union, an inter-district union, and since 2015 a district-and-commune union (Article 64-73b of the Act on commune government, Articles 65-72 and Articles 72a-72c of the Act on district government). Polish law does not allow the establishment of unions of regions, vertical unions with regions and unions with entities that do not constitute local government units.

Municipal unions are to be created for the purpose of joint exercise of public tasks (Korobłowski, 2015, p. 299). They can also be established to provide joint administrative, financial and organizational support for municipal organizational units, municipal cultural institutions or others legal persons classified as belonging to the sector of public finance. It is about creating a kind of common support centers that should allow for better use of the staff and property resources held by the parties.

The municipal union has legal personality and carries out public tasks on its own behalf and at its own risk. As a result, the union can act in the spheres of both public and civil law. The rights and obligations of the local government units regarding the exercise of tasks as part of a municipal union are transferred to the union. Thus, there is a transfer the public tasks to a legally, structurally and financially separate entity (Karpiuk and Kostrubiec, 2017, p. 165). The prevailing view in the Polish literature is that the performance of public tasks by a municipal union can also relate to the powers of the law-making bodies of local government units (Dąbek, 2007, p. 187).

Table 1: Legal forms of inter-municipal cooperation and legal forms of cross-sectoral cooperation

	Communal government	District government	Regional government
Legal forms of inter-municipal cooperation	<ol style="list-style-type: none"> 1. Inter-communal agreements 2. Agreement with a district 3. Agreement with a region 4. Inter-communal union 5. Commune-and-district union 6. Association of local government units 7. Commercial law company 	<ol style="list-style-type: none"> 1. Agreement between districts 2. Agreement with a commune 3. Agreement with a region 4. Association of districts 5. District-and-commune union 6. Association of local government units 7. Commercial law company 	<ol style="list-style-type: none"> 1. Agreement with a commune 2. Agreement with a commune 3. Agreement with a district 4. Association of local government units 5. Commercial law company
Legal forms of cross-sectoral cooperation	<ol style="list-style-type: none"> 1. Agreements with other partners 2. Local action group 3. Local and regional tourist organization 4. Commercial law company 5. Consortia 6. Clusters 	<ol style="list-style-type: none"> 1. Agreements with other partners 2. Local action group 3. Local tourist organization 4. Commercial law company 5. Consortia 6. Clusters 	<ol style="list-style-type: none"> 1. Agreements with other partners 2. Commercial law company

Source: Author's own study

The decision to undertake cooperation by the bodies of local government as part a municipal union is in principle voluntary. The Polish legislature did not introduce restrictions on the number of participants in a municipal union (Swianiewicz and Teles, 2019, p. 123). However, the prevailing scholarly opinion is that the number of participants in a union should depend on the possibility of effective implementation of public tasks. There is also no legal obstacle for communes or districts to be simultaneously participants in several municipal unions. There are no territorial or temporal restrictions in the legal regulations governing municipal unions. Therefore, the units forming a municipal union do not have to be adjacent to each other and the union may be established for a definite or indefinite period. The legislature has not introduced a detailed regulation on the system and principles of operation of the union, leaving them to be more precisely defined in the norms laid down in the charter of the municipal union (Ofiarska, 2012, pp. 303-304).

The legislation governing the system of commune and district local government in Poland also provides for the possibility of transforming an already existing union of districts or inter-communal union into a district-and-commune union. Such a transformation only requires a change in the charter of the union. The district-and-commune union, on the date of announcement of the charter, assumes all rights and obligations of the transformed union.

Municipal unions are subject to liquidation based on the rules and procedure specified in their charters. At the end of the liquidation proceedings, the union notifies the voivode (regional governor) and submits a request that the register be deleted from the register. Relevant studies show that the most common cases of liquidation of a union include: (1) the performance of the goal(s) for which the union was established and (2) dissatisfaction of the member communes about the quality of the union’s operation. Currently, there are 313 inter-communal unions, 7 district unions and 8 district-and-commune unions registered in Poland.

Table 2: Inter-communal unions, inter-district unions and commune-and-district unions

	Inter-communal unions	Inter-district unions	Commune-and-district unions
Number of units (communes, districts)	2477	314	-
Number of districts	313	7	8

Source: Author’s own study

The scope of activity of municipal unions in the light of the studies carried out is presented in the table below (as of September 30, 2019).

Table 3: Inter-communal unions, inter-district unions and commune-and-district unions. Tasks

Tasks	Inter-communal unions	Inter-district unions	Commune-and-district unions
Local public transport	23	1	7
Common handling of the district's and commune's organizational units	-	-	1
Activation of the local labor market	1	-	1
Computerization of the land and building records	-	6	-
Environmental protection	121	-	-
Water and sewage management	18	-	-
Municipal waste management	86	-	-
Gasification	14	-	-
Renewable energy sources	11	-	-
Road management	4	-	-

Source: Author's own study

4.2. Municipal agreements

In the light of the legislation regulating the system of local government in Poland, municipal agreements may occur in horizontal and vertical arrangements. The first group includes: (1) inter-communal agreements (Article 74 (1) of the Act on communal government); (2) agreements of districts (Article 73 (1) of the Act on district government) and (3) agreements of regions (Article 8 (2) of the Act on regional government). The group of vertical agreements includes: (1) agreement on the transfer of tasks to a district or commune by the region (Article 8 paragraph 2 of the Act on regional government); (2) agreement on the transfer of tasks to a commune by the district (Article 4 (5) of the Act on district government).

Municipal agreements in the Polish legal system may be concluded between all local government units. The basis for their conclusion is a resolution of the legislative body of the local government unit to agree to cooperate under the municipal agreement. The very act of agreement itself is concluded by the executive body of the local government unit. The agreements may be only cover existing public tasks, i.e. those specified by applicable law, which belong to the jurisdiction of local government (Cieślak, 1985, p. 114). The essence of the legal structure of agreements being concluded is 'entrusting' the execution, or in the case of inter-communal agreements – the transfer of specific public tasks, to another local government unit (Ofiarska and Ofiarski, 2012, p. 99; Leoński, 1995, p. 58). The conclusion of an agreement does not therefore lead to the creation of a new entity having legal personality, as in the case of a municipal union.

The agreements of local government units in Poland are based on the principle of voluntary participation. The legislature has not introduced any restrictions on the decision to conclude an agreement, shape its content or withdraw from the agreement (Sikora, 2019, p. 85). In general, there are also no territorial limitations, except for agreements concluded with the participation of regions. In the latter case, the agreement may be concluded only with communes or districts from the territory of the region. Certain restrictions appear only in the case of vertical agreements. For agreements between communes and a district or region, and between districts and a region, the transfer of tasks may take place only in one direction, i.e., downward (Karpiuk, 2014, p. 41). The delegation of tasks in the opposite direction is not legally possible. Such a solution is in accordance with the principle of subsidiarity (Grażawski, 2007, p. 31).

The municipal agreement is a relatively flexible form of inter-municipal cooperation. The Polish legislature has not introduced procedural requirements for the conclusion of these agreements. In particular, there is no need to adopt organizational documents such as, for example, a charter. However, the agreement must be published in the regional official journal, which, according to some authors, is a prerequisite for its entry into force (Bandarzewski, Chmielnicki and Kisiel, 2006, p. 90). The conclusion of the agreement takes place by submitting a statement of willingness to conclude it, which does not mean that it is a civil-law act. The prevailing opinion among scholars of administrative law is that the municipal agreement is a public-law act, although it has the feature of a bilateral act. The parties to the agreement are peers and none of them has a dominant position (Brzezicka, 2000, p. 47).

There is no register of municipal agreements in Poland, so the determination of their number and subject matter poses serious difficulties. In the light of surveys carried out in 2013, sent back by 849 communes out of 2479 all Polish communes (34.25%) and 140 districts out of 314 all districts in Poland (44.59%), the following areas were defined in which communes and districts entered into agreements.

Table 4: Inter-communal agreements and inter-district agreements

Inter-communal agreements	Inter-district agreements
Transport (21%, 100)	Social welfare services (43%, 101)
Education (19%, 94)	Transport (20%, 47)
Social welfare services (12%, 59)	Education (8%, 19)
Waste management (10%, 48)	Entrepreneurship/labor market (7%, 16)
Water and sewage management (9%, 44)	Geodesy and cartography (3%, 7)
Health care (3%, 14)	Culture (3%, 8)
Energy management (2%, 11)	Health care (3%, 7)
Public security (2%, 11)	Public security (3%, 6)
Environment protection (2%, 10)	Other (10%, 22)
Other (20%, 95)	

Source: Porawski (ed.), 2013, p. 25.

4.3. *Commercial law companies*

In the Polish legal order system, commercial law companies can be a form of both inter-municipal and cross-sectoral cooperation. Companies are a form of inter-municipal cooperation mainly in the sphere of municipal management. It is therefore about performance of a public utility task which aims to meet the collective needs of the population in a current and uninterrupted way by providing publicly available services (Article 1 (2) of the Act on municipal management). The legal bases for inter-municipal cooperation as part of commercial law companies are primarily the provisions of the Act on municipal management of 1996.

The legal regulations governing the participation of local government units in commercial companies, but in the public sphere only. In this respect, local government units may create limited liability companies or joint stock companies. They may also accede to such companies.

Beside the sphere of public utility, a commune may establish or accede to commercial law companies only in strictly statutorily defined cases (Article 10 (1-3) of the Act on municipal management). These in particular are the unmet needs of the community on the local market, or the pursuit of banking, insurance or education activities. As regards districts, the possibility of creating or accession to companies outside the sphere of public interest was excluded. The regions may, in turn, establish commercial law companies outside the public sphere only in the area of promotional, educational, editorial and telecommunications activities for the development of the region (Article 13 (2) of the Act on regional government).

The Polish legal system is not so liberal in choosing the purpose of economic activity undertaken by the local government in the form of a commercial law company and thus hinders the independent identification of the needs of the local community, whereas the changing economic situation in Poland entails the need to develop legal opportunities for cooperation of local government units in the form of commercial law companies. Unfortunately, the Act on municipal management, effective since 1996, does not allow the use the full potential and investment possibilities of local government units. This negatively affects not only the economic development of the region, but also can exclude local government from specific areas of local or regional services over time.

In the light of surveys carried out in 2013, the areas of cooperation between communes and districts as part of commercial law companies are presented in the table below (rate of return of survey questionnaires: 849 communes – 34.25%; 140 districts – 44.59%).

Table 5: Areas of cooperation as part of commercial law companies

Areas of cooperation as part of commercial law companies	Commune	District
Waste management	13%, 107	-
Local social and economic development	7%, 56	23%, 21
Water and sewage management	12%, 105	-
Entrepreneurship/labour market	15%, 124	20%, 18
Health care	2%, 20	11%, 10
Transport	7%, 55	9%, 8
Energy management	8%, 67	5%, 5
Housing	6%, 52	-
Social activation	3%, 22	-
Promotion	2%, 21	3%, 3
Environment protection	2%, 21	-
Tourism	2%, 18	-
Education	-	5%, 5
Development of personnel and management systems in public administration	-	3%, 3
Sport and recreation	-	3%, 3
Other	21%, 176	18%, 16

Source: Porawski (ed.), 2013, p. 35.

4.4. Associations of local government units

Every local government unit in Poland, i.e. commune (Article 84 (1) of the Act on communal government), district (Article 75 (1) of the Act on district government) and region (Article 8b (1) of the Act on regional government) is entitled to establish associations. However, only in the case of communes the legislature set out the condition that associations may be created by communes in order to support the idea of local government and defend common interests. The above requirement does not apply to associations formed by districts and regions. The prevailing scholarly opinion, however, assumes that associations formed by districts and regions can be established primarily in the sphere of culture, economy and environment protection (Celarek, 2012, p. 256).

Associations created by local government units may be local, regional or nationwide (Kostrubiec, 2011, p. 262). An association is a separate legal entity and obtains legal personality upon entry into the National Court Register. At least three founders are needed to create an association by local government units. Detailed regulations on associations, which also apply to local government units, have been set out in the Law on Associations of 1989. In the light of this act,

the association is a voluntary, self-governing, permanent union with non-profit objectives (Article 2 (1) of the Law on Associations), which means that local government units have, first of all, the freedom to decide on participation, seceding or termination of the association. Secondly, local government units may independently define the association's goal, structure and program. Thirdly, the goals of associations created by local government units must be long-term. Fourthly, the non-profit nature of associations makes it necessary to allocate the proceeds to the implementation of statutory objectives (Karaś and Skipioł, 2012, p. 180). The organization, tasks and manner of operation of associations are to be set out in their charters.

Under Polish law, associations of local government units are not corporations of public law. Therefore, it is not possible to transfer to them any powers of a sovereign nature. Associations may not be established to jointly perform public tasks. This is done by other legal forms of cooperation which have already been referred to, such as municipal unions or agreements. The local government unit may entrust the association with performing the unit's tasks, but it still has the possibility of independent fulfilment of these tasks and is held responsible for this. Associations of local government units can also obtain the status of a 'public benefit organization'. Their purpose is to pursue socially useful activities in the sphere of public tasks (Article 3 (3) point 2 of the Act on public benefit and voluntary activities).

Associations of local government units may pursue an economic activity on general terms, allocating the income for the achievement of statutory objectives. The literature, however, notes that the negative factor affecting the development of associations as a form of inter-municipal cooperation are the provisions of the Accounting Act (Karaś and Skipioł, 2012, p. 197). A number of responsibilities related to financial reporting and accounting are an important nuisance in the functioning of the associations of local government units. The complex system of control over associations formed by local government units (including the voivode (regional governor, courts of law), regional chambers of auditors, etc.) is also an obstacle to the effective implementation of the tasks in the analyzed form of inter-municipal cooperation.

The areas of cooperation of communes within local associations in the light of surveys are presented in the table below (rate of return of survey questionnaires: 849 communes – 34.25%; 140 districts – 44.59%).

Table 6: Areas of cooperation as part of local associations

Areas of cooperation as part of local associations	Commune	District
Local social and economic development	14%, 77	13%, 17
Supporting the idea of local government	10%, 58	14%, 19
Environment protection	9%, 53	4%, 6
Tourism	8%, 55	
Promotion	7%, 42	5%, 7
Culture	7%, 41	-
Cooperation (regional, international) of local government units	6%, 35	11%, 15
Entrepreneurship/labor market	6%, 33	5%, 7
Social activation	6%, 32	7%, 9
Education	4%, 23	-
Development of rural areas	4%, 20	5%, 6
Geodesy and cartography	-	4%, 6
Public security	-	5%, 6
Transport	-	5%, 6
Other	19%, 104	22%, 29

Source: Porawski (ed.), 2013, p. 42.

5. Forms of cross-sectoral cooperation in Poland

5.1. *Agreements of local government units with so-called other partners*

The agreement is a relatively widely used form of cooperation in the Polish legal order. The institution of agreement is seen in various situations which require reciprocal contractual arrangements of local government units with other legal entities. The prevailing opinion among scholars of administrative law is that at least one of the parties to the agreement should be an entity that carries out the public administration functions. The sphere of powers and obligations which have been covered by the agreement must fit within the scope of the independent decision-making powers of the parties to that act (Stahl, 2016, p. 492).

Agreements of local government units as examples of the form of cross-sectoral cooperation, identified on the basis of surveys, may include, in particular: (1) agreements between local government units with non-governmental organizations in to carry out social assistance tasks (Article 25 of the social assistance act); (2) agreements of intent to cooperate with NGOs; (3) partnerships for the development of social entrepreneurship; (4) agreements with regional and local development agencies; (5) agreements on the joint implementation of projects under operational pro-

grams financed by the European Union; (6) agreements on pro-development cooperation with universities; (7) agreements on promotional cooperation with chambers of commerce; (8) agreements with sports clubs; (9) agreements with non-profit organizations of legal professionals on legal and civic consultancy.

5.2. *Consortia*

The concept of consortium has not been defined in the form of a legal definition in the Polish legal system. The consortium is the relationship established under a contract resulting in a legal relationship. The Parties to the consortium undertake to act and to pursue the common economic goal assumed by the consortium. Thus, they undertake to work together. The consortium is, in essence, a contractual form of economic cooperation between economic operators, including local government units, concluded for the purpose of pursuing a specific project, usually single one.

An example of a consortium as a form of cross-sectoral cooperation is the Consortium for the 'Poznań' Brand (Konsorcjum Marki 'Poznań'). It is a consortium of permanent marketing cooperation between the city of Poznań and the undertakings operating on its territory. The purpose of this consortium is to 'achieve synergies between the image of the City and its cooperating institutions'.

5.3. *Clusters*

Clusters, like consortia, are not a statutory form of cooperation involving local government units. However, an attempt was made in the Polish legal system to define this form of cooperation under the Ordinance of the Minister of the Economy of 2 December 2006 on the granting of financial assistance by the Polish Agency for the Development of Entrepreneurship not related to operational programs (Journal of Laws of 2018, item 315). According to § 14a (4) of this Act, the cluster shall mean the spatial and sectoral concentration of economic development or innovation entities involving at least ten economic operators engaged in economic activity in the territory of one or more neighboring regions, competing and cooperating within the same or related industries, and mutually linked through an extensive network of formal and informal relationships.

The literature stresses that support for such initiatives (clusters) by local government units may be a method to increase innovation and upgrade the economy in a given region. Clusters being established in Poland on the initiative or with the participation of local government units are created in particular within such industries as energy, tourism and construction. One of the best-known clusters in Poland is the 'Aviation Valley Cluster', which was established in 2003 on the initiative of the town of Mielec and several other communes.

5.4. Local action groups

Local action groups as forms of cross-sectoral cooperation were introduced to the Polish legal system in connection with Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). The Polish legislature finally defined the status of local action groups under the Act of 7 March 2007 on supporting rural development with the participation of the European Agricultural Fund for Rural Development under the Rural Development Programme for 2007-2013. The establishment and functioning of local action groups are generally governed by the provisions of the Act – Law on Associations.

Local action groups are peculiar types of associations which have legal personality. For the establishment of a local action group, at least 15 members are required, i.e., natural or legal persons, including local government units, which constitute the founding committee. Supervision over local action groups is exercised by the voivodeship marshal.

The essence of creating local action groups is the permanent connection of representatives of the public sector at the local level with social organizations and enterprises. Therefore, local action groups are a form of tri-sectoral cooperation of local government units. They are a legal form of cooperation serving an effective policy of local development of rural areas. This regards joint performance of tasks which result from the implementation of the local development strategy. On the basis of Polish experience, they concern in particular the improvement of living quality, conditions and standards for inhabitants of rural areas, the providing of conditions for the development of entrepreneurship in rural areas or promotion of local products.

Among the dysfunctions related to the functioning of local action groups, administrative law scholars point to a high degree of bureaucratization of procedures and the possibility of using the groups as a form of cooperation only in relation to rural communes.

5.5. Local tourist organizations

Regional and local tourist organizations are autonomous organizations that operate in the sphere of tourism development and promotion. The tasks of regional and local tourist organizations include: (1) tourist promotion of their area of activity; (2) supporting the functioning and development of tourist information facilities; (3) initiating, consulting and supporting the plans for the development and modernization of tourist infrastructure, and (4) cooperation with the Polish Tourist Organization.

The provisions of the Act – Law on Associations apply to the creation and operation of regional and local tourist organizations. Members of these organizations can be both natural and legal persons, in particular local government units, met-

ropolitan unions and organizations of entrepreneurs in the field of tourism and associations operating in this field (Article 4 (2) point 1 of the Act of 25 June 1999 on the Polish Tourist Organization).

The goal of regional and local tourist organizations is mainly to integrate tourism activities in the region. Therefore, they do not constitute a universal form of cross-sectoral cooperation. A total of 16 regional and 121 local tourist organizations are currently registered in Poland.

6. Conclusions

Within the Polish legal system, the cooperation between local government units may take different legal forms, depending on the goal that the local government units want to achieve by undertaking joint actions. In a situation where the objective is to perform public tasks, the cooperation may take the form of inter-communal and district unions, agreements or associations. Undertaking by local government units' other activities than performing public tasks allows for the selection of other forms of cooperation.

The cooperation of local government units in Poland is voluntary, which means that forms of cooperation and the establishment and liquidation of specific forms of inter-municipal and inter-sectoral cooperation may be freely chosen.

Based on the analysis of functioning forms of inter-municipal and cross-sectoral cooperation in Poland, the following theses can be proposed: (1) the forms of inter-municipal and cross-sectoral cooperation currently taking place in Poland are not sufficient in terms of creation and implementation of the development policy; (2) the applicable forms of inter-municipal cooperation are not fully effective in fulfilling the tasks assigned; (3) in particular, new legal forms of cross-sectoral cooperation should be established at all levels of local government in Poland.

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PUBLIC ADMINISTRATION AND ANTI-CORRUPTION EFFORTS IN ITALY*

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Abstract

The paper intends to analyze the evolution of Italy's anti-corruption efforts towards a new balance between instruments of sanction and prevention in public administration.

The study also devotes a special attention to transparency obligations and to the rules aimed at preventing the interferences or the overlaps between politics and administration.

Keywords: corruption, public administration, anti-corruption institutions, anti-corruption measures, transparency.

* This paper is the result of an analysis undertaken jointly; however, paragraphs 1, 2, 3 and 7 were written by Patrizia Magarò and paragraphs 4, 5 and 6 by Francesca Bailo.

1. Trends in anti-corruption enforcement in Italy

Corruption has existed since ancient times, and it is still nowadays a major problem of contemporary society, a real ‘world emergency’ indeed; the efforts to fight it are widespread not only at national level, as the phenomenon has long been the focus of particular attention by the United Nations (2003)¹, the World Bank, the International Monetary Fund, the OECD (2005)², the Council of Europe (1999) and the European Union.

According to the most consolidated accepted definition, given by Transparency International, the leading international NGO in curbing corruption worldwide, corruption is ‘the abuse of entrusted power for private gain’ (whose main forms are bribery, embezzlement, fraud, extortion), and it constitutes a dishonest action that destroys people’s trust and prejudices democratic and moral values.

The phenomenon appears even more odious when it refers to the relationships between citizens and public officials (the specific sphere we will be dealing with in this paper), since it infringes the constitutional principles of impartiality and efficiency of the public administration, as well as the duty to fulfil public functions with discipline and honor.

The indicator most commonly used to determine a country’s level of corruption is the ‘Corruption Perception Index’, developed by Transparency International in 1995 and published every year³.

The 2019 ranking (Transparency International, 2019) has unfortunately confirmed Italy’s critical position: the country scored 53 out of 100 – with zero being highly corrupt and 100 very clean – ranking Italy 51st out of 180 countries worldwide and 25th out of 31 countries in Western Europe.

This negative position is also confirmed by the updated information of the Eurobarometer (2014); the survey (promoted by the European Commission in 2014 and aimed at providing an overview of citizens’ opinion and experiences regarding corruption) reveals the image of a country with major problems in terms of legality and public ethics, although with very considerable regional differences.

1 The ‘United Nations Convention Against Corruption’ (2003) is the only legally binding universal instrument against corruption, currently signed by 174 countries.

2 According to the ‘Convention on Combating Bribery of Foreign Public Officials in International Business Transactions’ (2005), ‘each Member State must take the necessary measures to ensure that conduct constituting an act of passive corruption or active corruption by officials is a punishable criminal offence’. Many other acts have been enacted by OECD to pursue the objectives to combat corruption developing cooperation efforts, also in the field of public procurement. See e.g. OECD (2008, 2009, 2015).

3 Transparency International, the well-known non-governmental organization dedicated to fighting and monitoring corruption worldwide, publishes two reports of great importance every year: the ‘Global Corruption Barometer’ and the ‘Corruption Perceptions Index (CPI)’.

It should also be pointed out that the economic damage suffered by a country due to corruption appears to be difficult to assess precisely in monetary terms: the estimate is 3% of world GDP, 120 billion euros in the whole European Union and, with reference to Italy, 10 billion euros per year.

Italy's strategic anti-corruption approach has long almost entirely relied on the repression side and still today judicial activity remains strongly engaged towards the suppression of often particularly serious corrupt behaviors (European Commission, 2014, p. 3).

Corruption in public administration is regulated in the Criminal Code (art. 318-322), whereas corruption between private individuals falls within the provisions of the Civil Code (art. 2635), with very severe sanctions which often foresee, as part of the judgment of conviction, the interdiction from public offices.

Even if Italy has long been considered one of the most corrupt advanced economies, according to some scholars (Merli, 2019, p. 342), until the late 1960s, corruption was essentially confined to the country's ruling elite. From then on, 'it became a common and socially accepted behavior, spread across all social strata and involving an even larger number of low- and middle-level politicians and bureaucrats'.

Over the years there has been a change in the panorama of the main actors involved and the corruption system centered on the political parties in the early 90s of the last century has become more pervasive and more difficult to identify (Vannucci, 2019, p. 23).

Many factors have contributed to the spread of corruption, such as especially over-regulation, the complexity of legal rules, the excess and inefficiency of bureaucracy, the proliferation of organized crime, the economic and social gap between the northern and southern part of the country, the tax evasion, the slow delivery of justice.

A significant reinforcement of measures aimed at suppressing corruption took place in 1990s, when a season of judicial inquiry called *Mani Pulite* ('Clean Hands') and *Tangentopoli* ('Bribesville') started. The strongest impact of the active role of the judiciary against corruption was on the political system, as the investigations has led to the downsizing of the leading parties of that time and the disappearance of other smaller parties, leaving the space for newcomers to politics. On the economic side, the effects of the inquiries provided (on the short run) a reduction in corruption cases and in the costs of public procurements, which had been seriously affected by kickbacks.

As on the long run many high-profile cases of corruption continued to emerge, it was considered necessary to start a deeper reflection on the measures taken in Italy until then, recognizing that the efforts could no longer be limited to the field of criminal law but they also had to involve the administrative sector.

2. Towards a new balance between sanctions and prevention

A new area of studies has thus begun to develop and taking inspiration from other countries' experiences the fight against corruption has been oriented not only to hit the *pactum* between briber and corrupt, but also to prevent and contain the 'administrative malpractice', the 'maladministration' (that is, in a broader sense, a series of behaviors that go beyond corruption in a strict sense, such as for example resistance to change, formalism, indifference to efficiency, hostility towards new technologies, overstaffing, nepotism).

Since the cultural background of a person greatly influences his choices regarding illegal behavior, the Italian legislator has thus undertaken a radical change in the approach to the phenomenon of corruption.

On the one hand, it was decided to continue to strengthen criminal law, increasing sanctions related to corruption and including new offences; on the other side, noting that combating corruption is not only a task of criminal courts and police force, internal administrative controls have been foreseen and criminal law was supplemented by other instruments aimed at combating behaviors without criminal relevance, which, however, represent the basis of potential unlawful conducts.

New rules have been thus enacted stigmatizing some specific behaviors and above all aiming at preventing them, in order to create a cultural humus favorable to the consolidation of a culture of legality.

Furthermore, an independent administrative agency – the Italian Anticorruption Authority – has been established and its activity is specifically aimed at combating and preventing corruption.

This institutional progress represents a significant new element in the Italian anti-corruption strategy, to which the important contribution of the constitutional jurisprudence should be added (see Constitutional Court Judgment no. 30 of 2012). The Constitutional Court has better specified the content of some constitutional provisions, affirming for instance that art. 97 of the Constitution must be considered inspired by the aim of guaranteeing both 'good administration' and its efficiency, as well as the 'transparency' of the work of public administrations; this principle, not expressly provided for in the Italian Constitution of 1948, has become, as we shall see later, one of the main tools for preventing corruption (Legislative Decree no. 33 of 2013).

The real turning point occurred in 2012, with the entry into force of Law no. 190 laying down 'provisions for preventing and fighting corruption and illegality in public administration' (the so-called 'Anti-corruption Law'), introducing an anticorruption system which is similar to prevention-based models already applied in other countries.

This is the first Italian legislator's attempt to establish an organic framework to fight corruption, by balancing and coordinating preventive and repressive measures.

The absolute novelty of this new approach is represented by the key role assigned to the administrative prevention of corruption (compared to the few initiatives adopted in the past).

This law was adopted to align the Italian legal system with guidelines in international conventions, but its main purpose was to prevent and fight corruption perpetrated by individuals within the public administration or linked to it.

As concerning the repressive measures, the Italian Criminal Code was amended, introducing – *inter alia* – the new crime of ‘trading in influence’, reformulating the crime of extortion, increasing the penalties for several crimes (misappropriation of public funds, bribery relating to lawful and unlawful acts, judicial bribery, misconduct).

It should also be mentioned that the Criminal Code has been then further modified, as the Law no. 69 of 2015 (the so-called ‘anti-corruption law’) reintroduced the crime of ‘false accounting’ and increased the penalties for crimes related to corruption⁴.

However, the major element of significance for our study is that the 2012 law has introduced new instruments aimed at ‘preventing’ corruption; it represented the legal basis for a series of implementing rules that do not concern criminal law in the strict sense, since the Government was delegated to issue an *ad hoc* legislative decree on transparency, a new regulation on incompatibility (which will be considered further in this paper), and to adopt a national Code of conduct for employees of the public administrations (2013).

Moreover, the anti-corruption law for the first time introduced provisions (which have been strengthened with the passage of Law no. 179/2017) on the protection of whistleblowers for reporting corruption within the public sector. The provisions are applicable to employees reporting wrongdoing under the condition that they do not commit libel or defamation or infringe on anybody’s privacy. The information can be disclosed by the employees only to their superior, the judicial authority or the *Corte dei Conti* (the accounting judge).

The new rules apply to all public administrations in a narrow sense, public economic bodies, private-law entities under public control; with regard to the objective

4 The reintroduction of false accounting is particularly important, since it was the simplest and most widespread way to conceal the exit of company money, necessary for the payment of bribes. Now this crime is punished with imprisonment from 3 to 8 years (if the company is listed) and from 1 to 5 years (if it is not listed). The crime of false accounting, which often revealed other illicit activities, including corruption, previously abolished, was reintroduced. Penalties were made harsher for both perpetrators and the beneficiaries of corruption. Further changes concern the rules about collaborators of justice (the discount of the penalty increases), the conditions necessary to access the plea deal (which now provide for the advance and full payment of the price or profit of the offence) and the monetary sanctions that must be incurred by those convicted of embezzlement, extortion or bribery.

scope, the 2012 law covers a generic notion of corruption and illegality in public administration, without specifying behaviors in a strict catalogue.

An important role is played by the National Anti-Corruption Authority. The law provides a system of 'plans' aimed at establishing guidelines and specific measures for the prevention of corruption. The authority (to which we will return later) is responsible for approving the 'National Anti-Corruption Plan' aimed at analyzing the causes and risks of corruption, identifying any action capable of preventing and combating it, providing guidance to public administrations in preparing their specific plans.

Each administration is required to approve its own three-year 'anticorruption plan' and appoint a 'person responsible for corruption prevention' (in addition to the staff rotation in high risk working position, the strengthening of administrative transparency, the adoption of a Code of Conduct, a whistleblowing system).

Consequently, the 2012 law represents an absolute novelty also as regards an ethical perspective, concerning the organization of public administrations. Preventive anticorruption measures reveal an attempt to 'judicialize ethic', as an authentic value to be pursued, together with the strict legality of administrative action and the guarantee of its efficiency and impartiality.

The greater attention devoted to the ethical dimension would allow to better contrast forms of residual administrative malpractice and maladministration, that is to say those practices which are not unlawful in a legal sense, but which are contrary to other rules of efficiency and good performance. This would also require a further effort to better define the content of the code of conduct of the institution, strengthen the training of employees, better clarify a mentoring function, streamline the organizational procedure, enhance the auditing system and the evaluation of ethical behavior.

3. The Italian Anti-Corruption Authority

The Italian Anti-Corruption Authority (ANAC) is a public independent body of composite nature which combines the role of effective public procurement policy supervisor and the role of body in charge for fighting against illegality and corruption by ensuring transparency.

As concerning the public procurement system, we briefly remember that, since the Green Paper of European Commission of 1996 about 'Public procurement in the European Union', EU suggested to Member States to entrust the supervision of its contracting entities to an independent authority, following the model of Sweden. The aim of the introduction of this authority should be to 'prevent behavior giving rise to complaints, thereby reducing the potential burden on national courts and tribunals as well as on the Community institutions'.

These suggestions have been translated into legal rules in 2004, when the Directives 2004/17/EC and 2004/18/EC provided that in order to ensure their implementation Member States may, among other things, establish an independent body endowed with the power to oversight the public procurement procedures, also gathering information and data about public contracts.

Those tasks were (at least formally) already fulfilled in Italy after the establishment of the Authority for the Supervision of Public Contracts (created in 1994 but in operation from 1999), in charge of monitoring public procurements by fostering compliance with principles of fairness and transparency; within the authority an ‘Observatory on public procurements’, was created as an office in charge of collecting information on public contracts all over the country.

The authority had only oversight powers, as it could not sanction infringements and it never had ‘quasi-judicial’ competence. Remedies against administrative measures or inaction were, also in the field of public procurement, the judicial ones before administrative courts. In this regard, it should be observed that public procurement litigations still represent a huge part of the workload of administrative courts and the legislator has been always trying to reduce it.

The authority’s powers were increased in 2006 (including the power to impose sanctions) but the law of 2012 has provided for the creation of a ‘super-enforcement’ Anti-Corruption Authority (which was operational in 2013 and then deeply reorganized in 2014), absorbing the competences of the former Italian Authority on Public Procurement, as the legislator wanted to concentrate all powers in the hand of one body (Law no. 125 of 2013, art. 5, c. 3)⁵.

As concerning more specifically the anti-corruption and transparency tasks, the authority has now the power to rule, to oversight and to punish in the field of transparency, anti-bribery, public procurement (and referred to this latter field, it has also the power to judge).

Legislative Decree no. 50 of 2016 gave to the authority, *inter alia*, two new competences; the body is actually in charge of issuing guidelines, to support contracting entities and to improve the quality of procurement procedures; it can also issue binding pre-litigation advices, as an optional and ancillary non-judicial remedy in addition to the traditional judicial ones.

However, it should be noted that the main function of the new authority is the prevention of corruption within public administrations and in companies owned or controlled by public bodies.

This activity shall not have the character of a formal control but it takes the form of monitoring contracts and public offices within the most risky sectors, guiding

5 The Authority is now composed by a President and four members and the rules set forth for their appointment ensures a high level of independence and expertise.

behaviors and procedures of public servants, according to a model that has received the consent of the OECD (and which was applied for the first time on the occasion of the monitoring of Expo 2015).

Also worthy of mention is the effort of the authority to develop a new set of corruption risk indicators, which should be differentiated by territory, sector, and level of government and initially applied to the areas of waste management, education, social services and procurement. The objective is to identify anomalies in public contracts relevant for the anticorruption authorities (Merloni, 2019, p. 54).

4. 'Preventive' approach: publication and transparency obligations

Among the strategies carried out in order to prevent corruption, we should mention the mechanisms aimed at ensuring that citizens are able to access data and documents held by the public administration, pursuant to principles of transparency and 'full accessibility'.

Legislative Decree no. 33/2013 enhanced forms of 'civic access', through the publication of such data and documents on institutional websites (usually, there is a dedicated section named 'transparent administration'), with a view to improve 'extensive control on how institutional tasks are carried out and public resources are employed, as well as to promote the participation in public debate' (art. 5, para. 2). Publication and transparency obligations are imposed, among others, to politicians and public officers in managerial positions in general, for example with regard to their financial and income records (the same obligations are imposed to their spouses and their first and second degree relatives).

However, the Constitutional Court has recently ruled on the constitutionality of such legislation (Judgment no. 20/2019), after being asked to decide whether or not this measure was 'proportionate' with regard to another fundamental right, protected by national and supranational law as well, i.e. the right to data protection, read in the light of the equality principle enshrined in art. 3 of the Italian Constitution (as integrated by EU principles guaranteed by Directive 95/46/EC and, nowadays, by Regulation (EU) 2016/679) and, in particular, of the need to respect necessity, proportionality, purpose limitation, adequacy and minimization principles in data processing operations.

Hence, the Constitutional Court clarified that, whilst transparency obligations imposed to politicians are rooted in popular consensus and, consequently, in the need to allow citizens to assess whether politicians, since they took office, benefit from increases in their income and assets (even through their spouses and close relatives), 'and whether this is coherent with remunerations they get for carrying out their duties', imposing the same obligations with regard to all those who have a managerial role in public offices, without any distinctions, is disproportionate to

the objective of fighting corruption in public bodies. The publication of such a huge amount of data would also imply the risk to frustrate the ‘same needs to correct information and, consequently, of oversight on institutional responsibilities and on the use of public resources, on which legislation on transparency is grounded’. Hence, the Court agreed with the Italian independent authority tasked with fighting corruption that this measure would generate ‘lack of clarity due to confusion’ because of the ‘unreasonable lack of a prior selection of information that is most appropriate to pursue lawful aims’. At the same time, the Constitutional Court shared the European Court of Human Rights’ stance, which, in a similar situation (*Magyar v. Hungary*), held that ‘the public interest cannot be reduced to the public’s thirst for information about the private life of others, or to an audience’s wish for sensationalism or even voyeurism’ (para. 162).

Therefore, the Constitutional Court maintained that the legislator should have ‘made a distinction according to different degrees of exposure of different public offices to the risk of corruption, and to the scope of each particular function, providing, coherently, different levels of pervasiveness and completeness of income and financial record to be published’. Consequently, the Court made a distinction itself, keeping these obligations alive only for particular categories of managerial tasks, i.e. those who ‘manifestly carry out activities linked to political bodies, with which the legislator assumes the existence of a relationship of confidence, to the point that these offices are conferred by the competent Minister’. However, at the same time, the Court remarked that the legislator should promptly reform this area.

While waiting for a legislative reform after the Constitutional Court’s remarks, it is still possible to say that the legislator, in the meanwhile, carried out further ‘anti-corruption’ strategies, more recently with Law no. 3 of 9 January 2019, named by journalists ‘sweeping out corruptions’. This law, besides cracking down sanctions and reforming crimes against the public administration, has also introduced further rules on transparency of political parties and political movements.

In order to deal with the sharp and uncontrolled increase of political foundations and think tanks mainly aimed at financing political parties and political movements, ‘also taking into account their capacity to circumvent transparency obligations, accounting provisions and oversight mechanisms’ (Ronga, 2019, p. 5) that should instead be applicable to them (it is important to remember that, since 2014, public financing has been prohibited, according to Law no. 13/2014), the legislator imposed that all financing and donations that exceed an established threshold have to be tracked. At the same time, political parties and movements are prevented from receiving financial contributions from people or entities that refuse to publicly acknowledge such transfers of money (the violation of this obligation implies administrative pecuniary sanctions).

The equivalence, with regard to publication and transparency obligations, of foundations, associations and groups, on the one hand, parties and movements, on

the other hand, when the composition of managing bodies depends, totally or partially, on the political decision or, alternatively, when managing bodies are made up of members of parties or movements (even when they took office up to ten years ago), entails – as scholars correctly argued – a ‘more or less generalized extension of organizations under scrutiny’. This situation entails that, also in such a circumstance, it is necessary to monitor a very high number of entities, with the additional difficulty to identify which entities are subject to these obligations (Guarantee Committee, 2019, p. 3).

It is furthermore possible to highlight that Law no. 3/2019 also inhibited political parties and movements from receiving contributions, economic aid or other forms of financial assistance from ‘government or public bodies of foreign states’, as well as from ‘legal entities’ based in foreign states. Such a prohibition can be easily explained because of the ‘need to control transfers that, due to tax reasons related to their different country of origin, are exempted from Italian tax obligations and, therefore, from the scrutiny of Italian authorities on money transfers or on the abovementioned different forms of financial aid in favor of Italian political organizations’ (Ronga, 2019, p. 10).

5. Incompatibility regime and bans on assigning a mandate

Among other ‘preventive’ actions adopted in order to implement Law no. 190/2012, it is also possible to mention obligations arising from Legislative Decree no. 39/2013. In order to prevent interferences or overlaps between politics and administration, as well as conflicts of interests, this decree regulates cases in which it is forbidden to confer some mandates as well as incompatibility, with regard to managerial, administrative or similar roles in local authorities.

A ‘ban on assigning a mandate’ means, more precisely, that it is (permanently or temporarily) impossible to assign a mandate to those who were criminally convicted on offences against the public administration, or held an office in private entities regulated or financed by public administration, or carried out professional offices in favor of them. In addition, these bans apply to those who have been a part of political bodies, while the reasons of ‘incompatibility’ – meaning that the person has to choose which office to carry out – apply when there are offices in public administrations and private entities controlled by public actors or financed by them, as well as when professional activity of representative offices in political bodies are carried out.

In order to enforce these provisions, the person who supervises the implementation of the ‘anti-corruption plan’ for each administration and/or entity has an oversight role and, in cases of potential violation, he has to report to the *Corte dei Conti* (tasked with ensuring administrative accountability), as well as to ANAC,

which will adopt all measures it is competent for. Consequently, when a mandate is assigned in breach of such provisions, the contracts are null and void and, most importantly, it is necessary to sanction the members of bodies that have conferred null and void mandates.

With regard to the implementation of this provision, ANAC has issued a '*circolare*' on May 14, 2015 and, more recently, reported to the Government and the Parliament on February 7, 2019 (ANAC, 2019, p. 1). In this last document, they complained that there is no exception to the ban on assigning a managerial office in local health authorities and those who stood for the European, national, regional and local elections in electoral districts that comprise that territory in which the sanitary authority is located, or to those who, in any way, held political offices that could give them an unlawful advantage with regard to future offices, when they already held managerial offices (with executive functions) in the same administration.

The rationale of Legislative Decree no. 39/2013 is that the legislator wanted to avoid, *ex ante* and from a general perspective, that 'carrying out certain activities/functions facilitates favorable situations to obtain managerial and similar position', in this way 'causing the risk of corruption to unlawfully gain this benefit'. As a matter of fact, in this circumstance, ANAC held that this risk cannot exist. Rather, such ban would violate art. 51 of the Italian Constitution. Therefore, the Constitutional Court urged the legislator to introduce such exception in the cases at issue.

6. 'Repressive' actions bans on standing for elective and government offices

Besides the aforementioned preventive actions, aimed at preventing or, at least, mitigating corruption, Law no. 190/2012 also provides for *ex post* repressive measures, i.e. aimed at banning the possibility, for some people, to stand for elective or governmental offices, if they were definitively convicted on serious crime or, anyway, incarcerated for a certain number of years.

It is true that the first organic legislation on this subject had already been framed by art. 5 of Law no. 55 of March 19, 1990, which provided that conviction for some particularly alarming crimes, incompatible with the exercise of a political right, precluded the possibility to carry on the (already taken) mandate to elective role at the local and regional level; only with amendments brought by art. 1, para. 2 of Law no. 16 of January 18, 1992, convictions for some crimes have been mentioned as precluding circumstance to stand as a candidate, being the rationale (according to a consolidate stance of the Constitutional Court) the need to 'protect public order and public security, free determination of elective bodies, efficacy and efficiency of public administrations in order to deal with a situation of national emergency, involv-

ing the interests of the civil society'⁶, with the objective, eventually, 'to prevent and fight the risk that criminal organizations are involved in public administrations' and, hence, to safeguard 'fundamental interests of the State', that could be compromised (Constitutional Court Judgment no. 352/2008). It is necessary to clarify that these preclusions, that the person could not remove, could be considered inadmissible only as long as it is necessary to protect other interests having constitutional rank, following to the general rule of necessity and reasonable proportionality of such a limitation.

However, nowadays, Decree Law no. 235 of December 31, 2012, which implements arts. 63 and 64 of Law no. 190/2012, provides that this preclusion must be applied also with regards to the members of Parliament (both domestic and European one) and to those who hold governmental offices (whose mission is elective).

Such an extension of this legislation, therefore, casts doubts with reference to the same nature of the measure and its retroactive applicability to crimes that took place before the reform. The Constitutional Court⁷ ruled many times on this point. It confirmed a previous stance (Constitutional Court Judgment no. 407/1992) and reiterated that measures such as the prohibition to stand for elections, decadence and suspension are not sanctions and, more precisely, they 'are not criminal penalties or consequence of a criminal conviction, but rather consequence of the lack of a subjective requirement to access or keep mandates'. In more detail, 'in cases of decadence or mandatory suspension from elective charges that are provided by the norms at stake, it is not necessary to 'impose a sanction that changes according to the different gravity of the crimes, but rather it is necessary to assess a lack of an essential requirement to keep the public elective mandate' [...], within the power to establish eligibility requirements with which art. 51, para. 1, Italian Constitution vests the legislator'.

It is clear that, outside the scope of application of art. 25, para. 2 of the Italian Constitution, 'laws can act retroactively, respecting several limits that this Court established and deal with the safeguard of fundamental values of the society, which protect the addressees of the provision at stake as well as the legal system itself'. In this way, the immediate application of new preclusions to those who were elected before it entered into force, 'is a reasonable answer to the need that the legislation itself tends to accommodate. In cases of evident unlawfulness in the public administration, it is reasonable that a (non-definitive) conviction for some crimes (in this regard, crimes against the public administration) implies the need to temporarily suspend the person convicted from their duty, in order to avoid that the administration is 'biased' and to guarantee the credibility of the administration before the public'.

6 See Constitutional Court, judgments nos. 407/1992, 197/1993, 288/1993, 118/1994, 295/1994, 132/2001, 25/2002, 352/2008, 118/2013.

7 See Constitutional Court Judgments nos. 236/2015, 276/2016, 214/2017.

As a matter of fact, also the idea, which is particularly widespread among scholars, that this measure is substantively ‘criminal’ in nature (in the light of the well-consolidated substantive approach adopted by the Strasbourg judge, since the well-known case of *Engel v. The Netherlands* (1976), aimed at establishing whether sanctions provided by domestic law are criminal in nature and are covered by arts. 6 and 7 of the European Convention of Human Rights), was held ill-founded by the Constitutional Court with decision no. 276/2016. The Constitutional Court concluded that ‘from the framework of guarantees enshrined in the European Convention of Human Rights, as interpreted by the European Court of Human Rights, the obligation to impose a provisional administrative measure, as suspension from elective mandate as a consequence of a non-definitive criminal conviction, do not infringe the prohibition to punish someone without a law’.

If this is the situation with regard to how this measure is legally framed, there are still some difficulties (and in particular) with regard to the prohibition to stand for parliamentary elections.

On the one hand, remedies against exclusion orders adopted by electoral offices appear quite limited. Such orders can be appealed before the National Central Office, but it is not possible to apply anticipatory measures that candidates to other elective mandates can enjoy. On the other hand, when preclusions arise after lists are presented or before proclamation, their existence would be assessed by the Chamber to which the person belongs when elections are verified or even afterwards, respecting what is provided by art. 66 of the Italian Constitution. There is a risk (which has already materialized⁸) that such procedure undermines ‘the interest of the Parliament to guarantee the presence of components who respect the requirements to participate in the parliamentary assembly, among which the absence of criminal convictions’.

7. Prevention of corruption and improvement of efficiency in public administration

In attempting to evaluate all the initiatives adopted in Italy against corruption in recent times, we must assume that, almost 30 years after the start of ‘*Mani Pulite*’, something has surely changed in the country. However, some new large-scale in-

8 See, in particular, the Senate resolution (morning session no. 787 of 16 March 2017, available at <http://www.senato.it/service/PDF/PDFServer/BGT/1009219.pdf>), that did not approve the forfeiture due to ineligibility proposed by the Council of elections and parliamentary immunity for Senator Minzolini, already definitively sentenced for the crime of embezzlement following the sentence of two years and six months of imprisonment and the measure of temporary interdiction from public offices for a period of the same duration.

vestigations show that corruption is still widespread and also the political system remains vulnerable to it⁹.

For this reason, more intense efforts have been made, trying to achieve a better balance between repression and prevention, strengthening the role of the Anti-Corruption Authority (public procurement remains one of the areas most infested with corruption, even if more transparency was introduced) and enacting more severe criminal provisions.

It is probably too early to tell if these measures will bear fruit and have full implementation; it is also true that prevention takes much longer to produce an impact, although it is an indispensable complement to the repression.

The *Corte dei Conti* has stressed¹⁰ its major effort for combating corruption and developing its fundamental function of prevention, aimed at driving public administrations in the proper and responsible use of public resources. The institution's role is particularly strategic with regard to its relationship with territorial authorities and local administrations, to which it provides an independent advice that promotes a culture of efficiency and sound financial management.

The accounting judge has highlighted the urgent need to complete the framework of preventive measures against corruption, simplify the rules, reduce hyper-legislation and support the digitalization of administrative procedures (even if this entails the need to reach new balances between the principle of transparency and that of protection of privacy and personal data, also in light of the new European regulation in this area), in a country where rules on conflict of interest and on lobbying have still not been approved.

Finally, it is worth remembering that the Anti-Corruption Authority has recently published its report¹¹ on the corruption in Italy in 2016-2019 (ANAC, 2019), based on the measures taken by the judicial authority in the last three years.

Between August 2016 and August 2019, 117 ordinances of preventive detention for corruption have been issued by the judicial authority; 152 cases of corruption

9 We can remember i.e., from the second half of the 1990s, the inquiries on the 'MOSE' project, the flood-barrier system in Venice, on the Expo in Milan, and on 'Mafia Capitale' in Rome.

10 See the speech of the President of the *Corte dei Conti* at the opening of the judicial year 2019, February 15, 2019, available at <https://www.corteconti.it/Download?id=c224ac02-6fb9-4bde-b5d2-404bb7a73390>

11 In October 2019, the president of ANAC, presenting this report to the foreign press, said that national corruption has changed its nature, becoming 'pulviscolare' and slippery, with the frequent dematerialization of bribes. Those last ones are no more only economic compensations, becoming, for example, hiring of relatives, meals, overnight stays, different kinds of benefits (and even sexual services). Their modest value is also indicative of how easily the civil service is 'sold'. The economic counterpart remains instead dominant in the ever wider and labyrinthine world of international corruption.

have emerged, practically in all regions but especially in Sicily, Latium, Campania, Apulia, and Calabria.

74% of the cases of corruption affected the field of public procurement, while 26% were related to different areas (competition procedures, administrative procedures, building permits, corruption in relation to judicial acts, etc.).

The strong engagements of the judiciary could be considered as the evidence of a curious paradox concerning Italy's negative ranking in the Corruption Perception Index (CPI): the more you fight corruption, on the repressive plan, the more you probably increase the citizens' perception of living in a country affected by a high level of corruption.

The CPI is not an objective indicator indeed and it should be differently conceived; it is based on the 'perception' and not on the measurement of real existing corruption (Tartaglia Polcini, 2018, p. 4). Nevertheless, the common use and reference to this marker has unfortunately huge consequences on the national economy, as it discourages investments and innovations, but, more importantly, it weakens citizen's trust toward institutions, which is the most essential and indispensable element to ensure cultural, social and economic development of a country.

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THE ROLE OF EDUCATION AND PROFESSIONAL TRAINING IN LOCAL DEVELOPMENT. HISTORICAL LESSONS AND CONTEMPORARY EVIDENCE

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Abstract

Education and vocational training are some of the pillars of local development, considering that human resources are one of the most important categories of resources, both in the public and private sectors. The strategies of the European Union in this regard encourage the promotion of equity, social cohesion and the implementation of programs that encourage lifelong learning. A healthy and sustainable social framework considers the material well-being, but also the educational well-being of the citizens, proposing in this sense an increase of the literacy rate at the country level, at the same time with the increase of the percentage of the graduates of higher studies.

The National Strategy for Sustainable Development Romania 2030 ensures a quality education and also the promotion of the opportunities in order to prepare the new generations for the challenges of the future, by developing a constructive thinking that will lead to a sustainable economic and social progress.

Keywords: education, training, development, national strategy, society.

1. Introduction: The role of education for sustainable development

Education has various valences among which the most important are its role in the economic development (a well-trained workforce may lead to economic prosperity), its social role (through social education we learn about equal opportunities), the cultural role (being important in preserving and sharing our traditions and national identity to future generations), and last but not least its role in our personal development (each person evolving according to his/her own potential guided by the principle of lifelong learning). Thus, the National Strategy for Sustainable Development in Romania states that schools can be efficient only if they are in permanent connection and relation with children, family, community and society, underlining once again the main values of education: flexibility, trust, equity, solidarity, effectiveness and autonomy¹.

Education for Sustainable Development, as defined by UNESCO in 2014, 'allows every human being to acquire knowledge, skills, attitudes and values necessary to create a sustainable future'. This idea is based on that proposed in 1987 by the World Commission on Environment and Development United Nations (the Brundtland Commission).

The strategy for Education for Sustainable Development has been adopted in Romania in 2005 (the summit in Vilnius). In 2015 Romania adopted the Agenda for Sustainable Development 2030 which had 17 objectives, education quality being the fourth objective, and in 2016 in Batumi it was discussed the necessity to implement education for sustainable development to achieve these goals (Ministerul Educației și Cercetării, undated).

2. The importance of education for the development of society

Murga-Menoyo (2009) argues that 'education is a valuable process in itself'. The importance of developing the educational system for the overall progress of a community cannot be denied, public policies in this area being essential. The progress at the society level imperatively implies paying special attention to the education chapter, transforming it into a strategic priority at the macroeconomic level.

Moreover, vocational education and training are some of the main points on the Europe 2020 agenda, together with a series of indicators necessary to be achieved, as strategic targets. Analyzing the Europe 2020 Strategy, we identify as main objectives of the above mentioned field: (a) increasing the employment rate of the

1 For further details please visit <https://www.edu.ro/sites/default/files/Educatia%20ne%20uneste%20%20Viziune%20asupra%20viitorului%20educatiei%20in%20România.pdf>, pp. 2-3

population segment between 20-64 years old at a minimum of 75%; (b) increasing the allocation of GDP for research and development to 3%; (c) reduction of school dropout up to 10%; and (d) increasing the number of graduates of higher studies to at least 40%.

Other strategic objectives found on the European agenda aim to increase the participation rate of adults in life-long-learning programs, increasing the literacy rate of the population, improving the skills of children and teenagers in the literary and exact sciences, introducing compulsory education, preschool education, increasing the employability rate of young graduates up to 34 years old from 76.5% to at least 82%.

The literature states that 'education has a strong impact on economic development' (Popescu and Diaconu, 2009); higher education institutions, on the other hand, 'commonly play a role in community development' (Thompson, 2014). The arguments for the previous statements are the following: 'human capital is an input into the production function; the factors that involve the endogenous growth – especially the technological progress are correlated to the human capital stock' (Popescu and Diaconu, 2009).

Although a topic very debated in the media and in the political field, the measures to improve the present educational system are not yet effective to align Romania at the level of the Western states, imposing not only greater financial allocations, but also important changes in mentality, oriented towards progress and increase of the quality of the entire educational process.

'No country has achieved constant economic development without considerable investment in human capital' (Ozturk, 2001). However, most of the times, the statistics show us a lower level of involvement from this point of view, both in the case of the states with low financial possibilities, and in regions characterized by poor development. These statistics are based on the official data provided by the World Bank and Eurostat.

Regarding Romania, the latest data available correspond to the period between 2000 and 2016, the government spending reaching to a maximum of 4.3% of GDP in 2006, the minimum limit being 2.9% in 2000.

The target from this point of view is 6% of GDP allocation for education, but so far, as can be seen from Figure 1, this goal has never been achieved. A greater investment in education would surely lead to better long-term results, also determining, from a professional point of view, a correction of the discrepancies between what already is and what should be achieved in the future in the vocational training field.

The native abilities of the students and the awareness of their talents (Veladat, Yazdani and Navehebrahim, 2011) is not yet a central point in the school, and a personalized educational route specific to each individual is difficult to achieve. In the secondary, high school or higher education career counseling services are limited,

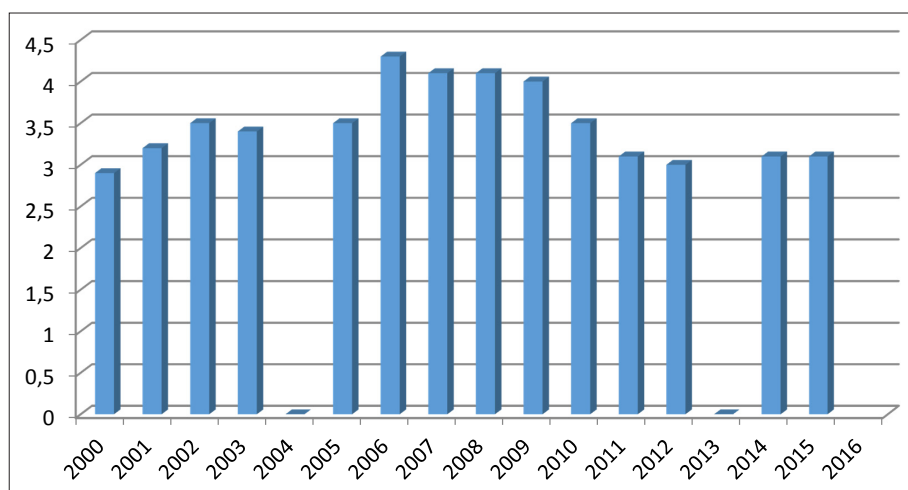


Figure 1: Government expenditure on education (% GDP)

Source: World Bank and Eurostat

and the impact is small, the effects being felt later in the professional career, when many graduates of higher education wish in time to make a professional retraining or re-orientation (Ishola, Adeleye and Tanimola, 2018), instead of specializing in the initial field of training. Moreover, the relationships between students and teachers are often not able to encourage academic development, being limited to a very formal approach, which does not generate a sense of belonging to the group or community.

According to Eurostat, the current literacy level of the population in Romania is 99%, a level similar to that recorded throughout Europe, the data presented by Eurostat indicating that Romania has the lowest percentage allocated to the national budget for education, ‘almost two times lower than the European average’. Further on, it is important to mention that the European average is 10.5% in the case of people who have attended a form of education or vocational training in the last four months, while in the case of Romania, this percentage is only 1.1%, according to official statistics, the professional training becoming rather a task or an individual concern of the employee and less of the employer, very few institutions or companies offering specialized programs for employees.

In order to adapt the education system to the needs of society and to make a significant contribution to local development, a series of official documents designed to draw concrete directions of action in this regard have been elaborated, namely: National Lifelong Learning Strategy 2015-2020; Strategy for Reducing Early School Leaving 2015-2020; Strategy for Education and Vocational Training in Romania for the period 2016-2020; and National Strategy for Tertiary Education 2015-2020.

Meanwhile, great attention was paid to digital skills, for a better integration in the labor market, and the universities were encouraged to set up Students Entre-

preneurial Society, in order to develop among the students the spirit of competition and entrepreneurial initiatives, focusing on the practical side of learning and promoting an entrepreneurial culture meant to encourage partnerships between the business environment and the university one. These aspects are to be further developed with respect to the horizon 2030, by promoting diversity and inclusion, at the same time with equal opportunities and more active involvement of local authorities in the process of lifelong learning.

According to Order no. 5090 from August 30, 2019, issued by the Ministry of National Education, 'to substantiate the project of the schooling plan, within the geographical criterion' it is necessary to follow: '1. the promotion of dynamic measures for the access to education of all children and students, allowing the equitable coverage of all areas both in the urban and rural areas, with vocational training offer throughout vocational and technical education; 2. the development of professional qualifications that capitalize on the local tradition and the potential of socio-economic development, correlated with the possibilities of socio-professional insertion'.

These aspects would concern, at least tangentially, the elimination or diminution of some imbalances present on the labor market, underlining on the one hand, the lack of specialists in certain fields of activity, as well as the over qualification of specialists in other fields, the labor force not being yet used efficiently, the results being often insufficient to generate economic and social progress for local development.

Further on beyond these specific aspects we must not neglect the economic and social implications of reforms in the educational field. Macroeconomic progress is certainly closely linked to measurable results. The implications of social nature will thus include changes in the labor market, from the point of view of the qualifications of the labor force, on the one hand, as well as from the perspective of the indicators of the nature of the unemployment rate, the employability, even of the level of individual development of the personnel on the other hand. The 2019 European Commission reports, while appreciating the progress made with regard to the previous recommendations that had been formulated to Romania by the European Union, nevertheless qualify them as 'limited', especially since most of the measures taken have overlapped with difficult periods of time from the macroeconomic point of view, which resulted in the slowing or even stopping from obtaining 'concrete results in the implementation of the reforms' (2019 Country Report on Romania, European Commission).

The European Commission qualifies the fiscal – budgetary policy applied in the case of Romania as an 'expansionist' one, having as consequences significant deviations from the targets necessary to be reached, while mentioning the insufficient access of the population to quality education, noting an increased level of school dropout in some underdeveloped regions of the country, or in disadvantaged communities.

In these situations, the objective of ensuring equal opportunities for all students becomes intangible, adapting the education system to the needs of the labor market becoming much more difficult.

3. Case study. An analysis of the education context in Romania for the period 2000-2018

3.1. *Research methodology*

The case study aims to establish the connection between the importance of education and the level of economic development of a country or region. In this regard, a primary analysis of the statistical data on a series of representative indicators for the education field was carried out, the analyzed period being 2000-2018. Based on the conclusions obtained from the content analysis of the specialized reports, it was proposed the testing of the intensity of the connections between the two aspects mentioned above.

The specific objectives of the research consisted of:

- OS1 – analysis of the quantitative indicators regarding the educational field in Romania, between 2000 and 2018;
- OS2 – data analysis of the total number of graduates by education levels and the economic and social implications of the observed trends; and
- OS3 – analysis of the correlation between the number of secondary school graduates and the Gross Domestic Product at the level of Romania for the time period 2000-2017.

3.2. *Statistical data*

A qualitative analysis regarding the current educational system is difficult to carry out taking into account several considerations, including:

- regional disparities with areas of Romania where the educational system is very poorly represented both in number of schools or teachers, as well as in the level of student performance, compared to others where the results are completely in opposition;
- the level of professional training of teachers and the evolution over the years; and
- the different perception of the pupils/students, and parents regarding the notion of education in general, perception that largely depends on the level of culture, but also on previous experiences.

The Romanian National Institute of Statistics indicates the following data regarding the quantitative evolution of the main indicators in the field of education:

Table 1: Quantitative indicators

	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009
School units	24,481	24,304	23,679	18,012	14,396	11,865	8,484	8,230	8,221
Pupils – total	3421091	3356231	3270786	3214999	3108634	2996029	2911213	2846904	2781039
Students/ trainees	533152	582221	596297	620785	650335	716464	785506	907353	891098
Higher education institution	126	126	125	122	117	107	104	106	106

	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018
School units	8,244	7,588	7,204	7,069	7,074	7,127	7,108	7,010	7,047
Pupils – total	2735424	2682489	2610022	2688590	2649040	2615722	2553861	2524399	2497768
Students/ trainees	999523	871842	705333	618157	578705	541653	535218	531586	538871
Higher education institution	108	108	108	107	103	101	99	97	95

Source: Statistical Yearbook of Romania, 2018

Unfortunately, we observe a decreasing trend in terms of the total number of school units. If at the beginning of the analyzed period (2000/2001 school year) there were 24,481 school units, in the 2017/2018 academic year, their number decreased to 7,047. This may be due to a whole set of factors, among which the most significant are the drop in birth rate, the decrease of population in general, and external migration, which led in time to a reduction of the number of classes and also to the abolition of some educational units, especially in the rural or less developed areas of Romania, where the small number of students is not enough to form a class, and often the students end up traveling for miles every day to complete their education.

A significant decrease can be noticed especially between 2000 and 2007, reaching from over 24,000 school units to just over 8,000. The same situation can be observed in the case of higher education institutions, their total number decreasing from 126 in 2000/2001 to 95 at the end of the analyzed period. This is in contradiction with one of the items on the agenda of the Europe 2020 Strategy, namely the increase in the number of graduates of higher studies, a fact also reflected by the total number of students, where we observe a fluctuation. The peak year is represented by the period 2009/2010, the lower number of students being enrolled in the academic year 2016/2017 – 531,586 people.

The above data can also be represented as follows:

Simultaneous with the general – negative evolution of the number of school units, of the total number of pupils/students, and of higher education institutions, a breakdown can be made by education levels. Thus, in the case of secondary education, the total number of graduates between 2000 and 2018 decreased by more than 40%. Regarding high school education, on the other hand, the number of graduates, although lower at the end of the analyzed period, does not mark a percentage reduction as great as it was expected, and the approximation of the total number of high school graduates to the total number of secondary school graduates indicates the desire for continuing their studies.

Promoting a quality education and lifelong learning opportunities is one of the main points set out in the National Strategy for Sustainable Development of Romania 2030, which indicates a concern for strengthening this aspect, for a sustainable and future development. However, it cannot be ignored that at present there are still many shortcomings that need to be fixed, some of which can be found in the statistical table represented by the specialized institutions, while others are simply seen as negative effects or consequences in the long term.

A weakness of the Romanian educational system is represented by the fact that the number of graduates of vocational schools are dropping year by year. The year with the highest number of graduates in this respect was 2005 with 152,875, while the period 2011-2016 registered the largest decrease. In 2012, the total number of graduates of vocational education and apprentices was only 4,570, their absence being felt in specific domains.

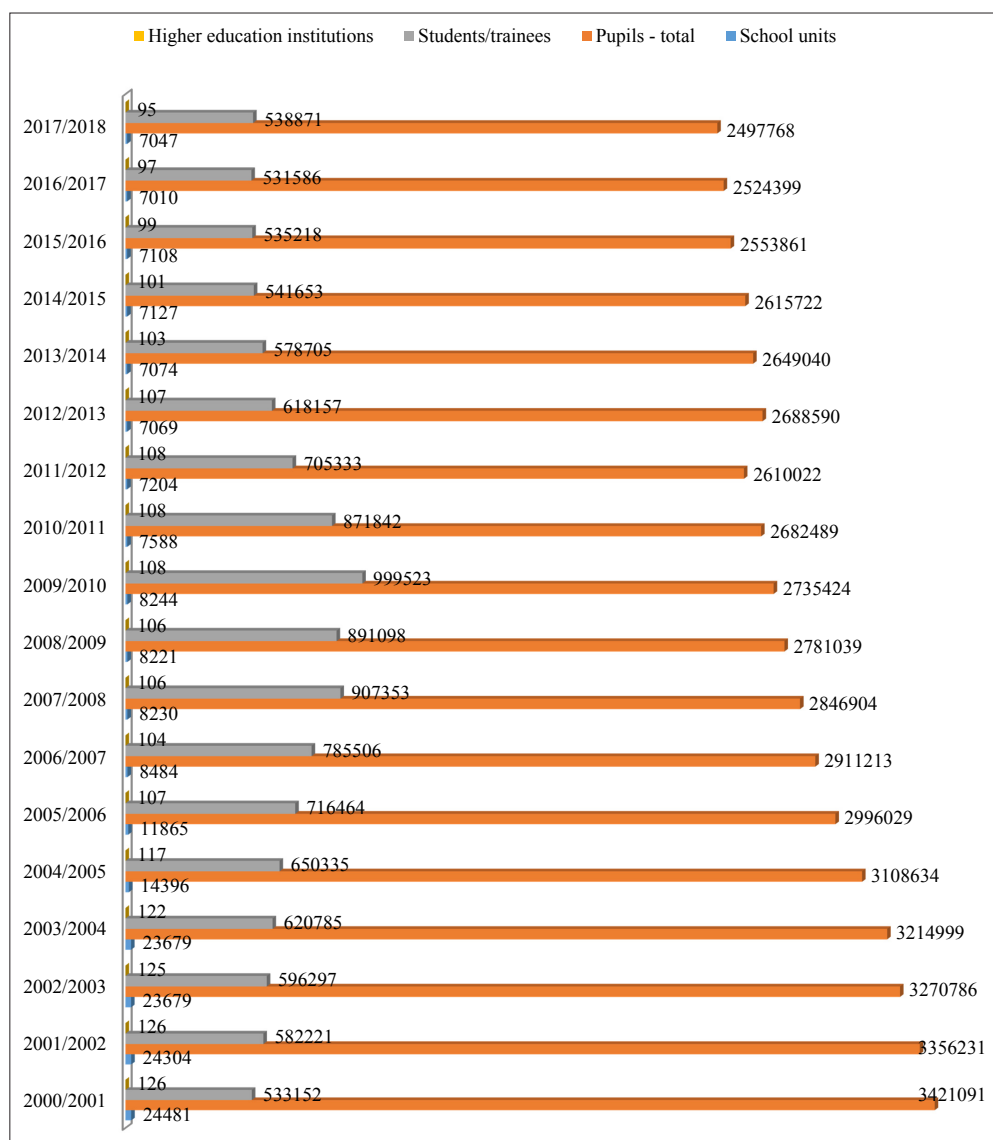


Figure 2: Selected educational indicators

Source: Statistical Yearbook of Romania, 2018

Of the high school graduates, the highest weight is held by the graduates of theoretical high schools, the economic and administrative high schools scoring a significant percentage. In the last decade, however, we notice a greater percentage reduction in the number of graduates of military high schools, forest high schools, theological seminars, agromontane or agricultural high schools.

However this is not an accidental phenomenon; on the one hand this decrease being caused by the lack of jobs, a large number of factories being bankrupt during

Table 2: Graduates by level of education

	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009
Secondary education	301695	310823	307551	296777	265179	231842	219507	207798	204018
High school education	161106	147650	173584	172371	177576	185255	187576	218205	202113
Vocational and apprenticeship education	78669	67993	83294	77762	152875	150187	133829	113084	100901
Undergraduate studies	76230	93467	103402	110533	108475	112244	125499	232885	214826
	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018
Secondary education	198981	229609	184599	182750	184046	186788	179703	171387	-
High school education	204863	202160	187521	200004	172613	189855	152741	153590	-
Vocational and apprenticeship education	89805	34733	4570	5643	11915	11605	10523	19423	-
Undergraduate studies	191291	-	-	-	-	-	-	-	-

Source: Statistical Yearbook of Romania, 2018

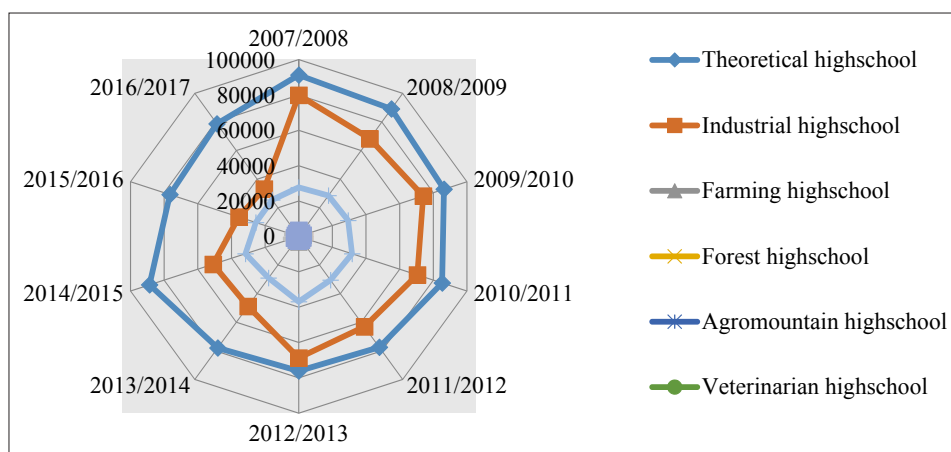


Figure 3: High school graduates

Source: Statistical Yearbook of Romania, 2018

the post-revolution period, and on the other hand, the desire for a better future urged the students to the theoretical high schools instead of the vocational ones, thus increasing the tendency of continuity through the university studies.

Although lately, as a result of the development of services, there was a reduction of the industry importance both in Gross Domestic Product (GDP) and in the total number of employees or in the volume of investments (Anghelache and Burea, 2018, p. 110), in the recent years could be seen an evolution of this branch, this having a significant influence in the increase of the sustainable development.

3.3. Analysis of the correlation between the number of secondary school graduates and GDP

In order to analyze the connection between the dimensions of secondary education and the economic growth in Romania, we selected the number of high school graduates and the Gross Domestic Product, for the time period 2001-2017. The data were taken from the official reports of the National Institute of Statistics, Eurostat and the World Bank. This information was entered into the EViews program and processed, using the following regression equation, to analyze the relationship between the two factors:

$$Y = \alpha + \beta * X + \varepsilon \quad (1)$$

Replacing the parameters of the above equation with the factors considered relevant to us, the calculation relation becomes:

$$GDP = \alpha + \beta * nGrad + \varepsilon \quad (2)$$

The parameter α represents the value taken by the resultant variable Y (GDP), when the factorial variable X (nGrad) has the value zero and may have greater or less relevance depending on the case. The coefficient β represents the regression coefficient, so the value with which the resultant variable Y (GDP) changes when the factorial variable X (nGrad) changes with a unit, its sign determining the level of interdependence between the resultant variable and the factorial variable. For the analysis of the connection between the two variables, the results of the statistical tests Student, Fisher and Durbin Watson were used, the table below presenting the values obtained in the program. For the evolution of the Gross Domestic Product, we took into consideration the data from the following graph, the values being expressed in billions of dollars.

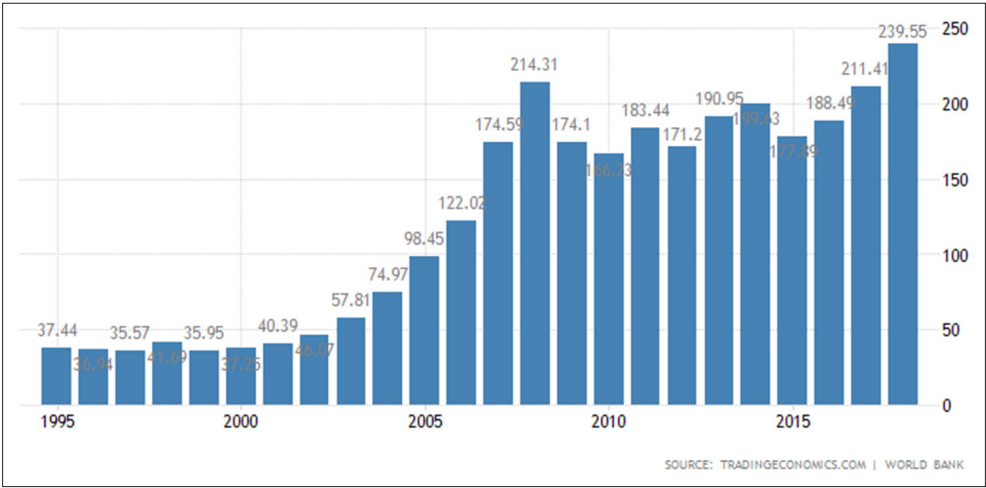


Figure 4: Gross Domestic Product of Romania

Source: World Bank, 2019

Parameter C(1) represents the value taken by the resultant variable GDP when the factorial variables have a null value and may have relevance in the model or not, depending on the specific analyzed case. Parameter C(2) is called the regression coefficient and represents the slope of the regression line, that is the value with which the resultant variable GDP changes when the factorial variables change with a unit.

In the case of the present model, the value of parameter C(2) is positive and higher than a unit, although it is very little above the null value. It shows, however, that the influence of the factor variable nGrad on the outcome variable GDP is direct, albeit with very little influence. The value of the R-squared correlation coefficient, resulting from the data sample processing, is 0.221200, indicating a direct but weak influence of the factorial variables on the studied outcome variable. If

Table 3: Regression analysis output

Dependent Variable: GDP
 Method: Least Squares
 Date: 01/18/20 Time: 20:48
 Sample: 2001 2017
 Included observations: 17
 GDP=C(1)+C(2)*nGrad

	Coefficient	Std. Error	t-Statistic	Prob.
C(1)	-104.3739	122.3171	-0.853306	0.4069
C(2)	0.001381	0.000669	2.064075	0.0568
R-squared	0.221200	Mean dependent var		146.6147
Adjusted R-squared	0.169280	S.D. dependent var		59.88708
S.E. of regression	54.58338	Akaike info criterion		10.94747
Sum squared resid	44690.17	Schwarz criterion		11.04549
Log likelihood	-91.05347	Hannan-Quinn criter.		10.95721
F-statistic	4.260405	Durbin-Watson stat		0.312311
Prob(F-statistic)	0.056755			

Source: The authors

$R^2=0.221200$, we conclude that the variable nGrad influences the evolution of GDP in a proportion of approximately 22.12%.

In order to be able to declare the obtained results as relevant to our study, the regression model is required to meet some specific characteristics, including: a high level of R-squared correlation coefficient, a normal distribution of residual values and a high level of significance of the independent variables, relevant from this point of view being the T test. From the above conclusions, we observe that at least one of these conditions is not met, the R-squared coefficient having no major influence.

Statistical verification of the one-factor regression model was performed based on the Durbin-Watson and Fisher statistical tests.

Statistical verification based on the Durbin-Watson test showed that, based on the statistical tables related to the DW test, depending on the processed data sample, its theoretical values are: lower limit 1.13 and upper limit 1.38. The value calculated in EViews for this test is 0.31, being a lower value than the two theoretical limits, indicating that the hypothesis of random variables autocorrelation is accepted, the values of random variables are dependent on each other, which implies that even the data recordings in the samples were dependent, thus the studied model requires statistical corrections.

Statistical verification based on the Fisher test showed that, according to the obtained result in EViews, the calculated value of this test is 4.26. The critical value

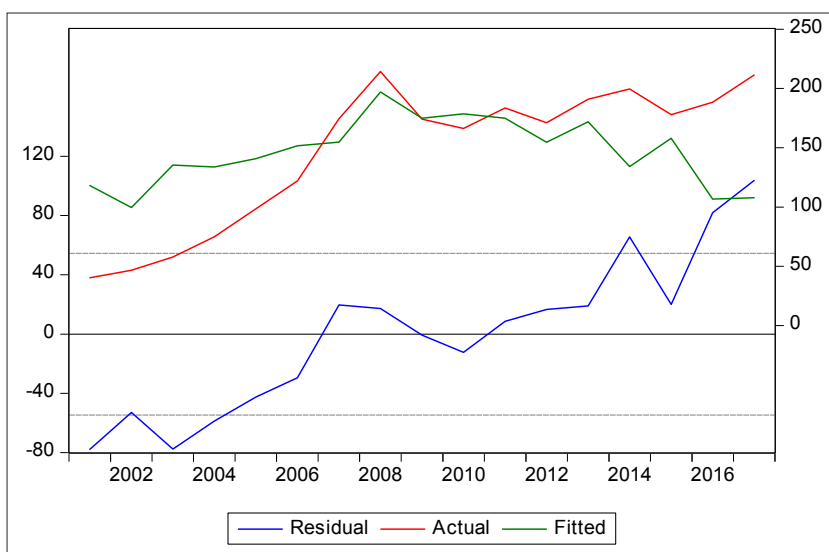


Figure 5: The graph of theoretical values

Source: The authors

of the Fisher test, from the Fisher-Snedecor distribution table, in relation to the processed data sample, depending on the significance level α and the number of degrees of freedom, is 4.49. The calculated value obtained from the data processing in the Eviews program is lower than the critical table value, indicating that the null hypothesis is accepted, with 0.95% probability and the model must be reconsidered, choosing another influence factor.

4. Conclusions

In addition to the above conclusions, regarding the significance of the obtained results after the application of the statistical tests, we can mention the following:

- The level of representativeness of the data is a moderate one, which indicates that the number of high school graduates, considered as the only factor influencing the economic development of a region, is not sufficient.
- This first conclusion reinforces the idea that the theoretical profiles are to be complemented by the vocational ones, for a more significant development in the region.
- It is also essential to underline the role of tertiary education, the graduates of higher studies not being considered in the present study, their role being however a basic one, as we concluded in other previous articles. We refer here to a previous study (Demyen and Martin, 2019), which analyzes the intensity of the connection between the total number of new doctoral graduates and the Gross Domestic Product of the country.

The level of development of a region or even of a country is closely correlated with the level of human resource training. A motivated workforce with advanced knowledge in specific areas can in time determine a significant progress that has a greater or lesser impact, depending on the economic and administrative situation in which it occurs, or the changes in the political and legislative environment.

We can consider the present study as a starting point of a much larger research, that aims to address, among other things, the above-mentioned issues, thus having a great potential for continuity.

One of the topical issues that is closely linked to the red thread of this article is the theme of the dropout, both at the secondary and high school level, as well as at the undergraduate level and the influences on the community. It is interesting to further analyze the means by which schools, universities, local authorities and even the state have tried to reduce the rate of this phenomenon so far, the success rate of the strategies applied, and the directions of future action.

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BUILDING TRUST IN EUROPEAN INSTITUTIONS. ROMANIAN ONLINE NEWS MEDIA REPRESENTATIONS OF THE MAIN EU INSTITUTIONS AND CONCERNS*

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Abstract

The confidence in EU institutions is regularly measured in all the Member States of the European Union. Recent Eurostat results show that the European Parliament is the most trusted European institution, followed by the European Commission. The citizens' perception on the EU institutions needs to be understood in the context of internal factors like domestic economic and political developments, as well as media representations of European and national identities and values.

The present study aims to identify which are the most visible European institutions in the Romanian media, how the most visible European institutions are associated with major concerns (migration and refugees, terrorism, Brexit, populism and alt-right, EU foreign policy, EU economy, and data protection) and which are the major media sources used by the Romanian news media in the coverage of the EU institutions.

Keywords: EU concerns, EU institutions, media representations.

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1. Trust in European institutions

The study proposes an analysis of Romanian media representations of European institutions from 2016 to 2018. It focuses on the coverage of the main EU institutions: the European Commission, the European Council, the Council of the European Union, the European Parliament, the Committee of the Regions of the European Union, the European Central Bank, the Court of Justice of the European Union. In the EU's institutional set-up, the EU's broad political priorities are set by the European Council, which brings together national and EU-level leaders. Directly elected MEPs represent European citizens in the European Parliament and the interests of the EU as a whole are promoted by the European Commission which, even if its members are designated by national governments, is independent from all national inferences. Finally, members of national governments (ministers) defend the national interests of their home country in the Council of the European Union.

Eurostat measurements of the confidence among Romanian citizens in key EU institutions show that, in 2018, 60% of Romanians declared they tended to trust the European Parliament (the EU28 average was 48%), 55% declared they tended to trust the European Commission (the EU28 average was 43%), and 51% expressed confidence in the European Central Bank (the EU28 average was 41%) (Eurostat, 2019). According to the Eurobarometer 91 (Spring 2019) data, at national level, more than half of the Romanians (52% tend to trust the European Union, compared to those who tend not to trust the EU (41%).

Romania is thus among the EU countries with relatively high public confidence in European institutions, although the trends are decreasing. In general, Romanian's overarching positive outlook on the European Union and European institutions has been explained by a comparably lower lack of trust in national institutions, pointing to the fact that understanding citizens' optimism as well as their skepticism towards the EU and EU institutions need to be understood in the context of internal factors like domestic economic and political developments, as well as representations of European and national identities and values (Chiciudean and Corbu, 2015).

2. Media coverage of the European institutions and concerns

News about the European Union (EU) present a different outlook in different countries at different points in time. The concept of a European 'public sphere' builds on the notion of convergence of how the EU is dealt with in the news across Europe, for instance the presence of EU institutions and actors in the news (Boomgaarden *et al.*, 2013, pp. 608-629), but media attention to EU affairs is cyclical, with a tendency to vanish from the public agenda shortly after major events, such as European integration, and European elections (De Vreese, 2001, p. 285).

During the past decades, two major media frames have been shown to dominate representations of the relationship between the country and the European Union: a

so-called messianic one, characteristic of the period of the country's accession, with European institutions expected to solve major domestic issues like poverty; and the marginal or peripheral position of the country, sometimes coupled with representations of EU institutions as punitive, for example in the case of the refusal to accept Romania as a member of the Schengen area (Bârgăoanu, 2011).

From the point of view of the EU institutions' success, or rather lack of success in sharing information about and drawing attention upon their work, this has long been discussed in terms of a 'communication deficit', linked in its turn to a perceived democratic deficit (Martins, Lecheler and De Vreese, 2012). This deficit has in turn been linked to both communication practices of the EU institutions and actors (Krzyżanowski, 2018), as well as to the fact that 'they are in strong competition with national governments that are not willing to relinquish their predominant role in EU communication' (Pfetsch and Heft, 2015, p. 41).

Studying the visibility of EU actors and institutions in national news media contributes to understanding the development of a European public sphere or the Europeanization of national ones. Research into representations of the European Union in the Romanian public sphere has previously showed that when issues of concerns arise, as was the case of the 2008 economic crisis, collective actors are generally held responsible, and, apart from the political class and Member States, European institutions are seen as accountable (Bârgăoanu and Durach, 2013, p. 12).

Apart from investigating the visibility of the main actors, there are a series of recurrent topics identified in various national cases that have defined the media representation of the EU and the sense of crises around it. These have been recently inventoried as 'the euro; Greece; Ukraine; terrorism/internal security; migration/refugees; Schengen; Brexit; export crisis; the fragility of the German banks; the rise of anti-establishment and populist movements' (Bârgăoanu, Buturoiu and Radu, 2017, p. 7).

Knowing that public trust is partially determined by individual experience and partially shaped by public and media discourses, the current research focuses on identifying discursive patterns in the way Romanian media coverage connects European institutions with a set of European and global concerns (migration and refugees, Brexit, populism and alt-right, EU foreign policy, EU economy, and data protection) identified by EU officials (see Bildt, 2017).

3. Research questions

RQ1: Which are the sources used by the Romanian news media in the coverage of the EU institutions?

RQ2: Which European institutions are prominent in the sampled Romanian news media?

RQ3: How are the major European concerns connected with the European institutions in the sampled Romanian news media coverage?

RQ4: How are Romania and Romanians connected to the EU institutions in the sampled Romanian news media coverage?

4. Methodology

Data was collected automatically through Web scraping of the public archives of the two websites (*digi24.ro* and *adevarul.ro*) using Web Scraper (webscraper.io) Chrome browser extension. Web scraping is a process through which HTML/CSS selection templates are used to extract content elements that display similar characteristics in dynamic Web pages such as the ones generated by the Web content management systems used to publish news websites. For the purposes of this research, for each news article web page, the extracted elements were: title, full text, category, date, author and keywords. Archive pages for the international/foreign news sections of the two websites were scraped for the 2016-2018 range.

The dataset consists of 21,591 news articles published in the international/foreign news section of *digi24.ro* news site and 18,032 news articles published in the international/foreign news section of *adevarul.ro* from January 1, 2016 to December 31, 2018.

Mixed methods were used to achieve the proposed goals. A semi-automated content analysis was performed on *digi24.ro* and *adevarul.ro* datasets. The quantitative analysis was used to reveal through coding which were the most visible European institutions and the most prominent European concerns, starting from a list proposed by prominent European officials (migration and refugees, Brexit, populism, EU foreign policy, EU economy, and data protection).

In order to identify the sources of the coverage, we created a subcorpus of sentences using terms customarily employed by Romanian news media to index sources (e.g. reports, transmits). We then employed named entity recognition using Wordstat to identify named entities in the corpus, and manually examined these, creating a list of 151 news outlets that occurred at least three times in the whole foreign news corpus. We then coded the presence of these in the subcorpus referencing EU institutions using computer-assisted, dictionary-based content analysis.

5. Data analysis and discussion

The sources that define the Romanian news media coverage of European institutions are the major news agencies, AFP, Reuters and The Associated Press, as well as a Romanian news agency, news.ro. Anglo-Saxon media also has a significant presence, with the BBC, The Guardian and Politico figuring prominently among the

news sources. 67% of all articles indexed another news outlet as a source, reflecting the fact that with regard to European institutions, news is framed as foreign news, and are covered with reference to other news sources. Thus, the level of intermedia agenda setting can also be expected to be quite high. Table 1 presents the prominence of the news sources present in at least 1% of the coverage.

Table 1: Sources of the news coverage of EU institutions (article frequencies and percentages)

	Documents	Percentage
AFP	423	24.79
Reuters	340	19.93
news.ro	169	9.91
BBC	84	4.92
Politico	73	4.28
The Associated Press	54	3.17
The Guardian	49	2.87
DPA	47	2.75
Bloomberg	38	2.23
The Financial Times	35	2.05
EFE	28	1.64
Deutsche Welle	26	1.52
Le Monde	26	1.52
Bild	25	1.47
EU Observer	23	1.35
PAP	22	1.29
Spiegel	21	1.23
Euronews	19	1.11
Le Figaro	19	1.11
MTI	18	1.06
Sky News	18	1.06

With regard to associations between sources and themes, we note that, as can be expected, the largest news sources cover all the major themes examined, while national news sources are referenced with regard to locally salient topics, like the Hungarian national news agency, MTI with regard to migration and refugees. British media, a traditionally important source of Romanian foreign news coverage, is also predominantly referenced with regard to Brexit. Figure 1 below presents the weight of topics by news sources cited in form of a heatmap.

Code System	Brexit	EU foreign policy	European economy	Migration and refugees	Populism / Alt right	Terrorism
Sources\AFP	124	68	51	48	49	56
Sources\BBC	42	13	8	11	7	14
Sources\Bild	10	1	4	4	7	5
Sources\Bloomberg	14	5	4	3	6	4
Sources\Deutsche W..	3	5	1	2	4	4
Sources\DPA	9	11	5	12	6	6
Sources\EFE	5	4	2	5	2	6
Sources\EU Observer	4	3	3	4	1	1
Sources\Euronews	2	1	0	2	0	1
Sources\Le Figaro	5	4	1	4	1	6
Sources\Le Monde	12	6	6	1	7	4
Sources\MTI	2	2	1	6	2	0
Sources\news.ro	44	25	16	21	13	29
Sources\PAP	1	0	0	0	1	0
Sources\Politico	16	13	9	9	15	3
Sources\Reuters	76	46	38	51	30	30
Sources\Sky News	10	4	1	1	0	6
Sources\Spiegel	4	5	1	7	1	3
Sources\The Associa..	9	15	2	9	7	13
Sources\The Financi..	13	3	4	3	2	1
Sources\The Guardi..	28	8	5	7	4	5

Figure 1: Themes and sources of the news coverage of EU institutions (frequencies)

There is a similar pattern for the coverage of the key European institutions in both news sites. The most prominent institution is the European Commission and the highest frequency of its mentions is partly due to the both intensive and extensive negotiations for Brexit (on May 22, 2017, the General Affairs Council nominated the Commission as the EU negotiator for Brexit). The articles mentioning the European Parliament focus on debates related to the main political groups of the European Parliament (European People's Party, Progressive Alliance of Socialists and Democrats, Party of European Socialists, Renew Europe, etc.) and the increase of people's lean toward alt-right parties in the perspective of European elections.

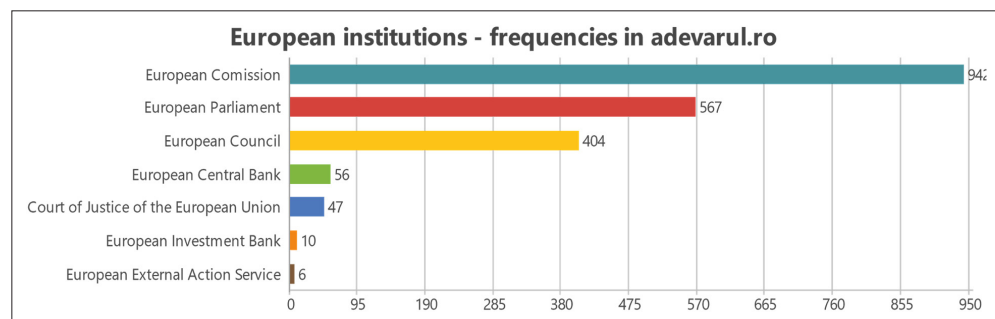


Figure 2: European institutions in the *adevarul.ro* sample (frequencies)

Despite the bigger size of the *digi24* sample, more mentions of the key European institutions are identified in the *adevarul.ro* sample, a media agenda configuration that suggests a more prominent presence of the external affairs in the discourse of *adevarul.ro*.

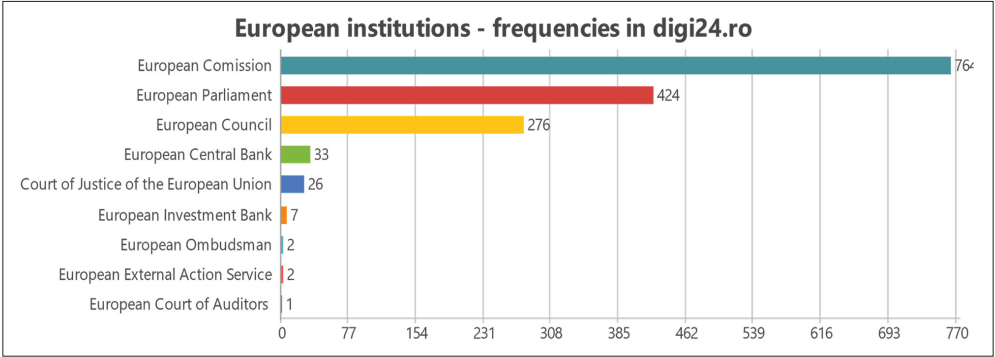


Figure 3: European institutions in the *digi24.ro* sample (frequencies)

In order to understand how specific European institutions are connected to specific European concerns, a network map of co-occurrences in the same article was constructed.

Major European concerns are connected with the European institutions in the sampled Romanian news sites. In both cases, news stories and analyses about Brexit are closely connected to the European Commission, the European Parliament and the European Council. In the *adevarul.ro* sample (Figure 4), populism and alt-right themes show ties to all key European institutions, but more revealing are the stronger ties with concerns such as migration and refugees, European economy and Brexit. In the co-occurrence charts, closer lines represent more frequent co-occurrences.

As presented in Figure 5, for the *digi24.ro* sample, terrorism displays stronger ties with migration/refugees and EU foreign policy concerns.

The co-occurrences graphs (Figure 6 and Figure 7) show two types of ties among Romania and the European institutions in both foreign news samples. In both cases, Romania is strongly connected to three institutions: the European Commission, the European Parliament and the European Council. Figure 6 – Romania and European institutions in the *adevarul.ro* sample displays loose connections with the European Central Bank, the European External Action Service, the Court of Justice of the European Union and the European Investment Bank. In addition to the institutions represented in the *adevarul.ro* sample, in the *digi24.ro* sample the European Ombudsman and the European Court of Auditors are also present, but they are connected to Romania with the same type of loose ties.

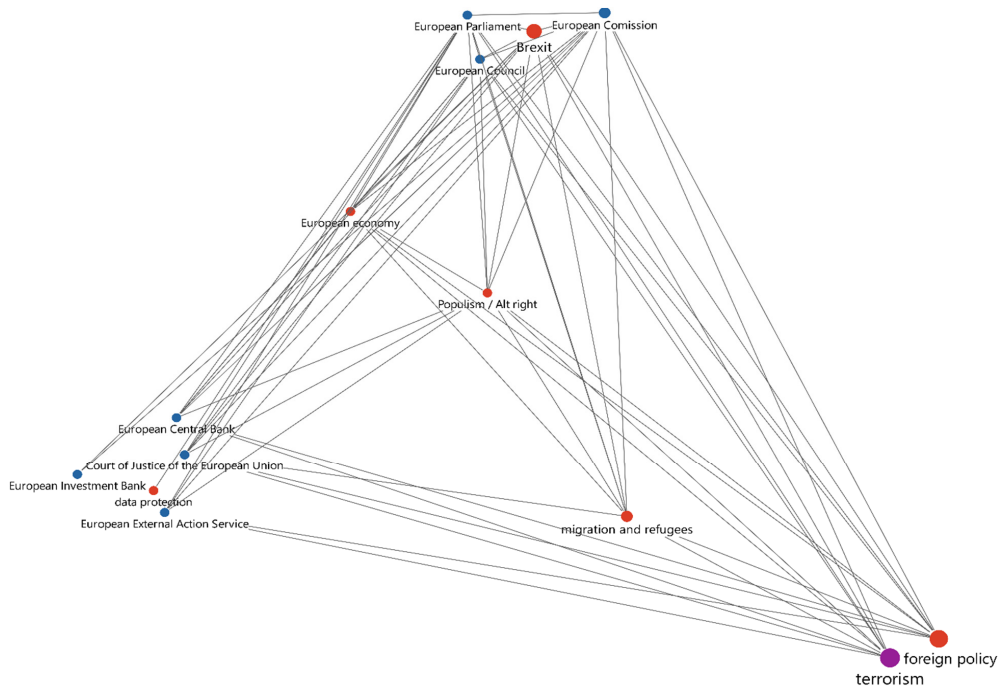


Figure 4: European institutions and European concerns in the *adevarul.ro* sample (co-occurrences)

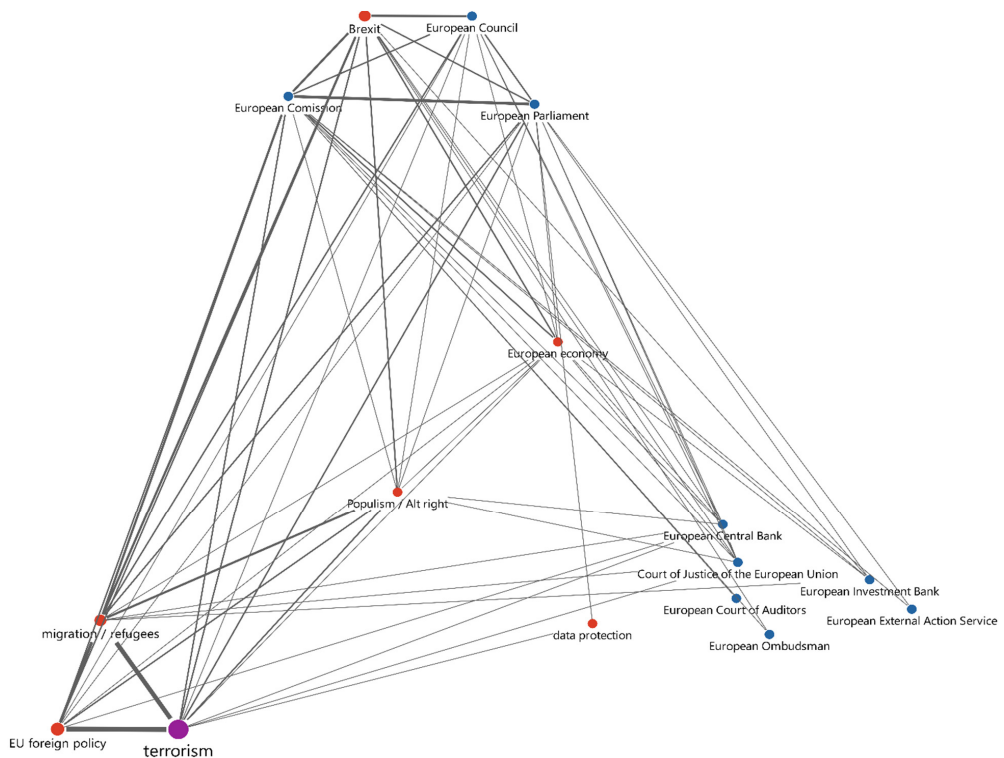


Figure 5: European institutions and European concerns in the *digi24.ro* sample (co-occurrences)

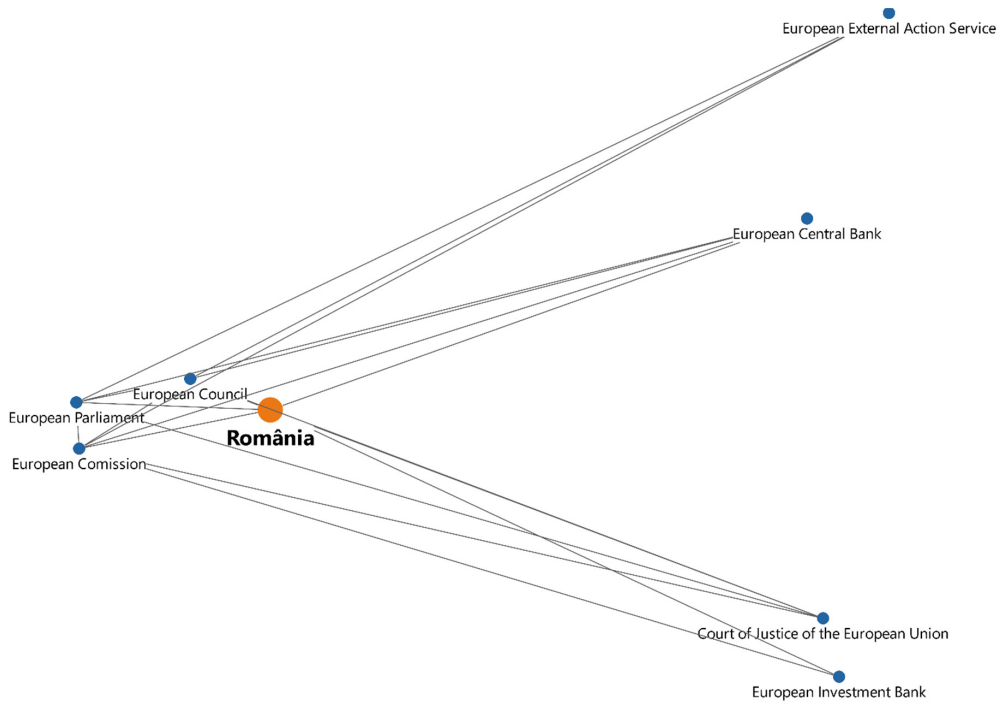


Figure 6: Romania and European institutions in *adevarul.ro* sample (co-occurrences)

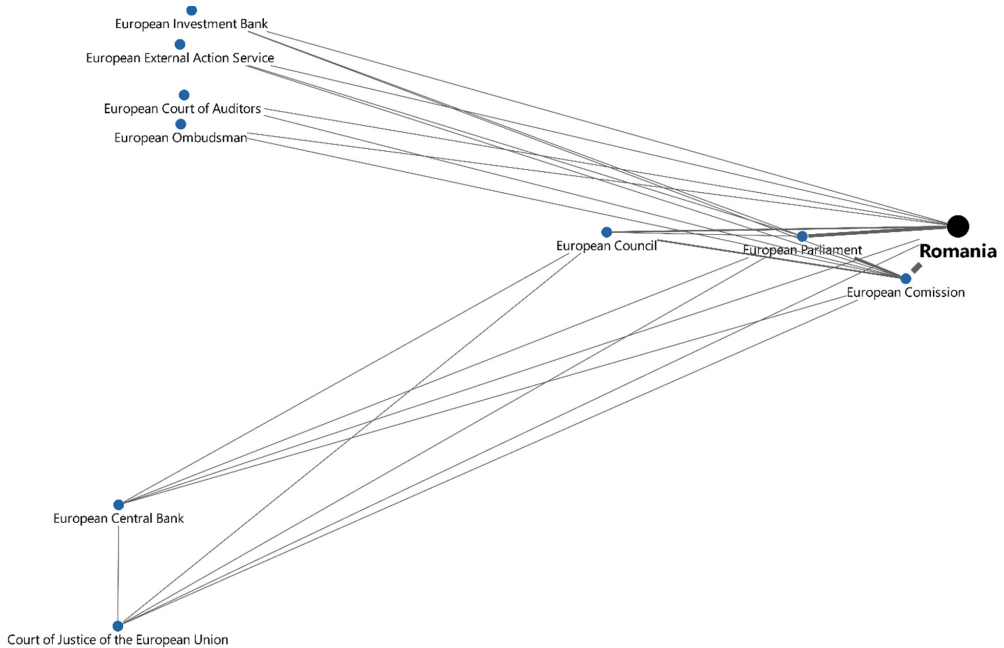


Figure 7: Romania and European institutions in the *digi24.ro* sample (co-occurrences)

6. Conclusions

In the studied media outlets, the European Commission, the European Parliament and the European Council are the most visible European institutions, and these are also the institutions with which Romania appears as the most connected. They are mentioned in the context of Brexit, but other concerns, such as populism and alt-right, migration and refugees, and EU economy are also associated with EU institutions. The main sources used for covering EU institutions and issues are elite international news agencies (AFP, Reuters, AP) and elite media outlets (BBC, The Guardian, Financial Times, Le Monde, etc.), but when geographical proximity is involved, smaller media outlets or even national news agencies (news.ro, MTI) are cited.

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GENDERED BIASES IN STUDENT EVALUATIONS OF TEACHING ABILITIES. AN EXPERIMENTAL APPROACH

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Abstract

Although the existence of gender and other biases in student evaluations of teaching (SET) have been thoroughly analysed in the international literature, most studies focus on the USA and Western Europe, the issue remaining largely unexplored in other contexts. As such, the current research aims to provide empirical insights on how Romanian students assess the teaching abilities of male and female professors using an experimental approach. During the experiment, public administration students ($n = 67$) from Babeş-Bolyai University (Cluj-Napoca, Romania) received identical mock CVs of a male and female professor and were asked to complete a short survey assessing multiple dimensions referring to the qualifications, personal characteristics and teaching abilities of the male and female teachers.

The results were inconclusive, as the male and the female professor were evaluated to be statistically significantly different on only two dimensions, indicating the absence of gender biases among the students who took part in the experiment on the assessed items. Nevertheless, more research is needed and on a bigger sample in order to reliably rule out gender biases.

Keywords: gender discrimination, higher education, experimental research, public administration education.

1. Introduction

The relationship between effective teaching and student ratings has been extensively studied, particularly in the US and Western Europe. Despite some evidence indicating that student evaluations of teaching (SETs) do not effectively measure teaching performance (Boring, 2017), SETs remain one of the main means of assessing teaching performance in university settings (Benton and Cashin, 2014), due in part to their participative character, as well as the simplicity of their application. SETs carry an impact on faculty, as they often contribute to students choosing a subject over another, as well as to decisions about promotion or tenure. They may also be used by the university administration in selecting the appropriate staff for teaching certain subjects (Abrami, d'Apollonia and Rosenfield, 2007). Therefore, the existence of any bias – based on criteria such as gender, race, sexual orientation, and gender identity, age, social status, etc. – may negatively affect teaching staff, as well as the educational outcomes of students.

The current study aimed to identify gender biases in SETs among public administration students at Babeş-Bolyai University in Cluj-Napoca, Romania, through an experimental design. Students received mock CVs of a professor, the only difference being the gender of the professor – approximately half of the students receiving a CV with a male name and the other half with a female name, together with a short description of a potential course offered in their study programme. The students were then asked to complete a short survey assessing multiple dimensions referring to the qualifications, personal characteristics and teaching abilities of the male and female professors. The results were inconclusive as respondents believed that there are only two differences between the male and the female professor, as (a) the female professors clearly formulate expectations and requirements, and (b) female professor treat students more respectfully.

With regard to the structure of the present article, a short literature review of gender biases in SETs is followed by a presentation of the methodology used in the experiment, as well as the results that the experiment yielded. The article then discusses potential findings, identifies limitations of the current research, and draws conclusions based on the available data. Lastly, it contains potential measures aimed at limiting biases in student evaluations of teachers and ensuring better educational outcomes, which could be adopted by the university administration and other decision-makers in the field of education.

2. Gender biases in student evaluations of teaching (SETs)

Bias in SETs may be defined as the observable effect of a known characteristic of an educational setting or activity on the ratings of teachers, irrespective of the performance of the respective teacher. Gender biases in SETs thus refer to the in-

fluence of the gender of the instructor on the ratings he or she receives, but also to how the gender of the student may interact with the gender of the instructor, affecting the evaluation of the latter.

Research on gender biases in SETs has yielded contradictory results, with some studies identifying biases in the student population, while others indicating that SETs are unaffected by the gender of the professor.

For instance, Boring (2017) showed that male students at a French university express a bias in favour of male professors, who are perceived by students of both genders as more knowledgeable and having stronger class leadership skills, even though students appear to learn as much from female professors as they do from male professors. Another study found gender biases in SETs at a private liberal arts college in the US, with female staff receiving lower scores than their male counterparts even when other evidence indicated no real difference between the two sexes' teaching abilities and proficiency (Basow, 1995). Additionally, the study, conducted over a period of four years, found multivariate interactions between teacher gender and student gender: the ratings of male teachers were unaffected by student gender, while the ratings of female teachers tended to be highest from female students and lowest from male students, even when confounding factors (e.g. teacher rank) were excluded. Gender interactions were also found by Young, Rush and Shaw (2009) at a medium-sized university in the Western US, with students of both genders consistently favouring professors of the same gender as them and ranking them higher on pedagogical characteristics and course content characteristics. In an experiment, assistant instructors in an online class in the US operated under two different gender identities and were rated significantly more favourably when male, regardless of the instructor's actual gender (MacNeill, Driscoll and Hunt, 2015).

A wide-scale 2016 study based on 23,001 SET of 379 instructors by 4,423 students at a French university, and on 43 SETs in an experiment at a US university, found that SETs are biased against female instructors by an amount that is large and statistically significant and that the bias varies by discipline and by student gender (Boring, 2017). A comprehensive analysis of 19,952 SETs conducted at a Dutch university yielded similar results: female faculty were systematically rated more negatively – particularly by male students – than their male colleagues, despite the fact that neither the current or future grades, nor their study hours were affected by the gender of the instructor. Interestingly, gender bias is present beyond the evaluation of the instructor, with students evaluating learning materials, such as textbooks, research articles, and the online learning platform more negatively when the instructor is female, even though these are identical regardless of the gender of the professor (Mengel, Sauermann and Zölitz, 2019). A qualitative analysis applied to SETs at an American university pointed to differences in the language used when assessing male and female professors, with students tending to comment on a woman's appearance and personality far more often than on a man's.

The study also showed that male instructors received higher ordinal scores in SETs than female instructors teaching an online course, even when questions were not instructor-specific (Mitchell and Martin, 2018).

On the other hand, some research has found no gender biases in SETs, including no gender interactions or small gender biases which may be due to different teaching styles. A study on 1304 SETs at a university in Spain showed no gender biases and no gender interaction (among student and teacher gender) with regard to how students assessed the professors' teaching competence and motivational and interactive skills (Fernández and Mateo, 1997). An older review of laboratory and experimental research in the US yielded similar results: in the majority of studies, students' global evaluations of male and female university teachers were not different in terms of their performance and professionalism (Feldman, 1992).

Lastly, one study found statistically significant, but small gender biases in SETs, with higher evaluations received by female teachers from females, and in some instances from males as well, which the authors partially attribute to differences in teaching styles, with female instructors preferring discussions over lecture formats and displaying more nurturing behaviour towards students than their male counterparts (Centra and Gaubatz, 2000).

Existing research, therefore, seems to indicate that studies which find no gender biases and no gender interaction in SETs are in the minority and that SETs are influenced by a multitude of factors, gender being only one of them.

3. Methodology

3.1. *Study design, participants and procedures*

The research question that the authors wanted to explore in this study was: 'Are student evaluations of teaching abilities influenced by the gender of the professor?', while the chosen method was the experiment. The existence of gender biases in students' evaluation of teaching would offer important insights on women in academia, as previous research on gender discrimination in Romania (Macarie and Moldovan, 2012a) has shown that women tend to be under-represented in decision making positions in universities. The design of the experiment is partially inspired by the work of Haslam and Ryan (2008; also see Macarie and Moldovan, 2012b, pp. 165-166).

First, second, and third-year undergraduate students in Public Administration at the Bistrița branch (extension) of the Public Administration study program of Babeș-Bolyai University (Faculty of Political, Administrative, and Communication Sciences) participated in the study. They were told by the authors, who also administered the experiment, that they would receive a course description for an optional course which the administration of the faculty is considering introducing in their

study program, 'Public Marketing', as well as a CV of a professor who would be teaching the course – the language of both handouts being Romanian. The students were assigned to two groups, each receiving an identical course description and a mock CVs of a professor, the only difference between the CVs being the gender of the professor: one had a male name, 'Ion Mureșan', and the other a female one, 'Ioana Mureșan'.

The instrument used to test gender biases was a questionnaire containing 10 questions used to assess gender bias, with the first question having 11 sub-questions, all using a 10-item Likert type scale (where 1 meant that the characteristic was missing and 10 meant that the characteristic was present/to a maximum), and 8 questions regarding demographical information. The former questions referred to: (a) characteristics of the professor – interpersonal, pedagogical, and academic performance characteristics, and (b) course characteristics. For instance, in terms of the characteristics of the professor, students were asked to assess whether the professor would be able to clearly formulate the course tasks and evaluation criteria, to clearly explain the content of the course, to encourage active participation, to stimulate interest for the course, and to provide constructive feedback. Questions related to course characteristics referred to students assessing how useful and interesting they believe the course to be, whether they would choose it, whether they would recommend it to other students, etc. The questionnaire also included an introductory note presenting the 'Public Marketing' course and describing its objectives.

The data was collected in October 2019, in Bistrița, through face to face pen and paper questionnaires administered during seminars by the authors of the current study. Participation in the experiment/study was voluntary and the students were assured of the anonymity of their responses, as well as given the opportunity to not participate in the study.

4. Results

4.1. Demographics

A total number of 67 questionnaires were received, however one was excluded from the analysis, as several of the questions were left unanswered. Of the remaining 66 questionnaires, 16.6% were filled in by male students ($n = 11$), and 83.3% were filled in by female students ($n = 55$), a gender distribution which fits that of the study programme and which was also reported in other cases (see Moldovan and Raboca, 2019, p. 73). 46.9% of respondents ($n = 31$) were first-year students, 25.7% ($n = 17$) were second-year students, and the remaining 27.2% ($n = 18$) were in their last study year. In terms of their place of residence, participants were equally divided between urban and rural residence ($n = 33$ for each).

A majority of respondents, 74.2% (n = 49), were allocated to tuition-free student places, while 25.7% (n = 17) were paying tuition for their studies. In addition, most respondents were unemployed at the time of the experiment: 60% (n = 40).

The questionnaire also collected information regarding the baccalaureate average score obtained by the students. The answers reflect a Gaussian distribution, with most students having an average score closest to 7 (n = 17, which means 25.7% of respondents), 8 (n = 20, i.e. 30.3%), and 9 (n = 21, i.e. 31.8%), while few students reported having an average score closest to 6 (n = 6, i.e. 9%) or 10 (n = 2, i.e. 3%).

Lastly, the questionnaire collected demographical information related to where students ranked themselves in comparison with their colleagues, according to their grades (see Table 1).

Table 1: Frequency and percent distribution of the study cohort based on their self-ranking in their study year

		Self-ranking		
		Frequency	Percent	Valid Percent
Valid	1st 10%	17	25.4	25.8
	1st 25%	19	28.4	28.8
	1st 50%	19	28.4	28.8
	2nd 50%	7	10.4	10.6
	last 25%	4	6.0	6.1
	Total	66	98.5	100.0
Missing	System	1	1.5	
Total		67	100.0	

Source: The authors

Interestingly, students consistently ranked themselves unrealistically high: three-quarters of them ranked themselves in the first 50% of their class (with roughly one in four students indicating they are in the first 10% of their class, first 25% of their class, and first 50% of their class, respectively), which is a mathematical impossibility. This may reflect either high self-esteem on the part of students in terms of their academic performance or a lack of knowledge of their colleagues’ actual grades.

4.2. Data interpretation and analysis

One of the main points of interest for the research was to observe the existence of general potential biases in SETs; as such, the first question of the questionnaire assessed 11 interpersonal, pedagogical, and academic performance characteristics of the candidate/professor who was supposed to teach the public marketing course (see Table 2). For 9 of the 11 characteristics included in this battery of questions,

although some differences can be observed between the female and the male candidate, the differences are not statistically significant.

As such, the male and the female candidate were evaluated almost identically regarding: their ability to offer adequate explanations of course topics, present real-life examples, stimulate students' interest for the course, encourage active participation, offer feedback, provide new knowledge and skills during the course, prepare adequate teaching materials, conduct practical applications and exercises during the course and publish articles in the field (see Table 2).

The male candidate was not rated statistically significantly higher than the female candidate on any item, but the female candidate/potential professor was evaluated better than the male candidate on two items (see Table 2): the ability to clearly formulate the main responsibilities of students ($p = 0.05$, mean differences: female-male = .56417) and their capacity to treat students with respect ($p = 0.09$, mean differences: female-male = .39840).

Table 2: Assessment of candidate abilities according to the candidate's gender

	Candidate's gender	N	Mean	Std. Deviation	Mean difference F-M (significance)
Q.1.1. Clearly formulate the main responsibilities of students	Female	34	9.3824	.92162	.56417
	Male	33	8.8182	1.35680	(.050)**
Q.1.2. Offer adequate explanations of course topics	Female	34	9.1765	.96830	.38859
	Male	33	8.7879	1.13901	(.137)
Q.1.3. Present real-life examples	Female	34	9.0882	1.11104	.45187
	Male	33	8.6364	1.38785	(.145)
Q.1.4. Stimulate your interest for the course	Female	34	8.7353	1.28650	.52317
	Male	33	8.2121	1.79857	(.175)
Q.1.5. Encourage active participation	Female	34	8.8824	2.17095	.79144
	Male	33	8.0909	1.92620	(.120)
Q.1.6. Offer feedback	Female	34	9.1765	1.19267	.17647
	Male	33	9.0000	1.41421	(.582)
Q.1.7. Treat you with respect	Female	34	9.8529	.43571	.39840
	Male	33	9.4545	1.27698	(.090)*
Q.1.8. Provide you with new knowledge and skills	Female	34	9.2647	.89811	.08289
	Male	33	9.1818	1.28585	(.760)
Q.1.9. Prepare adequate teaching materials	Female	34	9.2941	1.46741	-.06952
	Male	33	9.3636	.74239	(.808)
Q.1.10. Conduct practical applications/ exercises	Female	34	9.0000	1.41421	-.09091
	Male	33	9.0909	1.01130	(764)
Q.1.11. Publish articles in the field	Female	34	8.7353	1.72870	.28075
	Male	33	8.4545	1.80435	(518)

Note: **significant at the 0.05 level; *significant at the 0.1 level

Source: The authors

Furthermore, as shown in Table 3, our results also do not show any statistically significant differences between the male and the female candidate in the case of core public marketing course-related abilities, referring to the professor's educational suitability to teach the course, the adequacy of the professor's professional experience/background to teach the course, then ability to coordinate a BA thesis or the professor's general suitability to teach the subject.

Table 3: Candidate general assessment according to the candidate's gender

	Candidate's Gender	N	Mean	Std. Deviation	Mean difference F-M (significance)
Q.2. Professor's educational suitability to teach the course	Female	34	9.1765	1.42426	.20772
	Male	32	8.9688	1.20441	(.526)
Q.3. Professor's professional experience/background to teach the course	Female	34	8.7059	1.38234	-.20037
	Male	32	8.9063	1.14608	(.525)
Q.4. Professor's ability to coordinate a BA thesis	Female	34	8.9412	1.63190	.25368
	Male	32	8.6875	1.33047	(.493)
Q.5. Professor's suitability to teach the subject	Female	34	9.0882	1.23993	.43199
	Male	32	8.6563	1.28539	(.169)

Source: The authors

Similarly, we did not find any statistically significant differences regarding the perception of the course taught by the male or female professor, as there are no statistically significant differences in the way in which students perceive the usefulness of the course, how interesting the course is, the difficulty of the course or the likelihood to choose or recommend the public marketing course if it were offered as an optional/elective course (see Table 4).

Table 4: Course assessment according to the candidate's gender

	Candidate's gender	N	Mean	Std. Deviation	Mean difference F-M (significance)
Q.6. The usefulness of the course	Female	34	7.9412	1.61323	-.34007
	Male	32	8.2813	1.63104	(.398)
Q.7. How interesting is the course	Female	34	7.8235	1.81693	-.30147
	Male	32	8.1250	1.91345	(.514)
Q.8. Choose 'Public Marketing' course if offered as an optional course	Female	34	7.2059	1.96607	-.13787
	Male	32	7.3438	2.29459	(.794)
Q.9. Recommend 'Public Marketing' as an optional/elective course	Female	34	7.2059	2.05647	-.29412
	Male	32	7.5000	2.25760	(.582)
Q.10. Subject/course difficulty	Female	34	6.2941	2.13952	-.79963
	Male	32	7.0938	2.17551	(.137)

Source: The authors

Last but not least, we need to highlight the fact that both the male and the female candidates received rather high evaluations from students, above 8 out of 10, as shown in Table 2 and Table 3. We believe that this might signal the existence of a potential bias in the responses offered by the students, as the scores regarding the usefulness and how interesting the course is, as well as those referring to the likelihood of selecting or recommending the course if it were offered as an elective are lower (below 8). In essence, the fact that the respondents provided a better evaluation for the two professors than they did for the course might signal the existence of social desirability bias or the fact that they might have feared a potential latter backlash, even though they were ensured of the anonymity of their responses.

4. Conclusions and discussions

Our results show that respondents believed that there are only two differences between the male and the female professors, as according to them: (a) the female professors clearly formulate expectations and requirements, and (b) female professors treat students more respectfully. Even if other differences can be observed (see Table 2, 3 and 4), they were not statistically significant, probably as a result of the rather small sample size.

Even if we did not manage to find conclusive evidence for the existence of gender bias in teacher evaluations in the case of PA students, it is, however, important to mention that the female professor was generally assessed better than her male counterpart on multiple dimensions, but that the course was perceived more favourably (useful, interesting) when taught by a man. Furthermore, as previous studies mention, 'both horizontal (male and females are encouraged/directed to enrol in different educational programs/domains) and vertical (the ratio of females decreases at higher hierarchical levels – both when referring to teachers and students) gender segregation phenomena still prevail in tertiary education' (Macarie and Moldovan, 2015, p. 162).

Furthermore, other potential future lines of research may be developed based on the authors' current work. For example, the two CVs and questionnaires used to evaluate bias in student evaluations of teaching can be further tuned, adapted and refined in order to ensure a more reliable assessment of potential biases. Secondly, the survey/experiment can be easily replicated both on a larger sample size (to ensure increased representativeness) and in a comparative approach, by including other specializations/ universities from Romania or other countries. Thirdly, similar to the work of Haslam and Ryan (2008), the experiment could be more complex and use multiple course descriptions (with varying difficulty) in order to explore potential 'glass cliff' phenomena, as well as analyse more complex gender interactions in detail.

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LEGITIMATE EXPECTATION IN ADMINISTRATIVE LAW

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Abstract

The topic of the paper is the legitimate expectation in administrative law. I present different but similar solutions from the common law (UK and the USA), European Union, German and Swiss legal systems which give answers for the problem what remedy should the clients in administrative proceedings get if they receive misinformation from the public authority and they act illegally upon it and later the same or any other related public authorities adopt negative legal consequences. The article is based on several sources from all over the world, the written law and the practice of the courts of the above-mentioned countries and legal entities.

Keywords: administrative law, legitimate expectation, procedure, remedy, international law.

1. Introduction

There are a few people in the world who ask no help from public authorities during official administrative proceedings. The best way to get information about the procedure is to look up the original source, namely to read the law. Unfortunately, the written law is usually too complex, detailed and the information is not easily understandable, which does not help the citizens (sometimes the lawyers too) to get answers for their questions. Let's have two simple examples. If you would like to know how you should apply for a new ID card or driving license in Hungary, you should read through the 20 pages long orders¹. Or if you would like to know how much pension you will have in your senior years, the Hungarian Pension Act² gives you answer in 45 pages.

If you give up reading the law, you can ask in writing your specific question the public authority, but the answers are usually not individualized or practical because they contain the written law word by word, so you did not get closer to your target although you expect a simple written, understandable answer from the public authority.

If you ask help in words and you get misinformation from the public authority, and you act upon it in good faith, later it is difficult or it is impossible to prove what the officer told you. The current practice of law expects that everyone knows the regulation in the proceedings and it keeps the ancient Roman saying, which says *ignorantia juris non excusat* (ignorance of the law excuses not). In my view, keeping valid this saying is not efficient in every case.

I am presenting different but similar solutions from the Common Law, European Union, German and Swiss legal system which give answers for the problem what remedy should the clients in administrative proceedings get if they receive misinformation from the public authority and they act illegally upon it, and later the same or any other related public authorities adopt negative legal consequences.

2. Common law

The Anglo-Saxon Common Law was the first legal system in the World, which brought the above mentioned Roman legal saying, and it found a sufficient solution for the problem, new legal institution, so, the Legitimate Expectation in Administrative Law was created.

The legitimate expectation originally came from the private law where the private parties have a legitimate expectation about the other party's compliance ac-

1 Government Orders No. 414/2015 (XII. 23.) and no. 326/2011 (XII. 28).

2 Act LXXXI of 1997 on the public pension.

cording to the contract between them. The legal institution became an issue first in the administrative law when the state started to make administrative contracts with clients (Levinson, 1998, p. 550). These contracts are not unilateral administrative acts, but they are two-sided legal transactions. According to Sándor Berényi, the administrative contract is a legal institution in administrative law and a legal contract at the same time (Fazekas, 2013, p. 85); it mixes the natures of private contracts and administrative acts.

The common law judiciary system implied the new legal institution in administrative issues easily because of the monist judiciary system. The Legitimate Expectation in Administrative Law became one of the fundamental principles of common law system in the first part of the last century. There are two sub principles which confirm the existence of that legal institute.

The first one is the Consistency Principle, which says the contracted parties created not only a contract, but an expectation between them, so all parties expect that the other one will fulfil as the contract states. If one party breaches the contract, he/she breaches the legitimate expectation of the other party. This system can be easily implied to the administrative law where the public authority makes administrative contracts with the clients. The authority violates the Principle of Legitimate Expectation when it makes a decision without any proper justification which differs from its previous practice, in other words it violates the expectation of the client on the practice of the authority. This sub principle is closely linked to the British Rule of Law concept, because every citizen can expect that the acts of the public authorities are consistent and they are ruled by the law (Levinson, 1998, pp. 550-551).

The second sub principle is called the Natural Justice. It says everybody has the right for impartial decisions (*nemo index in causa sua*), furthermore everybody has the right for the fair trial (*audi alteram partem*). The decision of the administrative bodies cannot violate the right and the legitimate expectation of the clients, except if the administrative authority informed the client about it before the decision making, and it is also required that the public authority provides enough time for the client to make comments and the authority has to have a personal hearing³.

The Common Law makes a difference between procedural and substantive legitimate expectation. First one arises when the client trusts in the previous law in practice of the public authority, the second one is referred when the client trusts in the information, which was given by the competent public authority, about future applied substantive law⁴.

3 Schmidt v. Secretary of State for Home Affairs [1968] EWCA Civ 1, [1969] 2 Ch. 149 at 170-171, Court of Appeal (England and Wales).

4 Legitimate Expectation, 2018.

When the aggrieved party applies for remedy based on Legitimate Expectation in Administrative Law, the court must review the application if the matter of fact meets with the Legitimate Expectation's criteria because not all the expectations are legitimate, but the ones which have the following attributes:

- the representation of the client is clear in the administrative procedure and the representative did not have special qualifications for that procedure;
- the expectation was caused by any activity by the public authority;
- the public authority must be competent for the above-mentioned activity; and
- the activity of the public authority must be relevant in the administrative procedure.

The person who is not qualified (with other words, who has no special knowledge) for the regulation of the certain administrative procedure can use the Legitimate Expectation in Administrative Law. The one who has qualification for it means he/she knows the regulation of the procedure, so he/she cannot use the legal institution as a remedy successfully. According to this criterion natural persons can refer successfully to the Legitimate Expectation in Administrative Law in the majority of cases, because legal persons have the qualified staff (solicitors, accountants etc.) who must know the nature of the case and its regulation.

According to the Anglo-Saxon practice of law it does not matter how the public authority gave the information. It can give it to you by formal or informal letter, by verbal information, or it can give it to you by way of implied conduct (e.g. nod). The point is that the public authority must give the information.

Not all the information from public authorities can serve as a basis of Legitimate Expectation in Administrative Law. The public authority must act in its power, so it must be competent for the certain issue of law (for example, the information from the cleaning or maintenance staff of the public authority is not relevant because they do not have power in any official case). Furthermore, the information from the officer of public authority is also not relevant if the officer does not have the power to give an answer for the question or the public authority is not competent in the questioned legal issue (this is called *ultra vires*).

The party can only use the received information as a basis of Legitimate Expectation in Administrative Law, which he/she received in the same case. In other words, the party cannot refer to information from another case, because it cannot serve as a basis of the legal institution.

It does not mean the party automatically wins the case against the public authority if his/her expectations are legitimate. The legitimate expectation can serve as a basis for a temporary disposition given by court, but the public interest can overwrite it (Steele, 2005, pp. 304-305).

The Cambridge Dictionary says the meaning of the public interest is people's rights to know the facts about a particular situation. The Hungarian Interpretive Dictionary states the public interest is the common interest of the society and com-

munity (Juhász *et al.*, 1989, p. 789). The meaning of public interest is abstract, it changes as time passes. The Anglo-Saxon courts created a three-step test to find the current public interest and the private interest and see which one deserves more legal protection in the case⁵:

- finding the private interest which is affected by the administrative act;
- finding the violation of the private interest. The available legal remedies should be considered in this point; and
- finding the interest of the state or government and the administrative expenses of the legal remedies which were mentioned in the second step.

The court uses the following legal consequences if the legitimate expectation of the private party has more protection than keeping the law word by word.

1. The court uses its cassation power, so it finds the questioned administrative act invalid, and it can order a new administrative procedure. The public authority must keep the substantive or procedural legitimate expectation of the party, which was found by the court, in the repeated procedure. This is called the *mandamus* in the common law⁶. In other words, the legitimate expectation of the party can be a ‘trust’ which is *contra legem*, so the *mandamus* can derogate the codified law if the private interest of the party deserves more protection than keeping the written law word by word.

2. The court finds the questioned administrative act invalid and it orders a new administrative procedure during which the public authority just may take into account the legitimate expectation of the party. So, this order is not as strict as the first one explained.

The party can ask the court not to order a new administrative procedure, but to order the public authority to pay damages if the legitimate expectation of the party was violated.

1. The court establishes the infringement if the public authority has already voluntarily paid the damages, and the court establishes that there is no reason to continue the procedure.

2. The court can order the public authority to pay damages if the legitimate expectation of the party was violated without finding the questioned administrative act invalid and without ordering a new administrative procedure⁷.

After having discussed the theory of Legitimate Expectation in Administrative Law in Common Law, let’s see some case law in this topic.

5 Mathew v. Eldridge [424 U.S. 319 (1976)].

6 The Civil Procedure Rules 1998-1998 No. 3132 (L. 17).

7 R. (Bibi) v. Newham London Borough Council [2001] EWCA Civ 607, [2002] 1 W.L.R. 237 at 250, para 56. and R. v. North and East Devon Health Authority, ex parte Coughlan [1999] EWCA Civ 1871, [2001] Q.B. 213, at 251, para. 82.

In ‘Case *Ashbacker Radio Corp. v. Federal Communications Commission*’⁸ the Federal Communications Commission promised a license to use a certain radio frequency to an applicant (furthermore Applicant 1), and the same Commission summons another applicant (furthermore Applicant 2) who wanted to use the same radio frequency. The Supreme Court said the Commission violated the right of Applicant 2 for fair treatment, so the Commission violated the legitimate expectation of this applicant. The Court said in the arguments of the decision that Applicant 2 legitimately expected that he could get the license to use the radio frequency in the administrative procedure. The Court found the questioned administrative act invalid, and it ordered the authority to have a new, real procedure in that issue.

In ‘Case *Ng Yuen Shiu*’⁹ the Immigration Office of Hong Kong promised that the immigrants from Macao would be heard before their residence permit was granted or dismissed. However, the Office did not keep its promise and it dismissed the residence permit application of the immigrants, and it excluded them from Hong Kong. The Court of Appeal said that the Immigration Office of Hong Kong violated the immigrant’s legitimate expectation and it forbade to exclude them from Hong Kong.

In ‘Case *Ex Parte Coughlan*’¹⁰ the British Health Authority informed a disabled lady, that she can live in the provided house in her full life; later the same authority made a decision the lady had to leave the house. The Court of Appeal of England and Wales said the Health Authority violated the lady’s legitimate expectation, because she legitimately expected she could stay in the house in her life as the authority promised. The Court found the questioned administrative decision invalid, and it ordered that the Health Authority should respect the lady’s legitimate expectation.

3. The practice of the European Union

The written law of the European Union does not contain any regulation for Legitimate Expectation in Administrative Law. The Court of Justice of the European Union (hereafter in this chapter: Court) created the Principle of Legitimate Expectation¹¹ in its practice using the Charter of Fundamental Rights of the European Union¹² (hereafter in this chapter: Charter) as a basis, by the time The Principle of

8 326 U.S. 327 (1945).

9 Attorney-General for Hong Kong v. Ng Yuen Shiu [1983] UKPC 2, [1983] 2 A.C. 629, Privy Council.

10 R. v. North and East Devon Health Authority, ex parte Coughlan [1999] EWCA Civ 1871, [2001] Q.B. 213.

11 In German: Grundsatz des Vertrauensschutzes, in French: Principe de la confiance légitime, in Italian: Principio del legittimo affidamento, in Romanian: Principiul protecției încrederii legitime, in Hungarian: A jogos elvárás elve.

12 2012/C 326/02.

Legitimate Expectation became one of the main principles of the European Union (Fazekas, Asztalos and Sós, 2003, p. 75).

The Article 41 of the Charter says '[e]very person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union'. The main focus is on the fair treatment, because the Court admits the information given by any bodies of the EU binds the European Union during the decision-making process. The Court accepts the fact that the alteration of the acts (e.g. providing information, legislation) can cause damage or injurious situation for the affected legal entities.

The Court stated the situation based on the legitimate expectation is not right for the parties, so there is no right derived from it. However, it deserves protection, because the legitimate expectation should be maintained, so if there is an official act by the EU which violates it, the Court can find the act invalid or the party can claim for damages.

In spite of the fact that the Principle of Legitimate Expectation is a non-written law of the European Union, it can serve basis to find the codified law invalid according to the practice of the Court (Fazekas, Asztalos and Sós, 2003, p. 84). Some important cases where the Court stated the Principle of Legitimate Expectation is one of the fundamental principles of the European Union are the 'Case Ditta Angelo Tomadini Snc v. Amministrazione delle finanze dello Stato'¹³ in 1979, 'Case Dürbeck v. Hauptzollamt Frankfurt a. M.'¹⁴ in 1981 and the recent one, 'Case EAR v. Karatzoglou'¹⁵ in 2007.

The question is who can use it as the basis of remedy and what circumstances must be kept to use it successfully.

The Court said in the 'Case Commission v. Koninklijke FrieslandCampina'¹⁶ that all the legal entities can refer to the Principle of Legitimate Expectation who has an expectation which was created by a promise of a body of the EU. The 'Case Salvatore Aniello Pappalardo and others v. European Commission'¹⁷ confirms the same when it says 'the right to rely on the principle of the protection of legitimate expectations extend to any person whom an institution of the European Union has caused, by giving him precise assurances, to entertain justified hopes'.

Anybody can refer to the Principle of Legitimate Expectation. It does not matter if the affected party is a natural or legal person. One main restriction is that the expectation of the party must be well-grounded.

13 C-84/78.

14 C-112/80.

15 C-2013/06. P.

16 C-519/07. P.

17 C-350/16. P.

The ‘Case Mardar (UK) v. Commission’;¹⁸ contains the promise or information, which was given by the EU and which can serve as the basis of legitimate expectation, can be provided in any form by the bodies of the EU. The circumstances are the same with the regulation of the common law. The European Union institution can give the promise or information in a formal or informal way, in a written letter or by spoken words, or it can be provided by way of implied conduct too. Nobody can use the Principle of Legitimate Expectation as a remedy if he/she acts in bad faith in a speculative way.

The information must be precise, categorical and consistent. It is precisely when the message of the European Union has pure logical connections, it is not contradictory, and the message is clear. Furthermore, the affected party may not presume on any new decision or a legislative act which alters his/her situation.

The promise or information must be provided by the competent staff of the European Union body which has power in the questioned topic. The Court stated in the ‘Case Mardar (UK) v. Commission’ that the information or promise must be from a reliable source and they must be given by a competent officer. The source is not reliable e.g. if the doorman or car driver of the competent European Union body gives the information or promise in a certain legal issue.

The mentioned regulation is really similar to the rules of the common law. There is one point where the two regulations significantly differ from each other. The regulation of the European Union does not use the terminology of public interest. It means the legitimate expectation always has to be in accordance with the law. However, the common law system allows the *contra legem* solutions. ‘Case EAR v. Karatzoglou’ contains that ‘[...] third, the assurances given must comply with the relevant rules. [...] [T]he advantage arising from the legitimate expectations must comply with the law in force.’ This is written also in ‘Case Vlachou v. Court of Auditors of the European Communities’¹⁹ when the Court declared ‘promises which do not take account of those provisions cannot therefore give rise to legitimate expectation on the person concerned, even if it is proved that they were made [...]’.

In three significant cases, the Court successfully applied the Principle of Legitimate Expectation. At ‘Case J. Mulder’²⁰ and at ‘Case G. von Deetzen’²¹ in 1988 the Court found a regulation of the Council invalid based on the legitimate expectation of the parties. In other case, the Court found the questioned regulation of the Commission valid, but it ordered the Commission to pay damages for the affected party,

18 C-47/07. P.

19 C-162/84.

20 C-120/86.

21 C-170/86.

because the regulation violated the legitimate expectation of the party in ‘Case Comptor National Technique Agricole SA’ in 1976.²²

4. German regulation

Germany was the first country in civil law countries which codified the Legitimate Expectation in Administrative Law. The legal institute (*Vertrauensschutz*) became part of the German Administrative Procedure Act (*Verwaltungsverfahrensgesetz*, furthermore in this chapter: *VwVfG*) in the second part of the 20th century (Knack, 2000, p. 943). It is noteworthy to mention that the Common Law’s Legitimate Expectation in Administrative Law came from the private law contracts through the administrative ones, whereas the German *Vertrauensschutz* was derived from the public law, within two principles of the German Constitution, namely from the Principle of Legal Certainty and the Principle of Rule of Law.

Before I present the German regulation, I am going to give a short historical background of the birth of the *Vertrauensschutz*. The Federal Republic of Germany successfully created the social rule of law after World War II, which means the state gives plus welfare over the compulsory core services. It can occur that the public authorities give the state allowances unlawfully for the applicants, which allowances would be withdrawn by the state later. The applicants objected these administrative decisions, so they challenged them in administrative courts. Because of the mass amounts of these cases the German Federal Administrative Court (hereafter in this chapter: Court) decided to create the concept of the *Vertrauensschutz* which became part of the *VwVfG* during the codification of the Act in 1976 (Püttner, 1973, pp. 78-114). According to the Court, the *Vertrauensschutz* underlies the regulation of the withdrawal of the unjust enrichment or any other unlawful advantage. Initially, the Court derived the legal institution from the Principles of Good Faith and Legal Certainty, but later the *Vertrauensschutz* became an independent part of the Principle of Rule of Law and it became a criterion of the Equal Treatment whose principles are regulated on constitutional level in the Basic Law for the Federal Republic of Germany.

The aim of the regulation is to defend the interests of individuals against the changing administrative decisions and against the changing legislation; the *Vertrauensschutz* became a fundamental right, which is executable and which can be confronted with the unconstitutional acts of the legislative body.

The *VwVfG* makes a difference between the withdrawal and the revocation of lawful or unlawful administrative acts (*‘Rücknahme eines rechtswidrigen Verwal-*

22 C-74/74.

tungsaktes' and 'Widerruf eines rechtmäßigen Verwaltungsaktes'). The purposes of these are the same: to cancel the advantage which was given by the public authority to the clients.

Section 48 Paragraph 2 and 3 of VwVfG regulates the Withdrawal of an Unlawful Administrative Act. It says that an unlawful administrative act which provides a one-time or continuing payment of money or divisible material benefit, or which is a prerequisite for these, may not be withdrawn so far as the beneficiary has relied upon the continued existence of the administrative act and his reliance deserves protection relative to public interest in withdrawal. Reliance is in general deserving of protection when the beneficiary has utilized the contributions made or has made financial arrangements which he can no longer cancel, or can cancel only by suffering a disadvantage which cannot reasonably be asked from him (Seminar organized by the Supreme Administrative Court of Lithuania and ACA-Europe, 2016, pp. 14-18).

There are some exceptions when the withdrawal is acceptable. The beneficiary cannot claim reliance when:

- he obtained the administrative act by false pretenses, threat or bribery;
- he obtained the administrative act by giving information which was substantially incorrect or incomplete; and
- he was aware of the illegality of the administrative act or was unaware of it due to gross negligence. In this case the administrative act shall in general be withdrawn with retrospective effect (Knack, 2000; Fehling, Kastner and Störmer, 2016, p. 943).

Paragraph 3 of the same section regulates the situation when an unlawful administrative act not covered by the previous paragraphs is withdrawn, the public authority shall upon application compensate the disadvantage to the person affected deriving from his reliance on the existence of the act to the extent that his reliance merits protection having regard to the public interest²³.

Section 49 of VwVfG presents the five cases when the Revocation of a Lawful Administrative Act is permitted. According to the Paragraph 2 a lawful, beneficial administrative act may, even when it has become non-appealable, be revoked in whole or in part with effect on future only when:

- revocation is permitted by law or reserved in the administrative act itself;
- the administrative act is combined with an obligation which the beneficiary has not complied fully or not within the time limit set;
- the public authority would be entitled, as a result of a subsequent change in circumstances, not to issue the administrative act, and if it failed to revoke it would be contrary to the public interest;

23 OVG Münster NVwZ 88,740; BVerwG NVwZ 95,704.

- the public authority would be entitled, as a result of an amendment to a legal provision not to issue the administrative act where the beneficiary has not availed himself of the benefit or has not received any benefits derived from the administrative act, and when failure to revoke would be contrary to the public interest; and
- in order to prevent or eliminate serious harm to the common good.

In the event of a beneficial administrative act being revoked in cases covered by 3rd to 5th points of Paragraph 2, the public authority shall upon application redress compensation for the disadvantage to the person affected deriving from his reliance on the continued existence of the act the extent that his reliance merits protection²⁴.

Paragraph 3 contains that a lawful administrative act which provides a one-time or a continuing payment of money or a divisible material benefit for a particular purpose, or which is prerequisite for these, may be revoked even after it has become non-appealable, either wholly or in part and with retrospective effect if:

- once this payment is rendered, it is not put to use, or is not put to use either without undue delay or for purpose for which it was intended in the administrative act; and
- the administrative act had an obligation attached to it which the beneficiary either fails to satisfy or does not satisfy the stipulated period (Knack, 2000, pp. 890-914; Fehling, Kastner and Störmer, 2016, pp. 677-680).

Theoretically, all acts of the public authority can serve as the basis of the Vertrauensschutz, but the passivity of the public authority (which is not equal with the failure to act of the public authority) cannot be a basis of the legal institute. In the German system the Principle of Legality cannot be overruled by the Vertrauensschutz because the public authorities cannot be forced to act against the law (for example, if the board of housing gives the building permit illegally, the same public authority can withdraw the permit after having realized the failure).

There is one point where the German regulation is similar to the regulation of the Common Law and to the practice of the European Union. The informal acts of the public authority (including giving misinformation) can serve as the basis of paying damages by the public authority for the affected party.

The German jurisprudence makes a difference between retroactive and retrospective effects. The first one, which is generally forbidden, changes finished acts belonging to the past, the second one, which is generally permitted, has an effect only on current, unfinished situations and legal relations in the future.

There are some cases when the retroactive effect is lawful and some cases when the retrospective one is against the law. The Federal Constitutional Court of

24 OVG Münster GemHH 83,94; BVerwG NVwZ 2000,202.

Germany declared that ‘a retroactive effect may be justified if the reliance on a specific legal situation was not legitimate. That may be the case if the former legal situation was unclear and confused, if a void provision will be replaced by legally unobjectionable one or if there are compelling public interest reasons that take precedence over the requirement of legal certainty’ (Seminar organized by the Supreme Administrative Court of Lithuania and ACA-Europe, 2016, pp. 20-22).

On the other side, a retrospective effect is against the constitution ‘if there is no appropriate balance between the importance of the legislative concern for the amendment and the legitimate expectations in the continuance of the current legal situation or if the legislator fails to take care of a transition by adequate interim regulations’. Furthermore, an infringement of Vertrauensschutz is also conceivable, ‘if the legislator grants e.g. a time-limited tax concession for a five year period, [...] than [...] the premature termination of that tax concession by an amendment is unconstitutional, because the legislator has bound himself by having given rise to legitimate expectations of the investors that the tax concession lasts for at least the next five years’ (Seminar organized by the Supreme Administrative Court of Lithuania and ACA-Europe, 2016, p. 22).

Finally, the Court could declare the following legal consequences if the void of the Vertrauensschutz is well grounded:

- ‘If the legitimate expectations are derived from the behaviour of [a public] authority, the petitioner may lodge an action to oblige the authority to issue the requested administrative act’. As the Vertrauensschutz ‘does not have the power to overrule the Principle of Legality, no [public] authority can be forced to act *contra legem*. Only if the petitioner has an assurance as provided by the public authority, he is able to enforce the claim *in natura*’.
- Otherwise the petitioner ‘may bring an action for compensation by way of liability of public authorities’ (Seminar organized by the Supreme Administrative Court of Lithuania and ACA-Europe, 2016, pp. 15-20)²⁵.

5. The Swiss legitimate expectation in administrative law²⁶

Switzerland is part of the civil law system countries like Germany. The basis of the Swiss legal system is the Swiss Constitution, which was accepted on April 18, 1999. The Swiss legislator did not codify the Legitimate Expectation in Administrative Law²⁷, but it was created by the practice of the Swiss Federal Tribunal (here-

²⁵ BVerwG-3C 50.04; BVerwG-2C 2/01,

²⁶ This chapter is based on the Seminar and course materials held by Prof. Dr. Felix Uhlmann at the University of Zurich in 2017.

²⁷ In German: Vertrauensschutz, in French: protection de la bonne foi, in Italian: protezione della buona fede.

after in this chapter: Court). I am going to describe the regulation by presenting a recent case from 2010²⁸.

A Swiss Music College pianist student was an aspiring music teacher. He experienced difficulties to perform his final exam in front of an audience due to emotional stress. Therefore, he was granted an exception to repeat that same exam in front of the examination board and without a public audience. He passed the exam and received a written statement that he had successfully completed his educational training for his teaching certificate.

The director of the school requested that the certificate should not be issued because the student had not completed the exam in front of a public audience. Subsequently, the competent authority decided to refuse to issue the certificate. The supervisory authority argued that the exam was not performed in accordance with the law and that the initial ordinance (decision that the student passed the exam) was therefore incorrect and had to be revoked although it was already legally binding.

The Court argued that the student had reason to believe that the procedure was correct and that the examination board was competent to decide that he could perform the exam without the presence of an audience. Therefore, he relied on the initial decision that he had passed the exam. The decision to revoke an already legally binding ordinance is subject to strict rules. Such an ordinance cannot be revoked if the interest of protection of legitimate expectations is considered to be higher than the interest of the correct implementation of the law (public interest). There are exceptions of this rule; in particular if there is a substantial public interest in the correct implementation of the law.

In this case the court considered the student's interest of the protection of his legitimate expectations based on Article 9 of the Swiss Constitution²⁹ to be higher than the interest to implement the written law provisions; particularly with regard to arrangements he had already made. He would face serious disadvantages if the initial decision was revoked.

The court decided that the authority was bound by the initial ordinance and that the ordinance could not be revoked. In conclusion, the Swiss Court uses a four-step test in order to establish the protection of legitimate expectation.

First of all, the Court defines the interest of the correct implementation of the law and the private interest linked to the legitimate expectation of the affected party. Secondly, the Court reviews the background of the case, it finds the relevant facts and it makes the matter of facts clear. Thirdly, the Court balances the public and private interests in order to decide which one deserves more protection. Finally, the Court makes decision, and it gives its detailed justification of the argument.

28 BGE 137 I 69.

29 'Art. 9 Protection against arbitrary conduct and principle of good faith: Every person has the right to be treated by state authorities in good faith and in a non-arbitrary manner.'

6. Tasks for the future

Legitimate Expectation in Administrative Law is becoming a more important and ‘hot’ topic at the Administrative Law. The problem, when the misinformation or the un-kept promises of the state bodies causes damages of the parties, was solved in Western European countries by using different aspects of the legitimate expectation in national legal systems. Post-Communist countries face this issue, but they do not have clear codified law or court practice to solve these cases satisfactorily³⁰.

One of the greatest challenges of present lawyers is to find an adequate solution to introduce the Legitimate Expectation in Administrative Law to the legal remedy proceedings in administrative cases harmoniously with the national legal systems and legal traditions.

Countries which are members of the European Union, where the Legitimate Expectation in Administrative Law is a fundamental principle, the legal institute should be a subprinciple of Rule of Law and Principle of Good Faith at the national constitutions.

We would only win if we introduced this legal institution. The Legitimate Expectation in Administrative Law would make the precise and professional legal work necessary for the staff of the administration which would increase the trust in government and administration on the side of the citizens.

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SENSOR NETWORKS AND ENTERPRISE RESOURCE PLANNING SYSTEMS IN THE SMART CITY

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Abstract

Sensor networks have become ubiquitous in all types of machinery and infrastructure. These sensor networks are/will be extensively used in the Smart City, which includes public as well as private sensor networks the latter being a much-neglected source of information feed for a smart city administration (Kominos, 2014). This can include vehicle (from eScooter to mini-van) sharing data, park house data, etc. However, the city's backbone IT infrastructure must be able to accept and process this data and to draw the right conclusions from them. The backbone of this IT infrastructure will for all practical purposes be an Enterprise Resource Planning (ERP) System as it is already standard in the private sector (for an example, Müller-Török *et al.*, 2019). This contribution analyzes the integration of sensor networks into ERP systems in the Smart City. It will also analyze the implications of this development for public sector education.

Keywords: smart city, sensor networks, IT infrastructure, public sector, education.

1. Why sensor networks?

Sensor networks have become a standard feature in machinery, vehicles and also the kind of infrastructures that build the smart city. Reasons include (i) a massive decrease in sensor prices, (ii) the internet of things, (iii) the emergence of web services, which enable to dynamically build application landscapes ('the cloud'), and (iv) business intelligence systems that can process the data from these sensor networks in (near) real-time and feed it into decision-making algorithms¹. In many cases, such networks can also be supplemented by actuators, where the information system performs actions in the real world. Between them, these factors create a 'living' infrastructure whose states can be monitored and processed on a real-time basis (Holdowsky, 2015).

However, this does not mean that 'classical' means of data processing, such as central ERP systems become obsolete; rather, sensor networks, business intelligence and ERP form a triangle to meaningfully process the data collected. One should also be clear that such networks are not only a technical innovation, but also entail process innovation and completely new business models. Summarizing, this contribution will advance the following refutable hypotheses:

H1: Sensor networks need to 'sink' their data into central ERP components to trigger the necessary events as a response to the sensor state reported.

H2: Sensor networks need real-time business intelligence to analyze the data collected and to improve the quality of the response by ERP.

H3: Sensor networks do not only enable process innovation, but also whole new business models (whereby 'business' in administration may also mean new public services).

2. Why ERP?

Logistically, an ERP system essentially performs flow management, that is it combines 'the information integration and planning capability of MRP with the response of a JIT kanban system' (Jacobs and Chase, 2008). This includes master data management (costing data, materials, bills of materials, work centers, routings, etc.) as well as demand forecasting and materials requirement planning proper; it also encompasses production (where applicable) and the functions associated with it (scheduling/sequencing, availability check, order costing, etc.). In a broader sense it would also encompass other areas, such as procurement and maintenance management (where applicable). Typically, an ERP system manages the back-office core processes in logistics integrating them with accounting (Prosser, Bagnato and Müller-Török, 2017).

1 For a detailed argument of these points, see Prosser (2018).

Therefore, any kind of materials flow associated with the sensor networks – either to support the network or as a result of states indicated by the network – must necessarily be handled by the ERP system. Also, the evaluation or support processes have to be processed there. Let us explore some commonly used examples:

1. Forms of predictive maintenance heavily rely on sensor networks. The typical arrangement is that of a spare subject to wear and tear that is monitored by a sensor. If the sensor indicates that the norm parameters are deviated by a minimum threshold value (which is typically configurable depending on replenishment lead time), the replenishment is triggered². However, what does this signal trigger? One would expect some kind of demand carrier being triggered as a response to the sensor signaling, for example, ‘Street light number 12345 has reached the threshold, where within a 99% confidence interval 120 hours of useful life are left at a minimum’. Such demand carriers may take many forms depending on the service model of the ERP system, examples include:
 - a simple materials requirement showing the stock/requirements list;
 - a service order including the replacement of the spare, which triggers a purchase requisition and/or production order for the part itself or dependents (Radner, 2018); and
 - a maintenance order along the same lines.

In any case, the sensor data triggers a process in the ERP system.

2. It is becoming quite customary to insert sensors in public garbage bins to read out the filling state. If a threshold value is reached, the next emptying can be scheduled adaptively to optimize garbage collection. The same principle applies to every type of optimized collection under constraints, where the information on what/how much to collect depends on sensor data entering the route planning³. In both cases cited, the sensor data must trigger some kind of optimization calculus (we shall return to this point presently) and then some kind of order in the ERP system, whether to collect garbage or milk according to the optimization algorithm. Furthermore, the information must be passed on to all downstream processes, such as the dairy processing or recycling activities for the glass or plastic collected. In this view, the sensor is simply the trigger of a chain of processing events in one or more ERP systems.
3. Another smart city example may be dynamic parking lot monitoring. All public parking lots are equipped with sensors and return to a central monitoring

² For typical application scenarios, cf. Günthner and Dollinger (2019); Prosser and Wijayalath (2017).

³ A real-world example would be sensor/ communication chips inserted in milk churns transmitting how many churns are to be collected by the Lower Austrian Dairy that are obliged to collect whatever their contract farmers make available each day; only that information enables them to optimize their route planning (Deibler and Kühne, 2010).

system, which makes the data of empty lots available via an app (and possibly a navigation system interface as well) (Šarić and Mihaljević, 2017). Possible charging and settlement schemes are done by the central ERP system.

These considerations lead to H1 in that a sensor network in itself is only of very limited use if the sensor ‘trigger’ does not entail any real action steered by the ERP system.

3. Why real-time business intelligence and ERP?

Sensor networks tend to create enormous amounts of data that may also be related to existing master or transactional data in the ERP system. Continuing the above examples:

1. The threshold value where the signal to the ERP system is triggered is not a fixed one. It depends on the replenishment lead time (RLT, typically normally distributed) and the probability distribution of the remaining operational time of the spare part; both values are subject to the confidence interval desired. An example: If in a certain RLT the average remaining life of a part is 100 hours with a standard deviation $\sigma = 10$ hours, then the normal distribution indicates that in 68.27% of all cases, the remaining life of the spare is between $100 \pm \sigma$ that is in $[90, 110]$; in 95.45% of all cases in $[80, 120]$, etc. The designer of the threshold value must then decide which level of certainty is desired and select the threshold value accordingly⁴. The situation is complicated in that also the RLT itself will usually be normally distributed and not deterministic as in the example.

However, real situations will be a lot more complicated as other factors may influence the residual life of a spare. Street lights in some areas or from some vendors may go faster than others, etc. These patterns overlay the above normal distributions and should be found out as they potentially influence the calculus considerably.

2. Similar considerations apply to the bin example. The filling does not proceed steadily but may vary considerably due to weekends or public holidays. These patterns must be found out by analyzing filling patterns over time and identifying factors influencing the patterns.
3. The data in the parking lot example may be used for predictions of traffic quantities and parking lot utilization; it may also be the basis for an optimization calculus for city tolls or congestion charges, all of which requires an analytics component.

4 If 95% certainty is desired, the system must be configured at ‘alarm at 120 hours left’.

Therefore, the sensor networks producing the input, business intelligence identifying the patterns within the input and the management functions in the ERP system must come together to provide this functionality. ‘Classical’ data warehouse centered functionality did not and could not provide this. These systems for the most part relied on aggregation hierarchies built from the transactional data in order to quickly access the aggregate reports. The data warehouse typically resided on disk whose access time is measured in ms. Aggregation hierarchies were hence the only way to build a reporting scheme usable in dialog mode (Prosser and Ossimitz, 2001). In-memory computing⁵, however, runs terabyte-sized databases in main memory, whose access time is measured in ns. ms and ns, disk and memory therefore differ in speed to the extent of 10⁶, that is a search task that takes 11 days on disk, while it takes 1 s in memory⁶. This enables sequential search of the original documents in memory – the days of aggregation hierarchies needed for speedy analysis are gone. This is why in-memory computing plays such a pivotal role in analyzing input from sensor networks and we formulated H2.

4. Architectural considerations

If sensor data input can be analyzed in (near) real-time by an in-memory-based Business Intelligence (BI) component, the question arises why not couple it with the central components of the ERP system as well. Originally, there was a main obstacle to that, the ACID property (Date, 2012). Apart from periodical data refreshes, BI systems only read data for analysis, no transactions occur. ERP systems, however, process huge amounts of transactions per minute, accounting transactions, materials postings or sales transactions. Transactional write/create/delete processing requires processing of atomic (unitary), consistent and isolated processing units that leave a durable processing result in the database – ACID. The last point seemingly contradicts the use of main memory for transaction processing. However, database systems were designed (and have become state-of-the-art in business practices) that can preserve ACID even though the database is operationally retained in the main memory. There are a number of techniques possible including online replication to disk-based databases, after-image logging or battery buffered RAM as a hardware solution. Therefore, in-memory databases can guarantee ACID and hence can form the common data layer for transactional ERP systems and read-only BI. Figure 1 depicts the resulting overall architecture (Ismaili *et al.*, 2015; Plattner, 2014).

⁵ For a numeric derivation (Prosser, 2018).

⁶ This is of course a schematic example disregarding bus systems, caches etc., however, it shows the order of magnitude by which search improves.

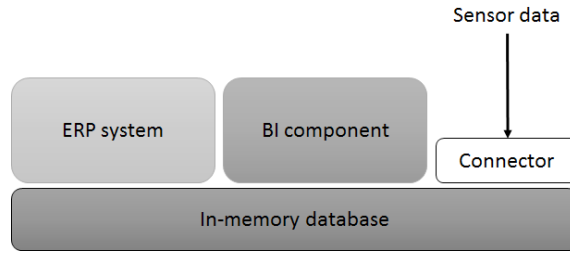


Figure 1: Architecture in-memory

This architecture is a complete change as compared to data warehousing. BI and ERP share the same data base, continuously updated by the ERP transactions. The BI component does not use a separate – and certainly not an aggregate – data base but uses the transactional data in their original. Sensor – and other external – data is continuously fed into the same base via connectors (typically web services).

Another architectural consideration is sensor network authentication. Insertion of fraudulent and manipulated sensor data has to be avoided and the integrity of the system needs to be automatically checked. There are a number of approaches ranging from physical challenge – response algorithms (Shoukry *et al.*, 2015) to waveform shaping for authentication purposes (Melo, Machado and Carmo, 2018).

5. Innovation and sensor networks

Figure 1 essentially describes a technical innovation, which – on a second level – may be used for process innovation as described in sections 2 and 3. However, process innovation implies that the end-result stays the same, only the process to achieve it has been streamlined. The third level is to use the technology to deliver a different product. In the domain of industrial machinery, sensor networks have created a push for pay-per-use models (OECD, 2017). This is also technically intuitive: once the producer may supervise the state of the machinery remotely (even the position, if the GPS coordinates are recorded), precise usage data can be collected and used for billing purposes. An example is the push for the rental of aircraft engines (World Finance, 2016).

Also, municipalities may explore new ‘business models’ utilizing sensor networks. The first example that may come to mind is smart mobility, where vehicles are not owned any more, but shared. However, beyond that, large parts of a municipality’s infrastructure may be rented by the city itself (Infrastructure-as-a-Service, IaaS). This may include the operation of street lightening or public wireless LAN, privatization of parking management or the infrastructure for autonomous vehicles (Clohessy, Acton and Morgan, 2014). IaaS exonerates municipal budgets by reducing capital investment basically turning investment into concurrent costs thereby

accelerating innovation and technology adoption (Tsarchopoulos, Komninos and Kakderi, 2017). Sensor networks play an important part in this push, as they provide the link between the physical world and the ICT backbone; a large part of the ‘smartness’ of the smart city relies on the fact that the analytical and management systems steering the infrastructure learn about the current state of the infrastructure managed via these sensor networks. H3 incorporates these considerations.

6. And in the classroom?

What does this imply for the university-level education of future leaders in public administration?

We hold that teaching must incorporate these developments on three levels: (i) management-level knowledge about the technical infrastructure, its abilities and limitations; (ii) the fusion of sensor networks into backbone management systems, notably ERP; (iii) the understanding of what this means for city management and the economic and organizational design of the smart city (which in itself requires an understanding of the underlying technologies).

We are therefore developing an integrated course for ERP and sensor networks covering the following elements:

- (i) A PC-based sensor network simulator for predictive maintenance of street lights, where students may experience the key parameters and variances relevant to predictive maintenance (wear and tear, replenishment lead time, service lead time, etc.); they learn how analysis of the expected values and variances in these parameters feeds back into the planning of a predictive system in general, and in the application at hand; the trainer is highly graphical and simulates a section of the city.
- (ii) Issue of service orders to the backbone ERP system directly generated by the simulator.
- (iii) Processing of the service order including link to materials management (and possibly procurement of the light bulbs in question).
- (iv) Ex-post evaluation (did the predictive parameters fit?) and possible adaptation of parameters and calculation of service.

We hope to not only provide a state-of-the-art view on sensor network – backbone ERP integration, but also to present-day management concepts for a municipal infrastructure in general.

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STRUCTURAL CHANGE IN CENTRAL AND SOUTH EASTERN EUROPE

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Abstract

According to Kaldor, modern economic growth entails structural change. The share of the broad economic sectors (agriculture, manufacturing, and services) in value added and employment has undergone a significant transformation in the post-socialist Central Eastern European economies, just like in the South Eastern European ones. However, the services sector, which now represents the greatest share in the economy in developed economies, is relatively less dominant in the emerging countries of Europe. In developed countries, agriculture and manufacturing have experienced a shrinking share in employment since the 1970s and the services sector has been gradually gaining ground. Baumol explained this phenomenon by claiming that the technological development of the given industry has characteristically a negative impact on the employment of the same industry. Following on Autor and Salomons (2017), who stated that own-industry productivity growth decreases employment within the industry which is overcompensated by positive intrasectoral spillover effects, the paper analyses 11 EU members from Central and South-Eastern Europe with the help of OLS panel regression, and finds that the productivity increase of both agriculture and manufacturing goes together with the decrease in employment within the sector, whereas in the services sector, including public services, the contrary holds.

Keywords: productivity, employment, sectoral change, emerging European economies.

1. Introduction

It is a widely known phenomenon that with economic development the share of the broad economic sectors (agriculture, manufacturing and services) in value added and employment undergoes a significant transformation. This paper aims at examining sectoral transformation in 13 Central and South-Eastern European EU member economies with special regard to changes in sectoral employment and value added and the impact of own-industry productivity on employment. To understand why structural change is important in modern economic growth, a series of empirical research papers and models have been devoted to the issue. The paper provides a detailed review of these approaches. The structural processes of emerging European economies are discussed with sectoral employment and value-added data. The employment and value added shares of the selected countries in agriculture, industry, and services is compared with the OECD, EU and Eurozone averages on the basis of World Bank (WDI) statistics which provide data for all these countries for the period between 1991 and 2018 (aside from some years of gap in certain countries' time series). The change in the number of employed persons by sector is examined to describe the recent tendencies following the onset of the 2007-2008 global financial crisis on data provided by the OECD employment by industry databases. Finally, the relationship between own-industry productivity and employment with the help of panel regression encompassing 11 countries out of the selected 13 for the years 1995-2017 on the basis of Eurostat National accounts employment data by industry (NACE A64). (Croatia and Malta had to be dropped from the sample in the lack of sufficient data coverage). The paper closes with conclusions and recommendations.

2. Literature review

Herrendorf *et al.* (2013) point out that so as to better understand structural transformation as one of the features of modern economic growth, it is necessary to reshape the one-sector-growth models into multi-sector models, and come up with various approaches from the literature addressing the changing behavior of the various sectors accompanying economic development. They apply different databases to illustrate how the weight of agriculture, manufacturing and services in value added, consumption and employment alternate at different welfare levels in industrialized countries. Herrendorf *et al.* (2013) also reveal some methodological problems of measuring economic development and sectoral shares. The level of economic development is mostly expressed as GDP per capita which can show large deviations from GDP per hours worked in country rankings. As regards the measurement of sectoral shares, consumption may follow quite different patterns from value added as consumption measures final expenditure and not additional value

created at different phases of production, and nominal versus real figures can also reflect contrasting price developments. Measured as a function of economic development (expressed as log of GDP per capita in Herrendorf *et al.* (2013)), in most of the cases the sectoral shares of employment and nominal value-added show a declining path in agriculture, a hump-shaped pattern in manufacturing and the service sector is gaining ground in most developed countries. The share of the service sector shows a sharper increase from the point where manufacturing shifts to a decreasing from an increasing trend in the case of nominal value-added shares. These patterns generally characterize most industrialized countries whose data series from various data sources encompass a long enough period starting from the 19th century. For a better comparability of data, they also use the EU KLEMS databases which offers methodologically harmonized data series covering the period between 1970-2007. Furthermore, they detect similar results even for countries outside the set of rich countries for which EU KLEMS has data. Structural change can be captured in models¹ by applying different rates (of labor augmenting) technological progress across sectors, change in the relative prices of inputs, and consequently outputs, differences in input intensities and substitutability of capital and labor, as well as home production of services. From the consumer side, non-homothetic preferences and differing income elasticities for different products are a prerequisite for explaining why sectors become more dominant and why others less. Referring to an early work of Clark (1940), Gabardo *et al.* (2017) summarizes sectoral reallocation as the result of differential productivity growth and Engel (income) effects, that is sectoral deviations in productivity growth from the supply side and different income elasticities from the demand side are regarded as the major sources of sectoral transformation. If income elasticity is greater than one in an industry (if non-homothetic preferences are characterizing consumers), then an increase in the per capita GDP leads to higher expenditure share and also to the reallocation of labor in favor of the same industry. First, Engel stated that the lower-income elasticity of demand leads to the drop in food prices and the shrinkage of agriculture, but later it was extended as a general law for consumption explaining other industries' rise and downturn (see Houthakker (1987) among others). In the second approach, the technological explanation, relative price changes either derive from differences in productivity growth across sectors or the changes of relative prices of inputs (presuming different input intensities and changes in the relative supply of inputs). Foellmi and Zweimüeller's (2008) model concentrating on the demand side is even able to capture the stylized facts on the three broad sectors, but at the same time with a hierarchical representa-

1 Until the beginning of the 90's sectoral change mostly appeared in empirical research, incorporating sectoral reallocation in models has recently become a widespread approach (Gabardo *et al.*, 2017).

tion of consumer preferences, they show that goods, when launched in the market, are classified as luxury and later become necessity products due to changing income elasticities. In contrast, Acemoglu and Guerrieri (2008) construct a model that only takes into consideration supply-side effects, varying input intensities and capital deepening as causes of relative price dynamics. Boppart (2014) empirically proved that both demand and supply-side effects are relevant.

Different data representations result in either a more accentuated effect of relative prices or that of income movements depending on the input-output relations of the economy (Herrendorf *et al.*, 2013). However, apart from these general economic interpretations which macroeconomic models are based on, there are still significant deviations in the way the three sectors transform with economic development as far as particular countries are concerned. This variability among countries can be attributed, among others, to different industrial policies, openness, the role of international trade, transportation costs, entry barriers in the service sector, the behavior of new entrants in the labor market, the change in the number of skilled workers, female employment, as well as various economic policy measures (such as employment protection rules) and other market-distorting forces (externalities, public goods, market power, etc.). Some of the researchers put special emphasis on the human determinants of sectoral transformation, the contribution of the skilled labor force (Buera and Kaboski, 2012) and women (Rendall, 2010; Olivetti, 2013) to the greater share of the service sector in employment and value added. The open economy context of structural change is less elaborate, but becomes more and more attractive. It is attributed a specific measurement, the so-called Krugman index and the proportion of high- and medium-tech export in total exports.

According to Herrendorf *et al.* (2013), sectoral composition might also play an important role in the business cycle fluctuations. The lessons learned from theories on structural change can also be applied to the differences between developing and developed countries. Caselli (2005) and Restuccia *et al.* (2008), among others, emphasize the importance of agriculture in economic development. In their view, the lower level of productivity in agriculture and the greater share of agriculture in employment prevent developing economies to reach a higher living standard (Herrendorf *et al.*, 2013). Another reason why less developed countries might not catch up with the more developed ones lies in the fact that the difference between the two country groups in the level and growth rates of productivity in the agriculture and services is greater than in manufacturing, therefore the shift from the dominant role of manufacturing to that of services does not support convergence in terms of aggregate productivity (Duarte and Restuccia, 2010). Furthermore, Bah and Brada (2009) found that post-socialist countries, due to the former planned economic system, tend to have a higher employment level in agriculture and manufacturing than the service sector compared to industrialized countries, and the service sector in these emerging economies is less productive, has a significantly lower TFP, thus the expansion in the service sector does not entail growth in GDP per capita.

Apart from their deep analysis of determinants behind sectoral transformation and a comprehensive review of models dealing with it, Herrendorf *et al.* (2013) also pointed to the limitations of the three-sectoral approach of economic development. Jorgenson and Timmer (2011) questioned whether the classical trichotomy among agriculture, manufacturing, and services well captures the structural processes of an economy. This is reasonable if one thinks about significant discrepancies in productivity, value added, consumption and employment patterns within sectors, such as the service sector. The service sector can be divided into traditional and non-traditional, high-skill and low-skill services, etc. among which relative price changes, real expenditure and labor shares can show large deviations. Gabardo *et al.* (2017) underline that structural change cannot be restricted to the three broad sectors, but instead it covers the change in the structure of production and employment between and within sectors as well. Baumol (1967) was one of the first economists who explained changes in industrial proportions on value added with differences in technological progress using only labor input.

Recent research has shed light on the fact that the contribution of industries using higher technology to employment shows a declining trend. At the national economy level, technological unemployment can be mitigated by continuous product innovation according to Saviotti and Pyka (2004). The technological development of the given industry (measured as an increase in productivity) has characteristically a negative impact on the employment of the given industry (Baumol-hypothesis), which is overcompensated or at least counterbalanced by the spillover effect originating from the industry affecting consumption, income, and overall employment. Nordhaus (2005) confuted that own-industry technological advancement (with special regard to the New Economy of semiconductors, software, and telecommunication) would cause job losses and detected a positive relationship between productivity and employment even within manufacturing for the period between 1955-2001 and 1998-2003. The outcome was opposite to the observed shrinkage in manufacturing employment which Nordhaus explained with the more rapid productivity growth and price decline from foreign competitors, thus competing imported goods can more than offset labor augmenting technological development in the domestic economy. Concerning the employment effect of technology in the various sectors of the economy, Bessen (2017) reveals more nuanced relations: employment shows a dramatical increase at the early stages of innovation, then starts declining in later stages of maturity due to market saturation and the widespread use of the new technology thanks to mass production and price reduction. Therefore, an initial favorable employment impact of product innovation ends up in employment depressing processes within the innovative sector. Productivity increase induced by automatization, at the same time, does not impact employees with different qualifications uniformly, which was underscored, among others, by the examination of Autor and Wasserman (2013) and Dustmann *et al.* (2014), which revealed that the salary of low-wage, less educated workers further decreased in

the USA and Germany in the last two-three decades considered. These labor market effects are explained by the shift in demand; thus, the aggregate favorable labor market effect of productivity can go together with contradicting processes within the industry but can affect employees at various skill levels also differently. That is, change in labor demand (often referred to as ‘skill-biased demand shifts’) can have an adverse impact on broad skill groups even if technological advance does not harm the labor market in aggregate. Autor and Salomons (2017) confirmed both presumptions in their investigation encompassing 37 years and the statistics of 19 developed countries. They test the employment effects of productivity (as a widely accepted indicator of technological progress) with regards to change in employment both numerically and as a share of the working-age population across industries. They partly point out that the employment decrease resulting from the productivity increase within the same industry is outperformed by the positive, employment augmenting spillover effect of the productivity growth of a given industry appearing in other industries. These intersectoral advantages stem partly from the final output demand increases (income effect), partly from interindustry demand connections. Furthermore, they provide statistical proof that the change in employment appears in employee groups with unequal skills in a different way and polarizes the labor market. Autor and Salomons (2017) rank 28 industries in five categories: mining, utilities and construction; manufacturing; education and health services; capital intensive (‘high tech’) services; and labor-intensive (‘low tech’) services. The interdependence between employment and productivity shows a great diversity in intersectoral relations as well: the most positive external effects can be detected due to health care, education and other (low- and high-tech) services, in contrast, productivity in utility services, mining, and construction causes no sizable intersectoral spillover effects. (The low-tech sector merits attention on account of its share in employment, whereas the manufacturing industry due to the highest efficiency increase in respect of all the industries examined.) The differences in the response to the change in productivity can be explained by the presence of sector-specific technology, the level of saturation of the market, and how demand effects are shared between domestic and foreign markets. Furthermore, it is generally observable that a powerful efficiency in the primary and secondary sectors will cause an expansion in employment in the tertiary sector, which principally affects low skilled and high skilled labor force, medium-skilled will mostly be excluded from the favorable labor market developments. Moreover, Autor and Salomons (2017) conclude that other factors, above all, population changes have caused significant employment effects aside from the favorable overall employment effect of productivity increase. Though this favorable impact can still be recognized for the average of the whole period examined but has been moderating (or even turned negative) in recent decades just like the interaction between productivity and employment, the latter is labelled by the authors as decoupling. A possible reason for productivity growth exercising less forceful effect on domestic employment

is that the ensuing expansion in demand is partly satisfied by foreign producers, thus trade openness might explain the change in the intensity of productivity and employment just like the patterns of structural change.

3. Sectoral reallocation and recent employment tendencies in Central and South-Eastern European countries

For the assessment of the changing importance of the three broad sectors, it is reasonable to use the WDI statistics of the World Bank as it provides harmonized and comparable data for all the 13 countries examined and also for the EU, the Eurozone and the OECD as reference statistics on groups of industrialized countries. Unfortunately, most countries have data series starting only in 1991 or even later, therefore the maximum interval for analysis is 28 years which can only help explore recent tendencies.

In the agricultural sector despite a well observable moderation, there is still an evident surplus in value added shares in Central and South-Eastern European countries compared to the OECD, EU and Eurozone averages which have been around 1-1.5% in the last five years (Figure 1a). The only exception is Malta with its below 1% proportion in 2018, while Cyprus, the Czech Republic, and Slovenia with their less than 2% figures are very close to the European average. In Romania and Bulgaria agriculture still contributed to GDP by above 5% until the 2010s' but by now their statistics have also been depressed below 5%. The employment share of agriculture shows a diverse picture apart from the common declining tendency and an average approximately 60% decrease in the data between 1991 and 2018 (Figure 1b). Generally, Central Eastern European countries employ more of their labor force in agriculture than OECD and EU or EMU countries. The OECD and EU countries' employment share in agriculture almost coincides over the entire period with a value somewhat above 4% in 2018 and the Eurozone can be characterized with some percentage points lower values than the other two groups of countries over the entire period examined.

Among the outliers, Romania is the most striking example with a still significant proportion of agricultural workers making up somewhat higher than 20% of total employment. In contrast Cyprus, the Czech Republic, Malta, and Slovakia are even below the Eurozone average with Cyprus standing out with its 1% share in 2018.

As regards manufacturing, there is no data available on its share in employment, therefore a broader aggregate industry is used to capture non-agricultural and non-service branches' transformation which includes construction, mining, electricity, water, and gas apart from manufacturing. The contribution of industry to total value added and employment has been on a downward path from the beginning of the period examined, except for Hungary where data on value added are only available after 1995 and since then a slight increase is observable in the share

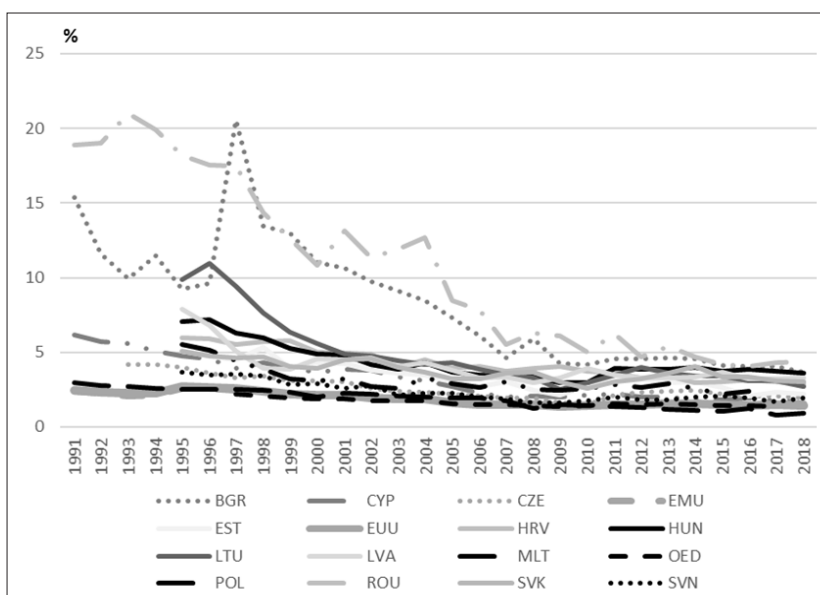


Figure 1a: The share of agriculture in value added (%)

Source: Own figure based on World Bank WDI statistics

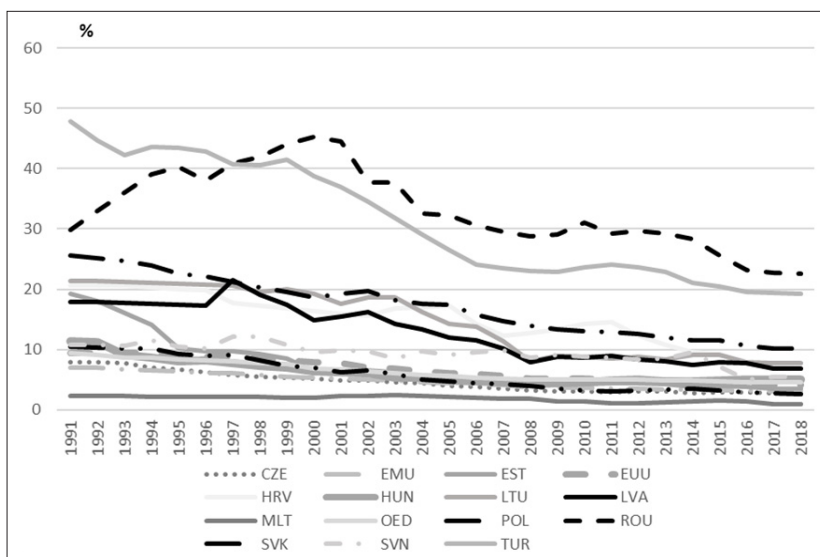


Figure 1b: The share of agriculture in total employment (%)

Source: Own figure based on World Bank WDI statistics

of industry in GDP. The largest drop in industrial shares can be traced in the case of Malta in both proportions on value added and employment. These shares, however, are generally still far above those of Eurozone, EU and OECD averages (amounting

to 22% as regards value added and 22-24% as regards employment in 2017 and 2018) apart from Malta and Cyprus with statistics much below and to a lesser extent Latvia close to or below these averages (Figure 2a and 2b).

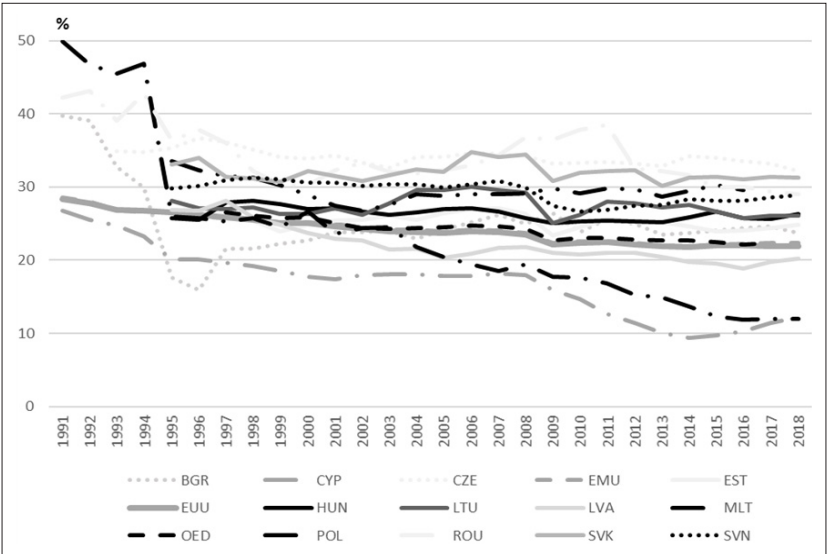


Figure 2a: The share of industry in value added (%)

Source: Own figure based on World Bank WDI statistics

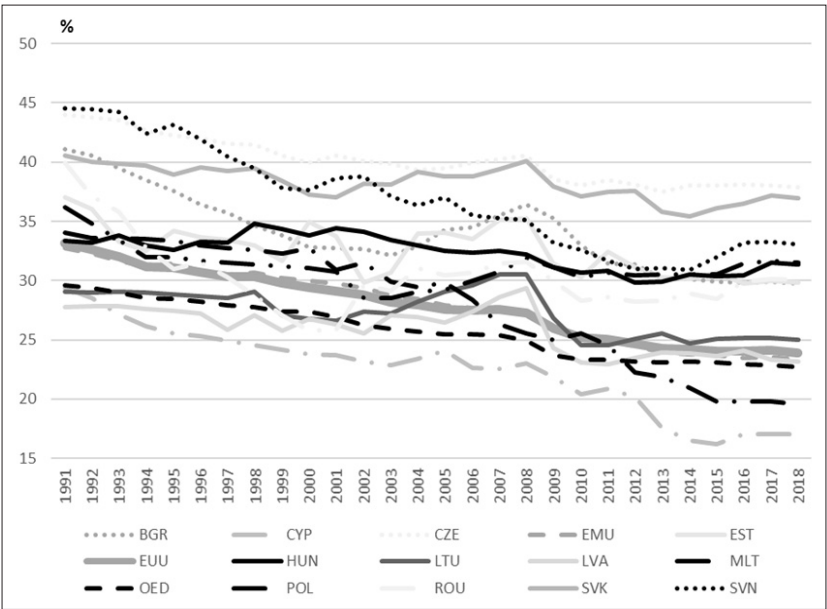


Figure 2b: The share of industry in total employment (%)

Source: Own figure based on World Bank WDI statistics

It is interesting to note that OECD countries have a larger contribution to value added than to employment relative to EU countries which leads to the conjecture that European countries use more labor-intensive procedures in industrial production.

According to World Bank statistics, the share of the service sector in value added has essentially been growing since 1991 and stands at around 70-80% in the most developed countries – like typically in the G7 economies – whereas in the emerging Central Eastern European, South American and Asian economies this indicator fluctuates around 55-60%. Among the countries examined in the present paper, Malta and Cyprus are above the OECD average of 70% (2017 data) by some percentage points and significantly exceeds the EU/EMU average of 66% (2018 data) and Latvia is close to the European average (Figure 3a). As for the employment share, very similar conclusions can be drawn, after a general positive tendency typical of all the countries examined, much over the OECD and EU average of around 72-73% are the values of Cyprus and Malta with some 80% in 2018 and Latvia is representing more or less the European average (Figure 3b). There is, however, apparent difference between the OECD and EU value added proportions in favor of the OECD, while almost none in employment shares. Furthermore, Romania is much more lagging behind in its labor market involvement in services (with its still less than 50% share) despite its gradual catching up as concerns its income generated by the service sector (57% in 2018). (In Hungary the services sector's share in employment has continuously been lagging behind that of the OECD average by some 5-10 percentage points and the manufacturing sector has had more or less the same surplus employment share since the system change).

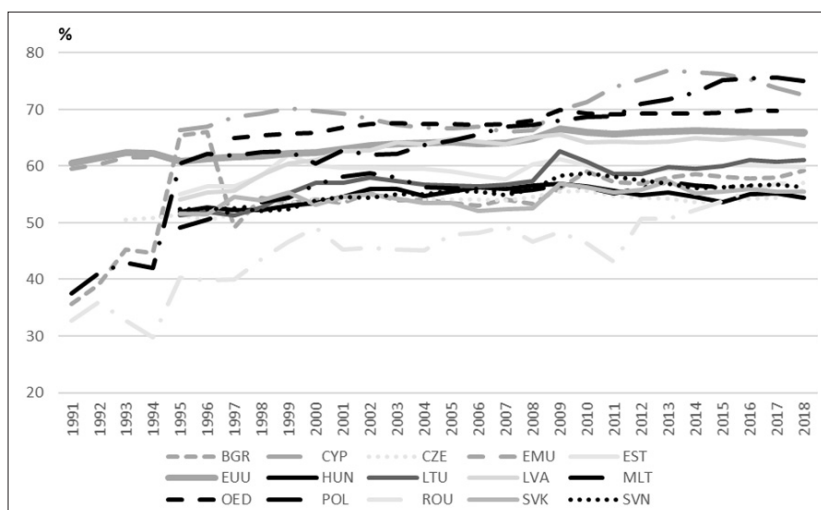


Figure 3a: The share of services in value added (%)

Source: Own figure based on World Bank WDI statistics

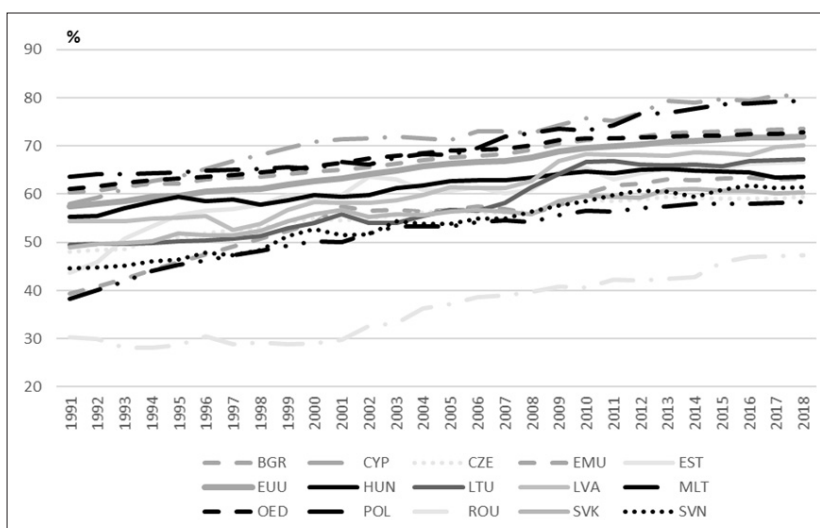


Figure 3b: The share of services in total employment (%)

Source: Own figure based on World Bank WDI statistics

Taking OECD industrial employment data as a basis for comparison of the number of employed workers, the gradual contraction of the agrarian sector can be detected even with regard to the 2010 employment statistics, there has been an approximate decrease of 4% in the number of agricultural workers in the OECD countries and between 5-20% in most of the G7 countries with the exception of the US and Italy (in G7 economies the number of persons employed in agriculture decreased by 26% between 2000 and 2010 and by more than 100% compared to the 1980s). In Central Eastern European economies agricultural employment was further falling between 2010 and 2018, with the exception of Hungary with a close to 30% increase, after a general decline since data are at all available on their sectoral employment. Though the number of employed persons grew both in manufacturing and services in the OECD countries (by 8 and 12% respectively) between 2010 and 2018, the new jobs created have still not made up entirely for the drop in employment in the manufacturing sector since the onset of the crisis whereas employment in the service sector has shown an uninterrupted increase. In manufacturing the 2008 events caused a strong relapse in employment in all industrialized countries, from the most developed G7 to the less developed Central Eastern European economies, while there was just a slight (and often rather upward) correction in employment in services. A general tendency – with the exception of Germany – in G7 countries is the shrinking number of employed persons in manufacturing with a moderate rebound after 2008, in contrast to Central Eastern European Countries where this sector still offers expanding job opportunities. The services sector employs more and more workers in both developed G7 and emerging European economies.

The sectoral rearrangement can also be observed in the EU member states in the last two decades. The number of agricultural workers has been permanently falling since 2000 (by more than 40% altogether), while there was a significant drop in manufacturing workplaces after the global financial crisis which is still detectable in the data, the number of employees in manufacturing is 7% less in the EU 28 in 2018 compared to 2008. The service sector is continuously on the top in its contribution to job creation and value added, its share in employment has grown from 68% to 72% in the EU since the crisis became global. It is worth noting that in the European Union, the number of workplaces has exclusively grown in the service sector on average whereas in Hungary all three sectors, in Poland and the Czech Republic the manufacturing sector has also experienced an extension in the number of jobs. (In respect of the Eurostat domestic concept employment statistics, Malta could account for an amelioration of employment in agriculture, Latvia experienced a worsening also in the service sector, and Hungary, similarly to other member states, has only improved its labor market figures in the different service branches).

4. Empirical testing of the relationship between sectoral employment and productivity

For testing the empirical relationship between own-industry productivity and employment a simple OLS panel regression is used. Following on Autor and Salomons (2017), apart from analysis of the three sectors, agriculture, manufacturing and services separately, the service sector is further divided into low-tech and high-tech categories. Manufacturing is interpreted in line with the NACE classification and does not include construction, water, gas and electricity. Low-tech services cover wholesale and retail trade, transport, accommodation, and food service activities, and high-tech services include information and communication, financial and insurance, professional, scientific and technical, administrative and support service activities as well as public administration, defense, education, human health, and social work activities, thus high-tech services also comprise public services. Contrary to Autor and Salomons (2017), thus education and health are not treated as an isolated unit.

In the regression equation the log change of employed persons as the dependent variable is explained by the change of productivity (measured as GDP per employed person), the log change of other sectors' employment and two dummies: one to divide data series between years prior and post EU accession and one to mark the crisis years, the period between 2008 and 2012, to also account for the effect of the sovereign crisis. This representation of the data does not allow to measure intersectoral productivity spillover effects but with the inclusion of employment data outside the sector, the effect of general positive labor market tendencies can be partially filtered and also the potential movement of employees between sectors explained.

The regression results mostly reflect the expected relationship between intrasectoral productivity and employment growth. In the agricultural, forestry and fishing sector productivity growth caused a decline in employment and other sector employment growth also influenced agricultural labor force adversely (Table 1). The regressions results reveal very low explanatory power of independent variables and low dependence of employment growth on productivity. It is worth mentioning that according to one of the estimates, EU accession also contributed to the reduction in the number of agricultural workers. In one of the regression equations, the lagged employment increase is also involved.

Table 1: Panel regression: Agriculture (OLS, 11 countries, 21-22 time series)

	Model 1	Model 2	Model 3	Model 4
constant				
productivity	-0.000845853* (0.000496153)	-0.00128936*** (0.000350185)	-0.00176798*** (0.000335062)	-0.00111812** (0.000495697)
ln dempl_other sectors	-0.321023*** (0.0465523)	-0.322273*** (0.0459046)	-0.318703*** (0.0467951)	-0.314906*** (0.0466369)
ln dempl (-1)	0.199015*** (0.0588925)	0.213612*** (0.0578066)		
dummy1	-0.00792484 (0.00813355)			-0.0126827* (0.00715581)
dummy2	-0.00318505 (0.00975259)			
R ²	0.305696	0.300331	0.258916	0.268530
centered R ²	0.085148	0.078078	0.035291	0.047806
Durbin-Watson	1.877774	1.883073	1.358312	1.388311

Notes: *10%, **5%, ***1% significance level, data in brackets under coefficients stand for standard errors, time series are shortened if the lagged employment difference is included in the regression. Only those models were selected where the coefficient of productivity was significant.

In the manufacturing sector the presumed negative co-movement between employment and productivity, reflecting the Baumol-hypothesis, is confirmed by the coefficient of the panel regression (Table 2). Productivity, in this case, is significant at the 5% significance level if no constant is included and contrary to the agricultural sector, other sectors' employment positively affects labor force involvement in manufacturing. Among the two dummies, only the second variable representing the most severe crisis years has a significant negative coefficient. The inclusion of the lagged employment variable improved Durbin-Watson statistics, which suggest a slight positive autocorrelation of the residuals. The results of the regressions on the manufacturing data seem to be more reliable than those of the agricultural sector as R² reflects, in the first case the regressors altogether account for more than 30% of the variance of the dependent variable.

Table 2: Panel regression: Manufacturing (OLS, 11 countries, 21-22 time series)

	Model 1	Model 2	Model 3
constant			
productivity	-0.000392596* (0.000230666)	-0.000327428** (0.000149776)	-0.000361480** (0.000335062)
ln dempl_other sectors	0.706107*** (0.0875152)	0.708561*** (0.0871004)	0.735388*** (0.0806283)
ln dempl (-1)	0.105721* (0.0595783)	0.107701* (0.0592274)	
dummy1	0.00218944 (0.00588560)		
dummy2	-0.0182866*** (0.00618729)	-0.0173161*** (0.00559971)	-0.0195522*** (0.00548683)
R ²	0.374316	0.373933	0.348434
centered R ²	0.351312	0.350915	0.325011
Durbin-Watson	1.702500	1.696792	1.486131

Notes: *10%, **5%, ***1% significance level, data in brackets under coefficients stand for standard errors, time series are shortened if the lagged employment difference is included in the regression. Only those models were selected where the coefficient of productivity was significant.

In the case of the presumably more labor and less technology-intensive ‘low-tech’ services productivity has a positive impact of employment without a constant and negatively with a constant, in the latter case the productivity variable has a coefficient with a very low significance (Table 3). In both cases, the change of employment growth to productivity is lower than 0.1% like in the case of manufacturing and the crisis dummy has a significantly negative coefficient (if EU dummy is included, it has a positive but less significant coefficient.)

‘High-tech’ services’ labor force seems not to have been affected by the EU accession or by the global financial crisis, but it is positively influenced by productivity growth and employment in other sectors in all regression estimations (Table 4). In both service sectors, Durbin-Watson statistics are close to 2 signaling no autocorrelation in residuals if the lagged change of employment variable is inserted in the equation (Table 3-4). The explanatory power of independent variables is higher in the case of ‘low-tech’ services, probably because the other artificially compiled sector is of a more heterogeneous character.

Table 3: Panel regression: 'Low-tech' services (OLS, 11 countries, 21-22 time series)

	Model 1	Model 2	Model 3
constant	0.0146553*** (0.00413344)		
productivity	-0.000447870* (0.000241131)	0.000409855*** (0.000108201)	0.000502836*** (0.000107155)
ln dempl_other sectors	0.405463*** (0.0491981)	0.370546*** (0.0488102)	0.392913*** (0.0478740)
ln dempl (-1)	0.122713** (0.0563927)	0.164092*** (0.0571362)	
dummy1	0.00375555 (0.00372674)		
dummy2	-0.0161034*** (0.00412187)	-0.0128535*** (0.00380272)	-0.0143571*** (0.00389812)
R ²	0.413704	0.417278	0.372124
centered R ²	0.399334	0.368717	0.316878
Durbin-Watson	1.956287	1.908207	1.543375

Notes: *10%, **5%, ***1% significance level, data in brackets under coefficients stand for standard errors, time series are shortened if the lagged employment difference is included in the regression. Only those models were selected where the coefficient of productivity was significant.

Table 4: Panel regression: 'High-tech' services (OLS, 11 countries, 21-22 time series)

	Model 1	Model 2	Model 3
constant	0.00331458 (0.00373230)		
productivity	0.000407701** (0.000164004)	0.000509615*** (0.000117111)	0.000592098*** (8.35571e-05)
ln dempl_other sectors	0.272354*** (0.0467173)	0.266017*** (0.0461474)	0.273698*** (0.0430379)
ln dempl (-1)	0.111069* (0.0606982)	0.108842* (0.0606180)	0.116725* (0.0600076)
dummy1	0.00257803 (0.00379611)	0.00394149 (0.00347017)	
dummy2	-0.00212615 (0.00437034)	-0.00230631 (0.00436359)	
R ²	0.232895	0.379781	0.376240
centered R ²	0.215848	0.230206	0.225811
Durbin-Watson	2.049674	2.041860	2.050434

Notes: *10%, **5%, ***1% significance level, data in brackets under coefficients stand for standard errors, time series are shortened if the lagged employment difference is included in the regression. Only those models were selected where the coefficient of productivity was significant.

5. Conclusion

According to the theoretical literature, the two main factors inducing sectoral transformation are technology-driven change in productivity and differences in income elasticities of demand across sectors in which innovation plays an important role. The emerging European economies examined in the paper have undergone an apparent convergence to industrialized OECD and EU economies, with Malta and Cyprus having experienced even more ‘advanced’ shift towards a dominant services sector than the former countries on average. Latvia and Lithuania are almost reproducing the EU countries’ general tendencies, while the Czech Republic, Slovakia, and Slovenia count to the most progressive economies due to the low reliance on agricultural activity. Romania and Bulgaria used to be outliers with their dominant agricultural sector in income terms, but this difference has diminished over time, while Romania is still largely deviating in its employment statistics from other European countries with a strikingly low proportion on services and still a somewhat more forceful presence in the agricultural sector. Following on the Baumol hypothesis, we can conclude in respect of the selected countries that in traditional branches own-industry productivity deteriorates employment, while the contrary holds in the services sector, especially in those subsectors where the use of higher technology is widespread. For a deeper understanding of structural processes in emerging European economies, relative price effects and intersectoral employment effects need to be scrutinized.

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COLLABORATIVE GOVERNANCE COMPETENCIES DEVELOPMENT: ENGLISH FOR SPECIAL PURPOSES INTERACTIVE LEARNING ENVIRONMENT FOR PUBLIC ADMINISTRATION STUDENTS

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Abstract

The creation of English for Special Purposes interactive learning environment for public administration students answering the goals of collaborative governance in the modern world is considered. The current state of ESP training of PA students at the Institute for Social Sciences (the ISS) of the Russian Presidential Academy of National Economy and Public Administration for the past three years had been analyzed including the curriculum, the methods of teaching and textbooks study. The research methods included theoretical research, the methodology of empirical research and comparative research. The results of the analysis showed that the case study method makes it possible to create ESP interactive learning environment during studies to develop both foreign language competencies and collaborative governance competencies of PA students thus providing better communication of future civil servants with the public and stakeholders. The conclusion is that during the study the students acquire not only foreign language competencies but also professional competencies needed for collaborative governance goals among which are communication skills, decision-making skills, critical thinking skills, etc. Such an approach corresponds both to the modern networking international nature of cooperation in the field of PA and the needs of public servants' collaboration at all levels. The results of the analysis allowed us to make some recommendations for teachers and education managers and give some practical advice for the improvement of the educational programs for PA students regarding collaborative governance values.

Keywords: public administration, collaborative governance, foreign language competencies, collaborative governance competencies, interactive learning environment.

1. Introduction

New challenges in public administration (PA), PA reforms and networking, international nature of cooperation in the field of PA in the XXI century require the new educational approach to collaborative governance competencies development of PA students. Foreign language study at the universities having PA faculties could be very helpful in this respect. In the author's opinion, the creation of English for Special Purposes (ESP) interactive learning environment for PA students, especially PA master students, during ESP studies is needed not only for foreign language competencies development but also for collaborative governance competencies development. This measure could make the professional development of PA students closer to new requirements to PA servants functioning in the conditions of collaborative governance, thus making their work more effective.

For the implementation of this approach, the current state of the level of English language training of PA master students at the Institute for Social Sciences (the ISS) of Russian Presidential Academy of National Economy and Public Administration (RANEPA) in Moscow had been analyzed by the author. The analysis included the study of the curriculum, the programs, the teaching methods, the study of the textbook of six groups of PA master students of the ISS of RANEPA, Moscow, for the period of the past three years (2016-2019). Master programs analyzed concerned such profiles of study as state and municipal government (management in the state sector) and digital design in the state sector. The research methods included theoretical research, the methodology of empirical research, methods of comparative research, etc. The methods of task-based learning and the multiple-intelligence approach were used as helpful research and learning tools.

During the research, the curriculum and the methods of teaching have been considered and then modified both to provide better communication of future civil servants with public and stakeholders, and to develop their collaborative governance competencies. Special attention had been paid to the case study method of ESP teaching because the situations produced during case studies made the students' learning closer to real life and could help them in their future work.

The results of our analysis showed that the case study method made it possible to create ESP interactive learning environment during studies that allowed PA students to develop both their foreign language and collaborative governance competencies. We have found that case studies are necessary not only for teaching ESP at the university but also for providing a responsible and ethical performance of PA tasks by public servants. The conclusion was made on the results of the analysis: during the study, the students acquire not only foreign language competencies but also professional competencies needed for collaborative governance goals among which are problem definition skills, communication skills, decision-making skills, critical thinking skills, problem-solving skills, etc. The results of the analysis allowed us to make some practical recommendations for teachers and education

managers and to present some practical advice for mastering the educational programs for PA master students regarding collaborative governance values.

2. Collaborative governance and communication

The term ‘collaborative governance’, which became popular over the past two decades, refers to the new, more effective way of collaboration between public administration and citizens. The idea of collaborative governance is considered by Ansell and Gash (2008) as a response to the failures of governmental institutions and bureaucracy to execute proper collaboration in the network society. Ansell and Gash (2008) defined collaborative governance as follows: ‘A governing arrangement when one or more public agencies directly engage non-state stakeholders in collective decision-making or manage public programs or assets’ process that is formal, consensus-oriented, and deliberative and that aims to make or implement a public policy’. Some other authors saw the new advantages for public administration in collaboration and networking: ‘Although bureaucracies still remain, public administrators have begun to recognize that more can potentially be achieved by collaboration and networking’ (Morse and Stephens, 2012).

Collaborative governance requires better communication between all layers of society. In the era of globalization and internalization foreign languages is one of the effective means for public servants to communicate better with each other and with citizens. We believe that the development of foreign language competencies of public administrators or future public servants seems to be the best way to develop also their professional competencies including those needed for better communication and good collaboration between them and the citizens. Collaborative governance has become not only a widespread term. Now, in the author’s opinion, the practical means of collaborative governance competencies development should be introduced into the academic curriculum of today’s public administrators.

One of the academicians who researched civil service in Russia and abroad, Veronika Kareva, stressed the importance of the problem of the development of foreign-language competencies of future public servants: ‘The institutions from the public sector, such as different governmental bodies, ministries, the local government, public enterprises, the courts, and other public organizations need administrators with good communicative skills in English for their contacts with the international community and the representatives of international organizations in the country on topics and with vocabulary related to the field of public administration and politics’ (Kareva, 2013). These words apply to PA institutions of all the countries, and we should add that not only foreign-language competencies of future public servants should be developed during studies of foreign languages, but much attention should be paid to the development of professional skills of PA servants.

As communication at all levels of governance is the core of collaborative governance, foreign language study should also have a more practical character. That is why, in the author's opinion, the professional skills of PA students should be developed through cases – the concrete life situations – as well as through examples taken from the collaborative activity of public service and citizens. We believe that the case study method is the most suitable one for the development of the communicative skills of the students. Still, this method should be modified following modern requirements for public administration work in modern society.

3. Creating an ESP interactive learning environment through the case study method

The case study method is not new in teaching foreign languages, but our task was to modify this method so that it could serve both to the development of foreign language competencies of the students and to the development of the skills necessary for communication of future PA servants with citizens and stakeholders. We think it necessary in modern conditions to modify case studies to make the process of learning more practical and more useful. The hypotheses of our research are the following: through case studies, PA students should acquire not only foreign language skills but professional competencies such as communication skills, decision-making skills, critical thinking skills, ethical performance skills, leadership skills, etc. Creating ESP interactive learning environment through the case study method will help the teachers of foreign languages to meet the practical communicative needs of both public administrators and citizens. Besides, for providing interactive work of students and teachers during the study the methods of task-based learning (Bowen, undated) and the multiple-intelligence approach (Puchta, undated) should be used as helpful learning tools.

A thorough needs analysis should be carried out before study, using interviews of the students and questionnaires spread among them by the teachers for a better understanding of their needs and challenges. Before the studies, the analysis of the textbooks for creating an interactive learning environment should be carried out by the teachers to choose the most suitable one, i.e. learning material which should not only contain necessary tips for language study but also present popular life situations which are close to reality (including moral dilemmas) that could help the students to execute the professional and ethical performance of their duties. The analysis of the case studies by the students at the end of the lesson will help them to choose the right alternatives in their practice of communication with citizens.

Six groups of PA master students of ISS of RANEPa, Moscow, (60 persons in all the groups) had been chosen for our three-year analysis (two groups every year of study – 16/17, 17/18, 18/19). They were the representatives of all the students of PA master programs at the Institute for Social Sciences of RANEPa, Moscow, such as

state and municipal government (management in the state sector) and digital design in the state sector. Questionnaires have been compiled and distributed among all PA master students, and interviews had been taken of all of the students both for the sake of needs analysis and for monitoring the results at the end of the studies. Needs analysis showed us the interests and needs of the students, so we have found that all master programs which were built by the teacher in close collaboration with the profile teachers were aimed at studying public administration functioning in modern conditions of collaborative governance. Language tests of every student of the group have been also carried out before and after our case study program. The choice of teaching material for ESP and collaborative governance competencies development was very important. For all the groups of PA master students a textbook called 'Citizen-Driven Government Performance' issued by the National Center for Public Productivity, Graduate Department of Public Administration of Rutgers University – Newark, the USA, had been used. This Center is a research and public service organization devoted to improving productivity in the public sector. The case studies highlighted in this book are the core of the 'Citizen-Driven Performance Measurement Curricular Project'. Course Modules are Performance, Trust, and Citizenship; Performance, Evaluation, and Budgeting; Managerial Behavior and Decision; Managerial Skills and Techniques; E-government. During studies, the real cases from the book have been taken. Besides, the texts from newspapers in English have been additionally used (Washington Post, The Guardian, The Moscow Times, The Economist, etc.).

The students worked in pairs or small groups during every case study, and the whole group discussed every case after it had been 'played' at the lesson. The discussions throughout the process of a case study and the process of the case analysis helped the teacher to define which foreign language and collaborative governance competencies were learned.

4. Using the case study method for foreign language competencies development

Foreign language professional competencies are based on the integration of the four language domains: listening, speaking, reading, and writing. Learners of ESP are expected to achieve these English language competencies in their discipline of study by the time they complete their degree. In the work 'Dual Language Professional Competencies Performance Outcomes and Performance Indicators' (Soltero and Ortiz, 2016) the foreign language competencies for students are described in the following way:

'Listening: Learners understand messages spoken by others, and can listen carefully, using specific techniques to clarify what they have heard. Learners apply

listening skills as individuals and members of a group in a variety of settings such as lectures, discussions, conversations, team projects, presentations, and interviews.

Speaking: Learners orally communicate effectively in professional and social settings. Learners speak appropriately according to the situation and make messages understood, using correct grammar, sentence structure, tone, expression, and emphasis.

Reading: Learners read fluently, comprehend, and acquire knowledge through a broad range of written materials, both traditional and electronic print, on their discipline. Learners use strategies and processes for constructing meaning before, during, and after reading.

Writing: Learners demonstrate their knowledge through writing for a variety of audiences and purposes through different writing styles that include standard rhetoric themes, business letters and reports, financial proposals, and technical and professional communications. Learners develop high-levels of writing skills and produce documents that show planning and organization as well as conveying effectively the intended message and meaning’.

First of all, before starting the process of teaching we have analyzed the current state of PA master students’ readiness to use case studies in their work at the lessons, so foreign language skills evaluation had been provided. For this purpose, we applied the Common European Framework (IELTS level). Other tests of foreign language command of the students may be also used for this purpose. Learners demonstrated the above-mentioned foreign language competencies which allowed them to work with cases successfully. The development of all the above-mentioned foreign language competencies continued in the classroom during case studies, so we can say that a case-study method is used both for developing foreign language competencies and also for developing the competencies for collaborative governance model cases. We assume that learning new terminology, for example, as lists of terms, is ineffective. Using the cases for collaborative governance model, PA students do not only learn and apply terminology, but they are taught how to operate these or that terms in different working situations. Listening and speaking during communication in the process of case studies reproduction make it possible to develop the corresponding foreign language competencies. Reading and writing in the course of studying cases develop skills for the work of public administrators with documents and written applications of citizens. Thus, the case study method may be considered to be one of the best suitable methods for developing all foreign language competencies. We have found that the implementation of case-study method had proved its effectiveness in foreign language study in general and ESP study of PA master students, in particular; so we can strongly recommend this method for teachers of ESP at PA faculties of universities as one of the best one for teaching ESP at PA faculties.

5. Using the case-study method for collaborative governance competencies development

We have found that the case study method is one of the most effective ways of developing foreign language competencies. Our analysis proved that the case study method is good not only for this purpose; it is also suitable for collaborative governance competencies development. This fact makes this method even more valuable for learners and teachers. We suggested that this method of teaching is very helpful in the professional development of students, as they acquire not only above-mentioned foreign language competencies (listening, speaking, reading and writing), but also many competencies needed for their future work as public servants in modern conditions of collaborative governance. We know that collaborative governance principles require that public administration graduates should possess good communicative skills and understand the government and the nonprofit sector's discourse with the community. Such forms of case study as collective problem solving, group discussions and the analysis of real-life cases could be of great help in mastering communicative and other professional skills of PA students. The main goal of applying all these forms of work is to encourage students to speak freely on a subject by setting clear communicative tasks.

During our analysis, we have found that thorough examination of particular cases by the students and final discussions of real-life cases allow them to acquire such competencies needed for collaborative governance as problem definition, critical thinking, problem-solving, communication skills, best practices' analysis skills, decision-making skills, skills for work with documents, ethical performance skills, leadership skills, etc.

We have found in our research that the case study method requires several measures to be taken during creating an interactive learning environment for PA students.

1. **The common level of English for the students.** The current state of PA master students' readiness to use case studies in their work at the lessons is necessary so the evaluation of foreign language command of the students should be provided. Tests IELTS or some other tests should be carried out before case study method implementation.
2. **The consultations with profile teachers.** The consultations with profile teachers concerning the curriculum and the program of study for PA students (PA master students in our case) should be provided.
3. **Needs analysis.** Before proceeding to cases, we should carry out **needs analysis** after distributing the detailed questionnaire among the students or interviewing them. Interviewing or questionnaires should include a wide array of questions. (The example of the questionnaire is given in Appendix I). Thus, the teachers could understand better what particular area of PA the students are

working or planning to work for. The teachers should have a clear vision of PA students' actual working environment for the moment. They should also make a forecast for the future to define what language competencies and collaborative governance competencies are needed.

4. **Teaching material for the learners.** To develop the competencies needed it is very important to choose **teaching material for the learners**. Case studies in the field of public service should be carefully chosen both for foreign language competencies and for all collaborative governance competencies development. For example, after a thorough analysis of several textbooks, we used the textbook *Citizen-Driven Government Performance* (undated) and several English language newspapers. The contents of the book contain problem definition, decision-making, problem-solving elements, so it was useful for our tasks.
5. **Selection of the most typical working situations.** For the most effective academic results, we should **select the most typical working situations**, thus providing a simulation of the working environment of the students. To select the most appropriate cases we can use some ready-made cases from the textbook or use newspapers for this purpose. Before the implementation of the case study method and choosing this or that case we should ask ourselves how this or that case contributes to the development of collaborative competencies development.
6. **Using particular terminology for the case.** As V. Kareva puts it, 'the teachers may create an effective learning environment **using particular terminology for the case**, so the students will use an audience-centered language and provide reader-friendly documents for their future career. Feedbacks (after case-studies) help teachers and students to evaluate the effectiveness of the study, to understand clearly all the difficulties and discrepancies in problem-solving' (Kareva, 2013). For a better understanding of the students' future professional environment, the teachers of ISS at RANEPa compared best Russian or European practices (mostly of neighboring countries). Thus, the case-studies may help graduates to avoid linguistic discrepancies in the future.
7. **Encouraging the students to express their opinion without fear of mistake.** During the study, the students worked in pairs or small groups. So together with the students, we had been creating a specific learning environment, the context in which they were supposed to operate; we **encouraged them to express their opinion without fear of mistake**, to immerse deeper in the environment. Some situations with moral dilemmas had been considered and analyzed to provide the ethical performance of PA servants' duties.
8. **The task-based learning (TBL) method** (Bowen, undated) **and the multiple intelligence (MI) method** (Puchta, undated) in the case study should be used. Task-based learning provides focusing on meaning and reflects real life. To fully understand the situation described in the case we applied the multiple intelligence method.

9. **The final analysis of the case by the students.** The final analysis of the case by the students is not less important than the case itself. The students express their opinions, experiences and share their visions of real-life situations. This analysis helps them to understand better the specific character of work in public administration and contributes to the development of their professional competencies.

6. Results of the study and recommendations for practitioners

The new interdependent and diverse character of governments' and public sector organization's work, the need for responsible and ethical performance of PA tasks for public servants require the development of collaborative competencies of future public administrators. We can say after our analysis that there exists a gap between teaching only ESP by case study method and developing mostly foreign language competencies of PA students, and the new vision of teaching ESP for PA students regarding the development of their collaborative competencies. Our analysis for the first time concerns the use of collaborative governance cases for teaching ESP for PA students. During our research, we have found that though the curriculum contents at ISS, RANEPA, Moscow, in recent years had undergone some changes in foreign language competencies development, master programs for PA students still require changes and modifications as far as collaborative governance competencies development is concerned. We introduced into the curriculum of PA master students the case studies which helped them to develop such collaborative governance competencies as communication skills, critical thinking skills, problem definition skills, decision-making skills, problem-solving skills, teamwork skills, ethical performance skills, etc. During teaching ESP for PA students at ISS, RANEPA, Moscow, ESP interactive learning environment was created making it possible to develop both ESP foreign language competencies and the competencies for the collaborative governance model. According to interviews with master students of 6 groups (60 persons), the following results presented in Table 1 below were obtained.

Taking into account global intercultural competence, challenges, concerns, and reforms described in English, as well as the term global governance itself and its meaning (communication at all levels), we used English as *lingua franca*. Therefore, we think it is really important to provide comprehensive knowledge models of teaching ESP for future public administrators as well as for the practitioners having their retraining programs. The hypothesis of the research was that when teaching ESP we should not only focus on the terms and collocations reflecting the definitions but work in the interactive ESP learning environment and collaborative governance context which implied communication at all levels. We interviewed

Table1: Competencies and skills achieved
by master program graduates through learning case-studies (according to interview results)

Competencies and skills achieved by master program graduates through learning case-studies	Management in state sector graduates (3 groups of students – 32 persons)	Digital design graduates (3 groups of students – 28 persons)
Problem definition	87%	81%
Decision making	93%	90%
Ethical performance	87%	90%
Critical thinking skills	84%	87%
Problem-solving	87%	78%
Citizen involvement	93%	84%
Personal development of a civil servant	93%	81%
Leadership skills	87%	87%
Best practices use	93%	87%
Teamwork skills	87%	84%
Communication skills	93%	87%
Overall Information	81%	77%

Source: Author's calculations

the graduates about the collaborative governance skills which they had acquired during case study method implementation. The overall results showed that most of the master students of ISS of RANEPa, Moscow, (81% of the first profile of master students and 77% of the second profile of master students), had achieved collaborative governance competencies during the case studies.

The model of interactive learning environment for PA students had been implemented at the ISS of RANEPa, Moscow. The results of the study showed that the case study method makes it possible to develop both foreign language competencies and collaborative governance competencies of the students when ESP interactive learning environment during studies had been created. Some recommendations for practitioners should be given for better implementation of case study method for developing collaborative competencies by case study method: choosing the common level of the students to start with (IELTS or other tests); providing consultations with profile teachers concerning the program; the analysis of PA students' needs; the right choice of teaching material; the selection of the most typical working situations; the particular terminology for the cases; creating the specific interactive learning environment; task-based learning and multiple intelligence in a case study; and the final analysis of cases by the students.

7. Conclusion

The conclusion of our analysis is the following: collaborative governance values require that the process of teaching ESP for PA students should be organized so that during the study the students should acquire not only foreign language competencies but also professional competencies needed for collaborative governance goals. Among these competencies are problem definition skills, communication skills, critical thinking skills, problem-solving skills, decision-making skills, ethical performance skills, leadership skills, teamwork skills, etc. (the most important skills are listed in Table 1). Such an approach corresponds both to the modern networking international nature of cooperation in the field of PA and to the needs of public servants' communication with citizens at all levels. In the author's opinion, the case study method is the most suitable for this purpose. Methodical approach for introducing the case studies for global governance competencies and skills development of PA students into the curriculum might be the best effective and productive comprehensive tool for developing collaborative governance competencies thus contributing to the collaborative governance principal idea. The results of the research allowed us to make some recommendations for teachers and education managers concerning the implementation of the case study method. Some practical advice is given for the improvement of the academic curriculum and educational programs for PA students regarding collaborative governance values in conditions of global challenges and PA reforms. We believe that it is of crucial importance that both researchers and practitioners working in the modern international environment should change the academic curriculum for public administration students to develop collaborative governance competencies during foreign language study.

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APPENDIX I

Questionnaire for PA master students' needs analysis

1. What is your background? Have you studied PA before (bachelor's degree)? If not, why have you decided to study it?
2. What area of PA are you planning to work at (working already)? Why? If yes, please, write about your department. If not, please, say a few words about your current area.
3. Are you planning to work in the Public Administration Department? What department?
4. Are you planning to work in your country or abroad?
5. What position do you want to obtain?
6. What qualification, in your opinion, do you need to obtain this position?
7. What languages are needed for this position?
8. What specific vocabulary (area) do you need?
9. Are you going to work with foreign colleagues? Are you working with them already? If yes, please mention.
10. What kind of foreign language communication are you planning to have? What kind of communication do you have now: friends, foreign partners, etc.?
11. What qualification do you have now?
12. Quality of life indicators – for you?

APPENDIX 2

The problems to be discussed at the lesson in the frames of the development of global governance competencies:

Describe a good communicator. Think of a good communicator you know. Explain why he/she is good at communicating. What makes a good communicator? What factors are important for communication? When did you last have a communication problem? Who was it with? What techniques do you use to explain complicated things?

Principles of communication. What factors are important for communication? What do you think is more important for good communication: fluency in the language, an extensive vocabulary, or being a good listener?

Advantages and disadvantages of e-mail vs phone and face to face meetings. What are the advantages and disadvantages of using e-mail? What irritates you most about the forms of communication mentioned? Do you think communication is generally best-done face-to-face?

Why is building relationships important? What are the most important relationships for you a) at your place of work/study, b) outside your place of work/study? Why? Give an example of a person you know who is good at building relationships with citizens. How does he/she do this?

What is networking? Is networking an essential way of establishing good relationships?

What are the best indicators of an individual's level of success? What do you think makes people successful (Charisma, discipline, drive, imagination, looks, luck, money, etc.)? What is being successful in your opinion?

Job satisfaction. Why is it important? What is being successful in your opinion? What are the best indicators of success? Do you think job satisfaction makes a person happy? Are you satisfied with your job? What do you find satisfying and frustrating about your work or studies? Would you prefer a male or female boss or teacher?

RELATION BETWEEN JUSTICE, ADMINISTRATION AND THEIR CONNECTION WITH THE POLITICAL PHENOMENON

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Abstract

Citizens are the exponents of conceptualizations in the administrative, political and judiciary fields such as courts and legislation applied in administration. The control exercised by the courts can only verify the legality of administrative acts, not their opportunity. Political parties, organized in accordance with the electoral systems, based on candidates lists and uninominal vote, participate in the race for power. The managers of the administrative units with their apparatus represent the executive component of the local public administration. Whereas on the central level 'the political controls the administrative', as the conditions regarding the positions of central institutions can be negotiated between the political groups, on the local level, in exchange for supporting certain candidates, management positions (in departments, sections, decentralized services in the territory) can be requested.

The arguments of the close connection between the political and the juridical field is proved by the extreme reduction of politics specificity. This can be called legal imperialism. On the other hand, certain political practices - specific to non-democratic regimes - have cultivated the political imperialism, which supports the idea that the holders of political power are above the law. Such approaches have led to major consequences: the so-called juridicisation and judiciarisation of politics, as a result of the politization of the judiciary system - aspects well illustrating the present reality of tension among powers.

Keywords: legality / opportunity, administrative contentious justice and courts, juridical / political imperialism, juridicisation / judiciarisation of politics, politisation of the judiciary system.

1. Introduction. Citizens: exponents of conceptualizations in the administrative, political and juridical field

Each citizen of a state, in accordance with universal human rights rules, has the right to security and protection, freedom of conscience, assembly and association, freedom of speech and expression, etc. Obviously, we refer to the states that recognize these norms and strive to provide them, by justice also, but when these rights are violated for objective reasons, many states have difficulties in ensuring the observance of human rights and human dignity. Hence the need for structures and institutions exercising these powers, namely a well-structured administrative system or mechanism.

Man is not therefore a subject separated from the state mechanism, as citizen he has the levers for improving administration, so that the tasks regarding the achievement of the public interest, the security and the protection can be performed in an optimal and efficient time. The citizen is by nature the exponent of these social conceptualizations from the area of the administrative, political and legal phenomenon (including both the courts of law and a coherent legislation applied by them).

As regards the 'political' concept, Aristotle stated: 'we are all political beings by nature'. The state administration on all levels aims at organizing social life as a whole and at coordinating all the processes related to resources, directions of development, public order, observance of coexistence rules on the community level as well as to promote the interests of that community and of its members. Citizens form the civil servants' apparatus, and the conditions and the possibility of receiving this responsibility or merit are guaranteed to them by the Constitution.

The 'political' term has a complex connotation and aspects depending on the subjects using it, and the manner in which it is perceived by different categories of citizens. Depending on how they define the politics, citizens actually show the level of political culture and socialization, but political culture is precisely the creation of a characteristic way of perceiving and interpreting the world (Mathews, 1999, p. 45).

The right to association is consecrated in the Constitution. Political parties, based on the various electoral systems ensure this right and, through the lists of candidates or uninominal vote, participate in the race for power.

On the local level, the local elections are held, in accordance with the electoral law and the legislation on local public administration, with party lists or with independent candidates and then we elect the councilors in the local councils, their number varying according to the number of inhabitants in the respective territorial unit; the mayors of these territorial-administrative units are elected in the same manner. Independent candidates must submit supporters' lists, a percentage of the number of citizens with voting rights of the respective territorial-administrative unit. So, only in the case of independent candidates, they are not indebted to a political formation. Both the mayors and the leaders of the administrative units

with their administrative apparatus represent the executive component of the local public administration, who implement the decisions of the local councils. Regardless of the political party to which the local elected members belong, they must represent the interests of the entire community and contribute to the achievement of the general public interest. They designate the members of the operation team, usually loyal people with whom they think they can collaborate effectively. In this appointment, as a rule, people of the same political color may be favored, but there are cases when these leaders keep in office persons of a different political color. This is due either to the professionalism of those employees, or to the fact that the respective manager does not currently have another candidate prepared to take over the responsibilities of the respective position.

In this situation, the relationship of the administrative with the political is obvious, although the situation varies from one case to another. When we say that 'the political conditions the administrative' we refer to the fact that, whereas in the central organisms the conditions regarding the positions in central institutions can be negotiated between political parties, on the local level, in exchange for supporting the candidacy of a person, some management positions may be requested.

The appointment in public office should be based on competition, as required by law, which in reality is not properly applied. The law stipulates that the public office positions whose holders cannot belong to political parties are established by organic law. This means that, even if a citizen is a member of the party, he can participate in the contest organized by a public authority, and the affiliation to a political formation is not a criterion in this respect. Article 16: (3) provides that 'the public office positions and dignities, civil or military, can be filled according to the law, by persons who are Romanian citizens and reside in the country'. (4) 'In the context of Romania's accession to the European Union, the citizens of the Union who meet the requirements of the organic law have the right to elect and to be elected in the local public administration authorities'. Art. 37: (1) 'Citizens with voting rights who meet the conditions set out in Article 16 (3) have the right to be elected, unless their association in political parties is prohibited, in accordance with Article 40 (3)' (The Constitution of Romania). Art. 40: (3) – Right of association – provides that 'The Constitutional Court judges, the Ombudsmen, the magistrates, the active members of the army, the police and other categories of civil servants established by the organic law cannot join political parties'.

In practice these competitions for occupying a vacant position are often eluded, or the objectivity of the evaluation commissions leaves much to be desired, the most loyal candidate and not necessarily the most competent being favored. These are just a few aspects of some forms of corruption in the local, but also central, public administration. Citizens want to be led by competent people both on the central and the local level, and politics is the 'corridor' setting the mechanisms by which teams are formed in the public administration.

Therefore, the relationship between the administrative and the political sectors, usually perceived in a critical and pejorative way by ordinary citizens must be addressed, even if it is a working mechanism of the rule of law, in the sense of improving the electoral legislation and the depoliticization of some activities and tasks of the local public administration. The purpose of these activities is to contribute in a transparent and objective manner to democracy, not to promote the interests of political parties.

It is often the case that inappropriate officials are elected, when the strategies of their supporting parties are to be blamed, either if they have no better candidates, which is hard to believe, or if they have a greater influence on the leading circles of the party.

We consider this relation-related issue to be a problem because only some key positions in the system are pursued, and the parties ignore the strategies meant to prepare a structure meant to ensure specialists trained for all positions in the institution, in the hypothetical case that they were to win the elections by 100%.

This would avoid a series of scandals and phenomena that usually occur when there is a position to fill and it has not been determined in advance who deserves to occupy it on clearly defined criteria within the party for this position.

‘In such situations, civil society should be much stronger in pressuring public authorities to comply with the law, but also to show respect and trust in citizens’ (Dandiş, 2012).

As part of a strategy for the state development in the medium and long run, society must include objectives for the electoral system modernization and the operation of the political bodies according to clear ethics principles and codes. They are meant to enable citizens to clearly understand the mechanisms and the political system and to allow a professionalism development clearly showing the route but also the policy-free relation with the administrative.

The modernization and proper functioning of an electoral system adequate to reality would also ensure an understanding by the citizens of the relationship between the political and the administrative. Rules are difficult to change within the ruling parties in the sense of creating a route that can enable anyone, just on the basis of merit, to be recruited and promoted without depending on a political party, a group that easily changes the rules and the people if they do not comply with the interests of the group or of specific people.

Another very important topic is the role of ethical codes of conduct within state institutions and any entity as a matter of fact, a requirement that could still be included in a master strategic document for the country, which would also be a mechanism for finding the forms of deviation and even of corruption in their early stage.

The role of the academic environment to secure society’s sustainable development is another important factor in the strategic planning of a community or nation. The relation of this environment with the administrative and the economic,

their connection with the juridical environment, with society and the juridical and political institutions of the state in the present conditions, becomes very important although neither the academic environment – alone – nor the other social stakeholders can directly solve the social issues, they can do it only by a joint endeavor.

The solutions to a number of problems locally, nationally and internationally can come from the very cooperation of all the factors of these directions and must be provided in the documents and strategies of the country as a priority. These relationships, along with the contribution of the academic environment, can assist the strategic planning of the communities and the development of the rule of law. This idea should start from establishing partnerships and collaborative agreements. These should include tasks and provisions for concrete mutual support between all the parties, with the participation of specialists. The latter should provide concrete analyses and studies in the making of the national impact decisions.

People's reluctance and conservative reaction when hearing the terms politics and administration is largely due to the low level of political culture, on the one hand, or to the increased level of corruption and incompetence in political, administrative and juridical institutions, on the other hand. For example, the failure to solve problems, serious or stringent issues, insufficient presence of competent leaders or officials in the administrative or political field proving correctness, competence, verticality, lead to the lack of confidence in these areas. Mostly, the political 'appears in the form of a court specialized in mediation and arbitration of conflicts' (Hastings, 2000, p. 7), or politics as a whole is defined as 'conflict, confrontation and competition' (Mathews, 1999, p. 43). Also in the context of defining political culture, another definition forwarded by Michel Hastings can be outlined; he believed that political culture represents 'a set of norms, beliefs and knowledge that link social behaviors, confer a function to each action and allow individuals to grant a meaning to the experience of their relationships with the governing power' (Mathews, 1999, p. 40). We often hear the phrase 'I have nothing to do with politics' or other such formulations. In principle there are two aspects that justify this position: either people do not know that any public activity in any institution is political – as politics represents a set of measures, decisions, strategies, action plans – actions that have the purpose of achieving all the functions of a modern public management; or people confuse terms, interpreting 'politics' by 'party', with no clear distinction between them.

A simple example of political socialization is the participation of citizens in the electoral process, which involves civic engagement and the delegation of legitimacy and power to the representatives (Shively, 1997, pp. 110-121). In 1991, a study was conducted in the USA called the Harwood Study, under the leadership of Richard Harwood, titled 'Citizens and politics', for the purpose of observing the attitude of American citizens towards politics. According to this study, people consider the entire political process to be corrupt and that it has nothing to do with resolutions

that interest people, or serve the public interest, and many of these citizens feel that part of the responsibility for this disgust with politics is borne by the press (Matthews, 1999, p. 26).

The writer Carlos Fuentes defines politics as a ‘public expression of private passions’, a close interdependence between the motivation of the politician through an active participation in the life of a political formation, and the sense of critical activity on the subjects and the object of the policy. Although the politics of politicians – he says – is not necessarily ‘bad’ politics, even though many people cannot find their place there, and citizens’ politics is not necessarily the ‘good’ one, although considered more ‘accessible’, both types of politics however are subject to corruption and produce their own forms of frustration (Matthews, 1999, pp. 153, 165). We share the opinion that politics is not necessarily dirty, but ‘the attitude of politicians is decisive, whether politics employs ethical tools or not’ and therefore the image of the political field in general is the result or expression of the political class quality, which is also true for justice.

2. The politics-law (political-legal) relation

This relation was deeply marked by the institutionalist vision, which led to the so-called juridical imperialism, namely to the reduction or annulment of the politics specificity. On the other hand, certain political practices – those specific to non-democratic, dictatorial regimes – have cultivated the so-called imperialism of the politics, considering that the holders of the supreme political power are above the law. Such approaches have led to major consequences: the so-called juridicisation and judicialisation of politics, resulting in the politicization of the judiciary system – aspects that illustrate the current reality of tension among powers. The phenomenon of the social life juridicisation consists in the massive enactment of legal norms in the quasi-diversity of the social fields, which can generate litigation. In correlation with this phenomenon we are witnessing a massive recourse to the courts of law to decide on the issues on which, previously, they would not have to decide (the phenomenon of judiciarisation) (Pivniceru and Tudose, 2011).

Without denying the progress made by the legal activism, the specialized doctrine critically analyses certain excessive actions that unbalance the powers in the state. For example, one criticized the attempt of imperialist extension of the juridical rationality over the other rationalities of the social systems (Tietz, 2019). The criticism is based on the theories of well-known authors such as Niklas Luhmann or Marcelo Neves, who envisage society as a complex communication system, characterized by multicentricity. In their opinion society has several autonomous subsystems, which reproduce from their own codes of distinction (*autopoiesis*). Only *autopoiesis*, writes Niklas Luhmann, ‘in the strict understanding of the word *autopoiesis*, does not say anything about dependence or independence in relation to

the environment'. Therefore, in the application to social systems, in modern society an economic system, a system of law or a political system are largely independent, but to the same extent dependent on the environment (Marga, 2019).

The legal system, for instance, makes the distinction between the legal and the illegal code and its autonomy in maintaining this distinction, which differentiates it from the political system, which is reproduced by the power code, not necessarily through the dichotomy (government power versus opposition). In other words, although each system tends to impose its own way of describing reality, there is no system possessing the ultimate truth. For example, economists want to explain everything that happens in society through economic reasons, based on to have or not to have ... Jurists, in turn, tend to believe that law can solve any social problem. However, global society is hypercomplex and multicentric, and this means that no matter how hard do imperialist tendencies of one systemic rationality try to overlap the other, there is not, in all the complexity that surrounds us, a single center that can have a privileged position to observe and describe society. Therefore, there is no dominant social system, no system from which all the others derive. There are many codes meant to guide communication in different social fields, such as: 'to have / not to have' – in the economic field; true / false', fair / unfair, legal / illegal – in the field of law; 'beautiful / ugly' in the vision of the arts; 'approval / disapproval' in the field of education, etc. Each system has its rationality and this is just one of the possible ways of seeing the world. The rationality of the legal system, for example, is justice, and that of the political system is democracy. However, there are mutual attempts at imperialism in these two subsystems, generating a tension between justice and democracy. This kind of tension is also present in the interaction between the state powers, contrary to the logic of the harmony propagated by the classical political theory (Ramos, 2019).

In this context, we understand *judiciarisation* and *juridicisation* as 'two conceptualised social phenomena that are likely to influence the imperative condition of any jurisdictional system' (Pivniceru and Tudose, 2011) and that of any political system. This aspect is considered as an imperialist attempt at legal rationality over political rationality, leading to a process of unidirectional self-regulation (Gunther Teubner's conception) incompatible with the complexity of society, as it tries, in a partial view, to provide universal solutions. But rational justice cannot to solve problems related to economy, world hunger, lack of resources, environment, etc. In other words, the law does not solve everything ... but this aspect requires broader discussions, which can be continued under multiple aspects in the future, in diverse periods (Ramos, 2019). That is why the systems theory states that modern society is multicentric, meaning that 'each distinct system' can be considered or may thus become 'the center of the world'. Polycontextuality implies, therefore, a multitude of self-descriptions of society, which leads to the formation of various partial conflicting rationalities (Ramos, 2019).

This past decade exhibited an intensity of new works on the notion of empire in political theory and the history of political thought, the place of empire in the thinking of many authors and in the formation of modern liberalism and related arenas, such as colonial and post-colonial societies as well as international law. The return of political theory to the empire has been restricted in comparison with other areas, such as history, literature and anthropology (Pitts, 2010).

Undoubtedly, in a democratic regime, political power supposes the presence of the juridical power, in the sense of observing the juridical norms, both in the decision-making nuances (on the level of the political decision) and in the process of applying the legally adopted decisions (the execution of the legal norms).

The most conclusive expression of the connection between politics and law, also including the act of justice, is constituted by the rule of law - concept shaped since the second half of the eighteenth century, as a reaction to the absolutist, despotic state, which has undergone successive foundations and reconsiderations ever since. Nowadays one considers that the definition of the rule of law is insufficient if it contains the mere description of the rule of law, arguing that it is necessary that 'the law should be given content inspired by the idea of promoting human rights and freedoms'. It follows that the rule of law is a guarantor of citizens' freedom - specifying that freedom must be kept in balance with social order.

On the other hand, the rule of law, eliminating arbitrary and dictatorial practices, implies the responsibility of politicians, magistrates and civil servants, according to the requirements of the rule of law. 'Nobody and nothing is above the law' implies therefore that no one should be able to evade from the observance of the law, its correct application or from the consequences of its non-observance.

At the same time, democracy, by the well-known principle of separation of state powers and the check and balance system, and of the institutions through which power is exercised, determines an approach of the political distinct from the juridical. Whereas the legislative initiative, the adoption of laws (Parliament) and their application (Government / executive power) are activities in which the two dimensions (political and juridical) are combined, the exercise of the judiciary power requires the independence and neutrality of the political factor as an essential condition of its objectivity. An interesting approach in the political-juridical context is also that of 'trans-democracy' and 'trans-constitutionalism' and, obviously, that of their limits. Trans-constitutionalism refers to the fact that several juridical orders of the same type or different are involved simultaneously with the same constitutional aspect or case, that is to say with a problem or a certain subjective law, regarding the basic rights or the legal limitation and the control of the political power. The constitutional problems thus go beyond the state and entangle several juridical orders, although there is no new constitution in this context. Consequently, it underlines the limits of trans-constitutionalism in an asymmetrical world society, in order to look for new alternatives beyond it. Two alternatives are consid-

ered: post-constitutionalism, which requires the transcendence of today's world society and thus denies constitutionalism in general, and trans-democracy, which is quite immanent for the social formation of individuals and which claims to be complementary to trans-constitutionalism. As the second alternative is preferred, an approach to trans-democracy that goes beyond the borders of the state and beyond 'we, the people', i.e. popular sovereignty, is outlined in order to emphasize the sustainable reaction capacity of other people in the same world society. It is a question pertaining to the sustainability of democracy. In this context, an ecological approach to democracy is developed based on Niklas Luhmann's theory of systems, but from a heterodox and critical perspective (Neves, 2019).

The law reaches its purpose and becomes effective only insofar as its provisions are respected on the basis of the principle of legality. Political and administrative acts must also have a legal character, but in order to be fully effective they must be adapted to the concrete conditions, so that they become appropriate or current. The question of opportunity arises with regard to non-jurisdictional administrative acts, as in the case of all acts of power of this kind, except the law, which is considered to be always appropriate while it is in force. The opportunity is evaluated according to several criteria: the moment of act adoption, the circumstances in which it is intended to be applied, the material means that the application entails but also the compliance with the purpose of the law.

The current administrative code regulates the general framework and the principles for the organization and functioning of public administration authorities and institutions. In the first part – General provisions; Title III – General principles applicable to public administration – Article 6 stipulates the principle of legality according to which 'the authorities and institutions of the public administration, as well as their staff, have the obligation to act in compliance with the legal provisions in force and the international treaties and conventions to which Romania is a party' (Government of Romania, 2019).

If when it comes to the legality of administrative acts, the assessment of this quality is done by referring the act in question to the juridical act with higher force, including the law (Draganu, 1970, p. 107), when it comes to the appreciation of its opportune character, such a precise reference criterion is missing. Thus, a superior legal act can be legal and timely, and a lower act, though issued based on and in compliance with a superior act, may be inappropriate or out of date.

The notion of opportunity is considered to be the characteristic of the juridical act that defines a specific feature of it also called present relevance (Diaconu, 2019). The present relevance of a juridical act expresses the full agreement, within the limits of the law, of the act with the tasks entrusted to the administrative bodies. It conveys the agreement between the law and the constantly changing needs of society. On the contrary, we consider inopportune the act which, although legally by the content of its provisions, contravenes to the specific situations and does not

correspond to the reality in which and for which it is applied. Such an act always lacks present relevance even though it is legal. The issue of the administrative acts' opportunity is closely related to the right of appreciation of the state administration bodies, which represents a faculty recognized by law for these subjects of law in choosing the most appropriate solutions for the effective application of the law.

The opportunity can be defined as an element closely related to the right of appreciation of the administrative bodies, during the organization and execution of the law, which ensures the accomplishment of their legal tasks and attributions in the optimal term, with minimum expenses and in accordance with the means that best correspond to the purpose of the law.

As the administrative act must be in accordance with the content of the law, the condition of the administrative act validity implies the conformity of its content with the hypothesis, the disposition and the sanction of the juridical norms. In establishing the conformity of the administrative acts with the legal norms, the different legal force of the normative juridical acts must be taken into account. Thus, in order to be valid, an administrative act must be compliant with both the law and the normative administrative acts with superior legal force.

As the administrative act must also be compliant with the purpose of the law or with the public interest pursued by the law, the literature has shown that the purpose of the law, namely the public interest – is an element of legality, and the means for achieving a purpose are aspects of opportunity. The opportunity, the right of appreciation or the discretionary power of the authorities of the public administration, represents a certain freedom enjoyed by the public administration in the activity of organizing the execution and the concrete enforcement of the laws, aiming to ensure the conformity between the legal norms and the ever changing needs of society. The limits of the right of appreciation enjoyed by the public administration are set by the law itself, and exceeding these limits attracts the invalidity of the issued act, the act becoming illegal. Therefore, an act considered to be timely but illegal cannot be valid, since the opportunity can exist only within the limits of the law (Conformity, 2019). In other words, public administration can have only a discretionary power limited by law.

The legality and timeliness of administrative acts are controlled by the hierarchically superior public administration bodies, which may order the revocation and cancellation of the inopportune or illegal acts.

3. The control exercised by the administrative contentious courts over the administrative acts of the public administration

With regard to the control exercised by the courts or the judicial bodies, they can only verify the legality of the administrative acts, not their opportunity. If, in principle, an administrative act cannot be annulled by the administrative conten-

tious court on the grounds of opportunity, it may be annulled for excess of power, when the administration has exceeded the limits of its right of appreciation. During the legality check, the judge must verify that the public administration has not abandoned, by the issued act, the general interest, that is, the purpose of the law.

With regard to the legal regime of administrative acts, the following aspects can be highlighted: the juridical regime means the set of substantive and formal rules drawn from the Constitution and laws, rules that give particularity to administrative acts in the legal circuit; in this context the authors of administrative law have come to the conclusion that the legal regime of administrative acts is given by two elements: legality and opportunity.

The legality of the administrative acts means their compliance with the laws adopted by the Parliament as well as with the normative acts with superior juridical force. The conditions of legality are unanimously accepted:

- the administrative act is issued in accordance with the letter and spirit of the Constitution;
- the document is issued in accordance with the letter and spirit of the laws and ordinances in force;
- the administrative document is issued based on all the acts of the public administrative authorities that are superior to the issuing administrative body;
- the administrative document is issued by the administrative body only within the limits of its competence; and
- the administrative document is issued in the form and with the procedure provided by law.

The concept of opportunity signifies that the act is issued in accordance with the public interest protected by law; an administrative act that protects a private interest may be legal but is not opportune, and under these circumstances it is not valid. The letter and spirit of the current Constitution, the need for the implementation of the European democratic institutions also in the practice of the administrative contentious courts in our country, justify our opinion that, no matter how we look at the opportunity in relation to the legality, the administrative contentious judge has the right to check whether the public administration has acted abusively, contrary to the public interest, as this results from the law underlying the administrative act.

Opportunity cannot be confused with legality. Legality and opportunity are two distinct legal situations of validity (an act may be legal, but not opportune). As for the relations between legality and opportunity we can state the following:

- legality is controlled by the courts;
- opportunity is controlled by the administrative bodies; and
- failure to comply with the substantive conditions entails the absolute nullity of the administrative acts; failure to comply with the formal conditions entails relative nullity; it can be covered.

4. Conclusions

The entire activity of the administration, including the autonomy of the local administration, especially in a unitary state, can only be conceived within certain legal limits, some having an objective economic determination, others being determined by political considerations (Iorgovan, 2005, p. 795). In a rule of law system, neither the legislative authority and the executive-central authority, nor the authority of justice, but the correct application of the principle of local autonomy (Bălan, 1997, pp. 49-61) can be admitted. Thus, it is necessary to have an organic connection between local autonomy and law, between local and national interests expressed by law, even if the local public administration is carried out according to the requirements of the principle of local autonomy and decentralization of public services.

The local public administration must be exercised in accordance with the laws of the state, both in the activity of solving public affairs and in issuing administrative juridical acts. This local autonomy does not confer the autonomous local authorities the right to disregard or violate the laws of the state (Alexandru, 2001, p. 376). In order to be able to remove the possibility of the abuse of law by local authorities, juridical instruments have been made available to the governmental administration in order to control their activity and acts, levers intended to remove abuses and punish the guilty (Domocos, 2001, pp. 163-170).

The central administrative authorities must ensure in this respect the realization of the local public administration in a unitary way, respecting the local specificity, which manifests itself, in particular, within the administrative autonomy (Prisăcaru, 1996, p. 321). This explains why in all democratic countries, in the administrative-territorial units we find a representative of the state, more precisely belonging to the executive-central authority. This representative has the role to watch over the application of the law by the authorities of the local public administration, including of the autonomous communities, a role that, according to the French administrative law system, in Romania, is played by the prefect through the administrative guardianship control. This control only concerns the legality of the acts issued by the local public administration authorities, the guardianship authority having no jurisdiction to decide on the opportunity of these acts. The administrative guardianship control refers only to the legality of the administrative acts adopted or issued by the local administrative authorities, while the hierarchical control concerns both the legality and the opportunity of the acts issued by the public authorities over which the hierarchical control is exercised. Therefore, the legality and the opportunity of the administrative acts are controlled, by the issuing and hierarchically superior public administration bodies, which may order the revocation and cancellation of the inopportune or illegal acts. As regards the control exercised by the judicial bodies, they can verify only the legality of the administrative acts, not their opportunity.

The reform of the administrative and judiciary system must improve the citizens' access to justice through the actions in administrative contentious courts, contribute to the strengthening of the institutions and mechanisms that ensure the protection of human rights and the rule of law. The observance of the law, of legality in general, is required both from individuals and from the public administration. The principle of legality dominates the whole theory of administrative acts, and means that the activity of public administration is subject to the rules of law. By subjecting the administrative activity to the law, the law in general, it is desired to establish guarantees for citizens against the arbitrariness or ineffectiveness of this activity (Morand-Devillers, 2015, p. 235).

The courts are represented as structures, entities through which the judiciary power is exercised in the state, as they are required to resolve the attribute of equality and generality, as values promoted by justice. From another perspective, the court is regarded as a component of the notion of magistracy, a context in which it is perceived as an institution in which the judges deploy a specific activity, for the purpose of carrying out the act of justice, of defending the general interests of society, of the order of law, as well as the rights and freedoms of citizens (Lazăr, 2003, p. 104). In this latter framework, the court is seen as a special type of organization, in which the activity of magistrates is carried out, in order to achieve certain goals determined by law (art. 1 of Law no. 303/2004).

Given that the reason for the existence of any organization is to achieve its goals, it is obvious that the judiciary activity carried out by the magistrates, as a social activity, is subject to requirements related to the need for forecasting, coordination, organization, training and control-evaluation. Such demands allow the approach of judicial management, as a form of general management of the organization. The specificity of the courts is given mainly by the fact that their performance depends on the performance of each judge or member of the auxiliary staff and the fact that the chairperson of the court has limited possibilities to intervene in the judge's activity.

As the judiciary manager (the manager - the chairperson of the court), by carrying out the managerial functions, cannot directly influence the judge's own activity, since the latter is based solely on the law, evidence and conscience, the judicial manager can only intervene collaterally, that is from an administrative perspective. Nevertheless, this aspect is not likely to contradict the need for judicial management. On the contrary, it highlights the particularities of judicial management, marking its specificity, with all the consequences that derive from it, in the plane of carrying out managerial functions.

'As a rule, the Parliament adopts laws, and the courts of law adopt decisions and judgements, however, in some cases, the mentioned structures also issue administrative acts, in carrying out specific tasks of the public administration, of managing the material and human resources, activity necessary for the proper functioning

thereof. Thus, we are in the presence of an administrative act of appointment in office when the Chairman of the Lower Parliament Chamber or the Senate appoints the officials from the own apparatus of the Parliament or when the President of the Court or of the Court of Appeal, charged with administrative tasks, appoints the Executive Director and the Deputy Executive Director of this institution, which is a civil servant' (Dragoş and Ranta, 2015, p. 7).

The court decision (in the sense of jurisprudence in this matter) may obligate the public authority to issue an administrative act in accordance with its provisions, or, on the contrary, may obligate it to refrain from issuing another act with the same content as the annulled act. Prior to the existence of a dispute, the interpretation by decision (in the interest of the law) of the High Court of Cassation and Justice, of a legal issue, constitutes an obligation for the public authorities to take into account the meaning given to the legal provision when issuing administrative acts. In other cases, however, jurisprudence does not play an equally important role: the imposition of a certain conduct to the public authority by a court ruling is not automatically applicable to other similar cases, but only as a result of a trial.

A big step forward in this area has recently been made by introducing the provision according to which the decision to cancel a normative administrative act can be published, at the request of the applicant or the ruling court, in the 'Official Gazette of Romania', part I, or in the County Official Gazettes, identical with that where the initial act was published (art. 23 of Law no. 554 / 2004). However, we consider that the publication obligation should have been imposed, not left to the court or the applicant's assessment, or, more simply, the publication should be made ex officio by the Official Gazette, based on the communication of the decision by the court (Dragoş and Ranta, 2015, pp. 16-17).

The idea is widely spread that the interests of individuals can be achieved only through the mechanisms provided by the political and juridical system; thus there is a motivation to be politically active and not an obligation, given that 'a political body is formed by a voluntary association of individuals ... a social agreement by which people make agreements with each citizen and every citizen with all people, that all should be governed by certain laws of the common good' (Prisacaru, 1996, p. 210).

The public opinion about politicians, administration and justice is formed by the politicians themselves, although the process of forming the political opinion is made of at least four factors (Janda, Berry and Goldman, 1992, pp. 176-181). The situation is explained by the media presentation or tendency to usually present breaking news or sensational information, largely of a pejorative nature such as:

- personal interest in political activity and justice;
- information political in nature assimilated or disseminated;
- political leaders and their public performance; and
- a network of attitudes and opinions that can be associated with a politicized problem or a political situation.

Most citizens perceive the political and the juridical phenomenon only as a practical translation of some interests and do not necessarily understand the whole mechanism that has the purpose of making political decisions or the act of justice. If the political decision is also administrative within the public institutions, especially as, according to the political scientist Oleg Serebrian, 'the political decision is perhaps the most complicated thing in contemporary society, and we continue to judge democracy through the clichés inherited from the Enlightenment period and the French revolution' (Serebrian, 2004, p. 80) – the act of justice must remain independent of politics.

For a political decision or an administrative normative act to be appreciated, it must defend the interests of as many citizens as possible. As a rule, the citizens' polling about the objectives and direction of the state policy is carried out during the election campaigns, and at this moment the quality and the 'list' of politicians for at least one term are presented. Even for a short period, we can have a rather broad picture of the quality and content of the political ground. Politicians are known for their promises, or even more for their achievements not promised, but intended to be realized.

For an act of justice to be appreciated, it must also defend the interests of the citizens, but from an independent and non-partisan position, thus being at the same time an 'act of justice'. A developed state is a state that has strong civil servants, magistrates and managers, who can secure the efficiency of the administrative process in general and the justice process in particular.

In the literature, several guiding principles regarding administrative efficiency are formulated (Simon, 2004, p. 23): the administrative efficiency is increased by the specialization of the tasks assigned to the members of the group; it increases along with the placement of the group members in a clear hierarchy of authority; efficiency is increased by reducing the control interval, at a small distance at any point in the hierarchy; the administrative efficiency is increased by the grouping of the employees in order to exercise the control according to the purpose, process, competence, etc.

The guiding principles regarding the efficiency of justice are mainly the independence and immovability of magistrates.

As we can talk about a political culture, so can we talk about the administrative culture, and the connection between them is the will of the citizens to realize their interests, and to display their values (Palmer, 1997, pp. 55-56).

Another term often used is 'leadership'; obviously, this term includes the attributes of an environment that needs to be managed. In fact, in an institutional environment, the political leadership elaborates guiding principles and implements them in the administrative system, and the administration forms resources (informational, financial, human, material) of the political leadership. John Maxwell sees the difference between the concept of leadership and of administration, in the sense

that 'leadership has to do with influencing people to follow leaders, while administration focuses on maintaining systems and processes' (Maxwell, 2000, p. 14). Thus, administration, contrary to management – which is usually political – has a more technical component and poorer possibilities to get a feedback from the citizens, whose interests are realized through the daily activity.

Conceptually, the administrative culture can be polarized, approaching it systematically through two categories or types. In a first category we include administrative culture as a characteristic of a rule of law, focused on the logic of its guiding principles. In another category or type of administrative culture we find a 'more socialized' administrative culture, where the basic role and emphasis is placed on the quality and competence of the civil servants, and the quintessence of this type of administrative culture, forms the 'public interest' and the volitional qualities of those who have the mission to accomplish it (Pollitt, 2004, pp. 67-69).

The law applicable to the administration is the administrative law, and its application is made when need be, when this interest is harmed, in the administrative contentious courts.

In a rule of law, citizens can freely associate in parties and other social-political organizations. They contribute to becoming and expressing the political will of the citizens and, under the conditions of the law, participate in elections. By elections, in fact, the exponents of political parties are elected in the public administration. On the central level, the Parliament grants a vote of confidence, which, de facto, must have a form that would suit the parliamentary factions, or assume the commitment to achieve certain political interests. In this way, the administrative-politics relationship is very accented and the political in fact conditions the administrative (Dandiş, 2012).

The idea must be promoted but also supported by local public authorities, either by specialized institutions or by persons from central institutions, in order to establish direct relations between the communities in the country with other communities in EU countries or outside the EU. Thus, through communities' twinning certain economic branches are developed, such as culture, exchange of experience and good practice, etc.

The access to information is also a topic that in the public administration must have a very practical connotation, in direct relation with the training and the legal and political culture of the citizens. The operation of web pages, publications, newsletters or other periodic sources of information for communities would also ensure the transparency of the administrative and justice processes, but would also allow the public to participate in solving community problems (Dandiş, 2012).

The role of the courts in the process of transforming the legal system is discussed in the Strategy for the reform of the judicial system and in the afferent Action Plan. In this context, the role of the courts is found in two aspects: on the one hand, the courts are represented as structures, entities through which the judiciary power is

exercised in the state, and in this respect they are required to solve the attribute of equality and generality, as values promoted by justice; from another perspective, the court is regarded as a component of the notion of magistracy, context in which it is perceived as an institution in which the judges deploy a specific activity, for the purpose of carrying out the act of justice, of defending the general interests of society, of the order of law, as well as the rights and freedoms of citizens. In the latter framework, the court is presented as a special type of organization, in which the activity of magistrates is carried out, in order to achieve certain goals determined by law (art. 1 of Law no. 303/2004).

Thus, the reason for the existence of any organization is primarily to achieve its goals. Obviously, the judicial activity carried out by the magistrates, as well as the social activity, is subject to requirements related to the need for foresight, coordination, organization, training, control and evaluation. So, judicial management can also be described as a form of organizational general management. The specificity of the courts, their performance depends on the performance of each judge or member of the auxiliary staff and on the fact that the president of the court has limited possibilities to intervene in the judge's activity. The judiciary manager, by carrying out the managerial functions, cannot directly influence the activity of the judge, since the latter particularly relies on the law, evidence and conscience, but only collaterally, namely in the administrative aspect. The need for an efficient judicial management highlights the particularities of this type of management, marking its specificity in the plan of managerial functions performance, and its principles are also realized within the managerial and judiciary activity carried out by the courts of law.

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COMPARED ANALYSIS OF THE CONTENTIOUS ADMINISTRATIVE COURTS CONSTITUTION

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Abstract

The comparative analysis of the evolution and constitution of the contentious administrative courts in various states reveals that only the existence of specialized contentious administrative courts competent to judge such matters becomes a guardian against any abuse, as the administration shall hesitate to commit violations if it is aware that justice can penalize its behavior. Thus, the contentious administrative courts have undergone various modifications during the stages of evolution, all meant to preserve their historical and legal tradition contributing to the formation of a classic notion of public administration, authority that regulates social relations. This correct image of public administration, guaranteed by judicial control, corresponds to the check and balance system of maintaining social and economic relations in society.

The remarkable degree of perfection of the French system has influenced many countries in the world which have organized a similar administrative system in a similar way. The French tradition of maintaining the State Councils in the contentious administrative courts' structure has been adopted by some countries such as Finland, Greece, Belgium, the Netherlands, and so on. Thus, as a matter of priority, the French concept of administrative law puts a particular emphasis on the judicial control, among the various forms of control of the administration, which allows the elimination of all the difficulties resulting from the administration activity, except those which are not subject to judicial control.

Keywords: contentious administrative courts, compared law, jurisdictional control, modern administration, French administrative justice.

1. Introduction

In the literature dedicated to administrative justice we encounter the common opinion according to which these administrative legal institutions appeared in France, then in most European states, ad-hoc, following the French Revolution, in the 17th – 18th centuries. Other authors claim, however, that the emergence of the administrative justice institution is attested in Europe as back as in the Middle Ages.

The tradition of French administrative justice originates from the long experience of the old regime and from revolutionary conceptions. A confusion has penetrated the revolutionary thinking, which has long mistakenly presented the many notions of administrative contentious justice, between the function of administering and that of judging, ‘juger l’administration c’est aussi administrer’ (Deblasch and Rici, 1994, p. 3). The word ‘contentious’ comes from the Latin ‘contentiosus’; the French ‘contanteux’ means body of jurisdiction, specialized in resolving disputes between the state and the natural persons. A second meaning of the word ‘contentious’ itself encompasses the notion of a system of norms guiding the resolution of disputes by this body. By definition, the administrative dispute brings together all the rules applicable to the legal settlement of disputes arising from the administrative activity, which are aimed both at imposing a legal behavior of the authorities of the public administration in their activity, and at repairing the moral and material damages arising in connection with the infringement of rights of natural and legal persons. The concept of administrative contentious justice and courts allows the dispersion of the study of all the difficulties arising from the activity of public administration authorities that is not subordinated to justice (Gilescu, 1978, p. 25).

The relevant judicial practice is illustrated by Decision no. 25/2017, ICCJ, United Sections, by which the court admitted the appeal in the interest of the law formulated by the Attorney General, Head of the Prosecutor’s Office within the High Court of Cassation and Justice and, as a consequence, it was established with power of law that: ‘In the interpretation and application of art. 6 para. (1) and art. 7 para. (1) of Law no. 50/1991 regarding the authorization of the execution of the construction works, republished, with the subsequent modifications and completions, related to art. 2 para. (1) lit. c) and art. 8 para- (1) of the Law of the administrative contentious justice no. 554/2004, with the subsequent modifications and completions, it is possible to exercise the control of legality, on a separate way, on the certificate of urbanism by which one ordered the prohibition of building or containing other limitations’.

Specifically, in the practice of the Caraș-Severin Court, it was retained that the claimant SC C-S SRL versus the defendants P.M.R. and C.L. asked the court to cancel the Urbanism Certificate no. 323 / 18.08.2017, as being unlawful and illegal; to oblige the defendants to issue a new urbanism certificate that can be used for the stated purpose, respectively building of an office space and a travel agency. If the urbanism certificate contains certain details regarding the technical regime or a

certain list of approvals for obtaining the building permit, we cannot speak of any refusal to solve a request and, however, it is possible for the beneficiary to consider itself injured as a result of the limitations or conditions imposed by the respective act and to be unable to continue its request for obtaining the building permit under the conditions it desires (Civil Judgement no. 241, ruled by the Caraş-Severin Tribunal of Reşiţa, Second Section – Civil, Administrative and Fiscal Contentious Court, Case no. 3927/115/2017). From the considerations of this decision the court retains the following: as regards the certificate of urbanism containing the construction ban or other limitations, it would not be possible for the injured person to complain only of the refusal, which is implicitly deduced from the content of the certificate issued in this form, to issue a certificate of urbanism with a different content, but the action must be directed, first of all, against the certificate already issued and only subsequently to request the issuance of a new certificate with an appropriate content. Furthermore, not all the situations where the urban planning certificate contains limitations also imply a refusal to solve a request. The defendant cannot plead his own guilt, as the basis of the refusal to use the certificate of urbanism according to the requested destination, under the conditions in which this destination was established by the local council, at the date of auctioning the land and the contract concluded with it is just for the destination for which the urbanism certificate was requested. Even if the court admits the defendant's defenses, in relation to the changes made to the municipality's urbanization plan, the contested certificate is still illegal, according to art. 32 of Law 350/2001 (Civil Judgement no. 1220, ruled by the Caraş-Severin Tribunal of Reşiţa, Second Section – Civil, Administrative and Fiscal Contentious Court, Case no. 2622/115/2018).

The French authors Laubadère, Venezia and Gaudemet (1994) consider that 'the existence in France of an administrative jurisdiction distinct from the jurisdiction of common law constitutes a product of history and it finds its origin in the conception of monarchy, systematized on this point by the Revolution and supplemented by the natural evolution of things, so that in the nineteenth century progressively detached the administrative jurisdiction' (Laubadère, Venezia, Gaudemet, 1994, p. 75).

During the old French regime there was a development of the contentious competences regarding the administrators of justice, police and finances. The jurisdiction of the administrator is characterized by gratuitousness, speed and absence of the formal procedure.

The conception of the relations between the administration and the judiciary was also ordered by the concrete historical concerns, namely by a general feeling of mistrust regarding the judiciary, inspired by the memory of the parliaments of the old regime. If the administrative processes could be judged by the judicial courts, the independence of the administration would be compromised, thus the judiciary having the necessary mechanisms, according to the expression of the time, to disturb the actions of the administrative bodies (Chevallier, 1970, pp. 38-45 – inspired

by these concerns, the revolutionary interpretation of the separation of powers found its expression in the famous and fundamental text of the Law of August 16-24, 1790, art. 13, which proclaims the principle of separation of administrative and judicial authorities: 'The judicial functions are distinct and will always remain separated from administrative functions. Judges will not be able to summon administrators before them in relation to their duties').

The contentious-administrative procedure must be understood as a control of legality exercised over the administrative acts. The justification of the administrative-litigation jurisdiction lies precisely in ensuring, for the benefit of both private and general interests, the submission of the Public Administration to the legal order regarding all the activities performed. Thus, in the judicial practice represented by the final Civil Judgement no. 1220 / 22.11.2018, disposed of by the Civil Section, by administrative and fiscal litigation within the Caraş-Severin Court, with the object of cancelling an act issued by local public authorities, the applicant does not criticize the merits of the obligation assumed by the mediation agreement, but the illegality of its adoption, number of validly cast votes, condition of form concomitant to the adoption of the act, mandatory, without which the adopted decision cannot be legal. Failure to comply with the legal provisions regarding the number of votes required for the adoption of a decision regarding local heritage, draws its nullity.

The doctrine defined the nullity of an administrative act, as a legal sanction that affects its effects, because it was issued or adopted in violation of the legal provisions of substance, form or procedure established by law for its adoption. The institution of the invalidity of the administrative acts is provided in art. 52 of the Constitution, which consecrates the annulment ordered by the court.

The cease of legal effects produced by the administrative acts can only be done by removing them from force by legal means: annulment by the court, withdrawal by the issuing body or revocation. In the case analyzed, the court did not accept the defendant's defenses, because this decision adopted by the deliberative public authority did not produce legal effects, as one failed to obtain the legality approval of the County Prefect institution in question, as it was committed in the mediation agreement, given that for the issuer the administrative legal act produces effects right from the moment of adoption.

The same type of jurisdictional control over administrative power, *lato sensu* executive, is highlighted by three distinct models on the European level.

The judicial model was first introduced in Spain, through the Cadiz Constitution of 1812, being adopted in a definitive form in 1956, as a model of control over the activity of the executive power. The current Spanish Constitution enshrined it in Article 106, and subsequently, through the provisions of the Organic Law of the Judiciary and the Law of Contentious-Administrative Jurisdiction, a system was ensured in which any activity of public administration, of any kind, subject to administrative law, it can be controlled by the organs of the judiciary.

The French model, determined by the radical conception of the principle of the division of power during the French Revolution (detailed above), consecrated a system of control of administrative acts (executive) by the same executive power, through the State Council and the Administrative Courts and the call dependent on it.

The mixed models can be differentiated by:

- the Italian model, which attributes the control of the acts' legality to the Administration of the ordinary courts and administrative bodies depending on the analyzed object. Thus, if the action affects the subjective rights, the competence of the ordinary courts will be attracted, and if it affects the legitimate interests, it will be brought before the regional administrative courts or the State Council; and
- the harmonic model, introduced in Spain in 1888, seeking the reconciliation of the French model, established in Spain in 1845, with the judicial model introduced through the Cadiz Constitution and the liberal one from 1969 respectively, made partly by judges and partly by members of its own administration.

Regarding the principles that govern the jurisdiction of administrative contentious justice, three directions of orientation can be differentiated. First, they involve the consolidation of the judicial model, the administrative contentious jurisdiction being a jurisdictional order entrusted with the control of the administrative acts. It also implies the derogation of certain prerogatives of public administrations and its real and effective submission to the legal order. Finally, the administrative-litigation procedure involves a real judicial procedure. The control of the acts of the administration by the courts is achieved through a real information process, based on the basic rules of any judicial procedure: duality of the parties, contradiction, congruence, *Iura Novit Curia*, etc.

2. The specific character of administrative jurisdictions in compared law

The comparative analysis of the tradition of constituting the administrative contentious justice and courts in several states shows that the legal attributions of the State Councils as administrative contentious courts differ according to the degree of competence.

In France, the State Council judges in the first instance, certain matters, at the same time it functions as a court of appeal against certain administrative jurisdictions and as a court of appeal for all administrative court decisions (Iorgovan, 2004, pp. 308-309).

In Finland, the high administrative contentious court is represented by the Supreme Administrative Court, which has subordinated the provincial administrative courts and judges as a court of appeal all their decisions. It also judges appeals

against decisions of the Council of Ministers, ministries, central directorates, as well as appeals against decisions rendered by other specialized courts. The judges in the administrative contentious courts, including those of the Supreme Administrative Court, are not magistrates themselves, but administrative officials with jurisdictional powers.

As for Spain, the judicial order of the administrative contentious justice is made of the ordinary courts of administrative-litigation, the provincial courts of litigation-administrative (directly superior to the first echelon), the Chambers of litigation-administrative within the Provincial Hearings, the Chamber of litigation-administrative within The National Court, the Contentious-administrative section of the Supreme Court.

The State Council in Greece judges the appeals for annulment (for excess of power) of the administrative acts, both individual and of the regulatory (normative) being, from this point of view, judge in annulment of common law, the appeals in cassation against the pronounced decisions by the administrative courts, the appeals of full jurisdiction, given in its competence by a special provision of the Constitution.

Article 19 paragraph 4 of the German Constitution establishes the guarantee of an effective legal protection against any act of the sovereign power. In order to ensure the legal protection against the administrative action, the contentious-administrative jurisdiction was created in Germany as an independent legal order, consisting in principle of three categories of courts. Thus, at the lower level, there are the courts of first instance administrative-administrative (Verwaltungsgerichte), in whose jurisdiction most of the disputes are given. They operate at the level of the Federal States, and the courts are composed of three judges, possibly supplemented by two more judges acting *ad honorem*. Judicial assistance before these courts is not compulsory. At the next level the Upper Administrative Courts (Oberverwaltungsgerichte) operate which, in certain Federal States (Baden-Baden, Hesse, Bavaria, Wurttemberg), for reasons of tradition, are called Administrative Courts (Verwaltungsgerichtshofe); they, in principle, rule as appellate courts, on the judgments given by the Courts of first instance, but they can resolve even in the first instance. In their turn, the respective courts operate at the level of the Federal States, the courts having a composition similar to that of the first court, but unlike them, only lawyers can act in an effective manner before them. At the last level is the Federal Administrative Court (Bundesverwaltungsgericht), with the role of courts of cassation for the decisions given by the lower courts. These courts may also have jurisdiction at first instance when it comes to executing large projects (Maurer, 1994, pp. 260-261).

In Belgium, the State Council, represented by the administrative contentious department, has the power to examine over-power disputes. As objects of the litigation for excess of power, the individual or normative administrative acts serve,

which necessarily emanate from an administrative authority. In the absence of administrative tribunals as substantive courts, the State Council judges in the merits and pronounces the final decision (Debbasch, 2002, pp. 691, 719-725).

The State Council in the Netherlands through the Jurisdictional Section judges several categories of appeals against administrative acts, emanating from a municipal or provincial body, or from a ministry.

Thus, based on the analysis, we can mention that in some of the respective countries the role of the State Councils, as supreme courts of the administrative contentious is important from the point of view of ensuring the judicial control over the activity of the administration. However, studying the ways of creating them, as well as other tasks of the State Councils of Government consultation, approval of the draft laws before being submitted for examination to the Parliament, we can draw some conclusions regarding the existence of an alleged mutual influence in the judicial activity of the Government, of the State Councils and in the other, of representative of the executive power (Leş, 2002, p. 35).

2.1. Distinctions between the continental administrative justice model and the Anglo-Saxon model

Although, the German contentious justice was inspired by the French model, a specific characteristic exists, namely that of separation first from the active administration, then from the ordinary jurisdiction. At first, the German administrative contentious evolved from the 19th century, forming in several German states; for example, in Prussia the system consisted of 3 levels. Characteristic for the lower courts was their mixed system of competences, that is, the administrative jurisdiction was represented simultaneously by the state bodies, representing some colleagues whose members were chosen simultaneously by the population or named by the hierarchically superior authorities including the king. The superior court was separated from the organs of power, exercising the functions of appeal, and reviewing the decisions of the lower courts. The meetings were public in nature, with active debates, with the participation of lawyers as appropriate. During the administrative justice of Prussia, it did not undergo major changes and served as a model of creation in the other countries.

The modern German administrative jurisdiction differs from the original one by completely separating it from the administration and is characterized by three levels of administrative jurisdiction:

- The Administrative Courts contain the Local Administrative Court, which includes 33 administrative courts, first-level jurisdictions (competent to judge in the first instance all administrative disputes of territorial jurisdiction of the Länder, consisting of three professional judges and two judges who have another profession);

- The High Administrative Court, which includes 10 higher administrative tribunals, as appeals courts against the decisions made by the administrative courts and as a reviewing court for decisions by the administrative courts for the cases in which the appeal path is not opened. These courts judge in different sets, from land to land, the number of judges being from three to five; and
- The Federal Administrative Court resolves appeals against decisions made by higher administrative courts and decisions made by administrative courts. It also solves the review requests made against its own decisions. It also judges the disputes between the federation and the Länder, or between the Länder, coordinates all the procedures in which the administrative laws are applied, except those which fall under the jurisdiction of the Fiscal and Social Courts.

We can state that both the French and the German administrative jurisdictions have a universal character which is within the competence of the courts of common law, i.e. the applicant can submit to the administrative court any application that has an administrative character, without specifying which specific reports are regulated. This is in fact one of the most important distinctions between the model of continental and Anglo-Saxon administrative justice.

2.2. Administrative jurisdictions in England

– advantages and drawbacks

In the United Kingdom, an attempt can be identified to develop administrative jurisdictions, due to the fact that the modern administration raises really important technical problems, and the intervention of the judicial judge thus become less possible, considered to be decisive in the total or partial emergence of the new administrative jurisdictions. This replacement of the judicial judge occurs either by assigning jurisdictional jurisdiction to administrative authorities or special bodies, the administrative courts. Regarding the control of the normative acts of the administration, the judicial control was abolished by express provision of the law. However, the establishment of administrative jurisdictions in England is a relatively recent phenomenon (in the 1960s and 1970s), being created without an overall plan, characterizing their diversity and the fact that they did not provide sufficient guarantees for the administrators. There is also mention of the existence of several commissions of jurisdictional character, their decisions being controlled either by the ministers or by the courts. These jurisdictions are created by special laws that set their competences. Judges often fall within the jurisdiction of the administration, with no clear cooperation between administrative and judicial authorities as in France.

In England the jurisdiction of the bodies of administrative jurisdiction is very diverse, sometimes it refers only to deeds, other times it also includes the law. The administrative jurisdictions have either only legal powers or quasi-judicial competence. First of all, the ministers decide on investigations instituted by their offices

on the appeal against the acts issued by certain commissions that are under their control (for example, the decisions of the Minister of Internal Affairs on applications for naturalization or complaints regarding expulsion), decisions that can be appealed against, either to the special administrative courts or to the judicial jurisdictions.

The second category of jurisdictional bodies includes the individual commissions or authorities, which participate in the active administration (in the field of social insurance, it is competent to resolve such disputes the administrative tribunals, which are under the authority of a national commissioner, as well as in matters of taxes.).

Third, we mention the category of jurisdictions with guarantees of independence such as the Railway Courts established in 1873, the Transport Court (tariffs, licenses), the Land Courts that establish the expropriation allowances. We also mention the existence of single-person administrative jurisdictions (minister, national commissioner) or collegial ones, members of the administrative jurisdiction being appointed by the minister in the field in which they act, for which sometimes the opinion of Lord Chancellor is required, that is to say the minister of justice, in some cases even the latter making the appointment. In some cases the members of the jurisdictions have to be professional lawyers, at other times they can be members, civil servants of the active administration, for the most part the functions in these jurisdictions are free, but sometimes they can also be remunerated accordingly. Most often only the president is paid. Functions often have a fixed duration (three, four, five years), sometimes for an indefinite period, until the appointing authority ends the mandate.

The procedure before these jurisdictions presents a great diversity, before some can resort to the assistance of lawyers (land courts). In the local social insurance courts, defense through a lawyer is not allowed (Popescu, 2004, pp. 77-98). Hearings are sometimes public at other times secret. Decisions are not published, other times publishing is mandatory, so is the issue in the case of motivation. The appeal against these decisions varies from one jurisdiction to another, generally recognizing a right to appeal, being made either to the minister or to the special court of appeal (Vedinaş, 2002, pp. 136-137).

The judicial tribunals retained control over the administrative jurisdiction bodies, through the direct participation of the judges in these jurisdictions, then through the appeal, the control over the decisions is retained, in fact only the solution of the legal problems is sought.

The development of administrative jurisdictions in the UK has a number of advantages and disadvantages. Among the advantages we mention:

- achieving time and money savings;
- making prompt decisions on the multitude of litigation created by social laws, taxes, pensions, insurance, administration activity in multiple fields;

- association of persons with special competence in examining complaints;
- these jurisdictions are not formalistic, that is, they are not related to precedents such as in the English judicial jurisdiction.

Among the disadvantages we mention:

- the litigants do not benefit from guarantees as in the case of judicial jurisdiction;
- there is much confusion in this diversity;
- examining cases is often too brief; and
- advertising is missing.

In the English doctrine, the establishment of a supreme administrative court is envisaged, in the manner of the French State Council (Alexandru, 2007, pp. 365-366).

At one point in the United Kingdom there were 207 administrative tribunals, the purpose of which was to appoint a royal commission to study the reorganization of administrative jurisdiction (Heuser, 2003, p. 18-24).

2.3. The particularities of the administrative jurisdictions in the USA

In principle, the system of administrative jurisdictions in the USA is somewhat similar to the British one, both in terms of legal construction and in terms of trends, noting the same realistic orientation (Leş, 2002, p. 35).

Although an influence of the English legal thinking on the American one has been preserved, a common evolution of the two administrative systems is observed:

- In the USA it is noted that the existence of federalism causes the appearance of the control of the constitutionality that is superimposed on the control of simple legality and also extends to the acts of the administration;
- There is a federal administrative code, imitated by many states in the federation;
- True administrative courts were created;
- Although the US lives under a written constitutional regime, rigid, superior to the ordinary law, the judge can check whether the delegation granted to the administrative authority is possible in relation to the law and at the same time examine whether the law is in conformity with the constitution and whether the delegation is exercised according to the constitution;
- The American judge cannot rule the general annulment of the administrative act, as in England and France, the action against a regulation has effect only with respect to the parties concerned;
- In the USA, the principle is applied and the administration must take into account the procedural rights of those administered according to the adage 'due process of law' (Pacteau, 1978, pp. 914-916 – following the application of this

principle, before issuing administrative documents, interested parties should be called to state their objections);

- In case the administrative act is appealed against, the decision of the judge must be motivated *de facto* and *de jure*;
- Like in England, the decisions of the administrative courts are not *ex officio*, in order to be the executors needing the authorization of a judge and, on this occasion, he examines the legality of the act;
- There are judgments of the administrative jurisdictional bodies that have an *ex officio* nature, when the law expressly stipulates this, a situation in which the administered one may complain and use the so-called ‘writs’;
- Judicial control is complicated, formalistic, costly and slow, and it is necessary to exhaust the administrative resources before notifying the judicial judge;
- The appeal against the jurisdictional decisions of the federal administration is addressed only to the Supreme Court of Colombia, and not to the US Supreme Court, and only for legal and procedural issues.

The body examining the complaints of the administrated must be impartial, apart from any direct and personal interest in question, the appeal being made either through the direct path or through the exception of illegality (Trăilescu, 2006, p. 54).

In the US there is also a great diversity of administrative jurisdictions, but, unlike the United Kingdom, the case withdrawal of the judiciary has not decreased to the same extent (according to Supreme Court decisions, the judge’s termination of termination only ceases when there is an express text of the law, and when the law does not provide that an administrative judicial decision remains final, it can be appealed to the court). Also, the court does not have the power to control administrative acts of a political nature.

In the US we can outline four types of administrative jurisdiction bodies:

- the President of the U.S.A., the heads of executive departments;
- jurisdictional commissions in different departments;
- commissions with regulatory powers and independent agencies, and some with wide autonomy, perform administrative services, but also judge complaints arising from their activity; and
- administrative courts with guarantees of independence and competence and with attributions for certain categories of administrative disputes.

2.4. Administrative jurisdictions in Latin America

The construction of public law in Latin America was initially based on an authoritarian constitutional system, within which administrative law evolved in parallel with the gradual establishment of the rule of law. The most important sign of the evolution of administrative law in this geopolitical area, during the last decades,

is represented by the decoding process, especially by the process of promulgating the regulatory normative acts of the administrative procedure in general.

Currently, almost all the countries in the region have such legislation and the administrative law can be divided into two major evolutionary stages, before and after the respective de-encoding process. The laws of the administrative procedure, establishing general forms of functioning of the administration, determined in all countries a change of attitude in the form and the mode of action of the administrative bodies, guaranteeing more rights and prerogatives to those served by the state administration.

This process of transforming the administrative law through the codification of the procedure began in Argentina, where the first of the national laws on administrative procedures in Latin America was adopted, namely Law 19549/1972 of administrative procedures, then amended by Law 21682/1972. Subsequently, in Uruguay the Decree no. 640/1973, on the Administrative Procedures, replaced then by the decree no. 500/1991, regarding the General Norms of administrative action and regularization of Central Administration Procedures. In 1978, the General Law of the Public Administration of Costa Rica was adopted, which regulated not only the administrative procedure, but all the essential aspects of administrative law. Subsequently followed the Organic Law of the Administrative Procedures of Venezuela, adopted in 1981, amended and supplemented by the Law of simplification of administrative procedures, implemented by the Decree-Law no. 368/1999, reformed in 2008 and by the Organic Law of public administration from 2001 (later updated in 2008). In 1984, the reform of the Administrative Contentious Code of Colombia took place, to which a new part was incorporated, regarding administrative procedures, also supplemented by the provisions of Decree no. 266/2000. It was followed, in 1987, by the Law on administrative procedure in Honduras, then in 1994 the Federal Law on administrative procedure in Mexico and the Brazilian Administrative Law no. 9784/1999. In Panama, Law no. 38/2000 regularized the Organic Statute of administrative procedures, the general administrative procedure and the special provisions in the matter. Law no. 2341/2002 regulated the administrative procedure in Bolivia, and Law no. 19880/2003 administrative procedure in Chile. In Ecuador, the statute of the administrative legal regime of the executive function was adopted, through Decree no. 1634/1994, normative act that also regulates all aspects pertaining to the administrative procedure.

All these texts, in one form or another, have a common feature and have been influenced by the Spanish legislation through the already repealed laws of the legal regime of the state administration of 1957 and respectively of the administrative procedures of 1958. These texts have been replaced in Spain by Law no. 30/1992 of the legal regime of public administrations and of the common administrative procedure (amended by Law no. 4/1999), which, on the other hand, influenced the drafting of the Peruvian law of 2001. Also, in one form or another, Spanish texts have

influenced all the legislation in Latin America, to a lesser or greater extent, as was the case with the Organic Law on Venezuelan Administrative Procedures of 1981.

Another common feature is the normative ensemble that has been the basis of the entire process of administrative decisions, which leads to a very important regularization related to administrative acts. For this it can be considered that all these laws are, basically, with reference to the legal regime of administrative acts. These legal regulations were of enormous importance throughout Latin America, contributing not only to the development of administrative law, but also to shaping the principle of legality. In all the Latin American states, the central motivation of these normative bodies consisted in establishing a regime of guarantees of those administered towards administrators, respectively by the Administration in general. This legislation also reflects the ongoing struggle that characterizes its own administrative law, aimed at finding a balance between the privileges of the Administration and the rights of individuals. Therefore, the adequate satisfaction of the public interests is ensured and the satisfaction of the needs of the citizens is guaranteed (Villamil, 1997, pp. 518-519).

3. Dynamics of administrative jurisdictions in compared law

Referring to the development of administrative justice, we must mention that, together with the judicial jurisdiction, administrative jurisdictions have emerged and are continuing to develop, for reasons similar to the situation in England.

The administrative courts appeared in France replacing the old councils of the prefecture being considered the judges of common law in the first instance of the administrative litigation. They coexist with numerous special jurisdictions (regional chamber of accounts, the departmental commission of social aid, the commission of appeals of refugees, etc., which have replaced the prefectural councils).

The administrative courts of appeal are subordinated to the State Council and judge the appeals against the decisions given by the administrative courts, except for the litigations regarding the municipal and cantonal elections, these being within the competence of the State Council. The administrative courts of appeal include the simple administrative courts and, according to the recent reform, there are the Administrative Courts of Appeal and the specialized courts, especially in the financial system. Any situations or problems that may arise in the activity of the two categories of courts are resolved by the Court of Conflicts (Tribunal des conflits).

The State Council is the most important administrative jurisdiction, cumulating the qualities of supreme court of justice and of justice of appeal, of cassation, with competence in some cases and of first instance. Being the supreme administrative court, the State Council decides sovereignly, because there is no appeal against its decisions.

The State Council presents the epicenter of the administrative jurisdiction, because within it is the administrative contentious section, which exercises the jurisdictional function granted to this institution. In the first and second courts, it judges the most important disputes regarding the appeals against the acts regulated by the ministry and the disputes regarding the elections in the European Parliament. The existence of the independence of administrative jurisdiction, contrary to that of judicial authority, is not regulated by the French Constitution.

The State Council is empowered only with advisory powers. At the same time, the constitutional jurisdiction conferred constitutional value on the existence of the independence of the administrative jurisdiction. The administrative jurisdiction system in France is permanently dynamic and is aimed at optimizing its functionality. The most recent changes to this legislation have led to the creation of two new administrative courts and administrative courts. Similarly, the urgent procedure for examining applications in cases where fundamental rights violations have been reviewed has been revised (the following decisions of the Constitutional Council: CC 22 July 1980, *Lois validation*, CC 23 January 1987, *Competition Council*.)

4. Conclusions

The link between the rule of law and administrative law is not new at present. If the rule of law represents, to use a classic definition, ‘the state whose power and action are controlled and guided by law’ (Diaz, 1969, p. 11), the activity of the most dynamic, ubiquitous and complex of its components, the administration will necessarily have to be impregnated by legal control. Seen conversely, from the point of view of administrative law, the particularity of its content also implies the existence of a rule of law: seeking a balance between the privileges of the administration and the guarantees of its citizens, its maintenance and its restoration when it has been lost (Enterria, Rodriguez and Ramon, 2002, p. 51). Moreover, according to the doctrine, ‘the rule of law is the state of complete administrative law’ (Schmidt-Assmann, 2003, p. 55); starting from the German and the European Union legal order, Schmidt-Assmann deduces certain characteristics of the rule of law, relevant for administrative law: a public action in two phases, the decision and the enforcement, which facilitates responsibility, control and correction (Schmidt-Assmann, 2003, p. 55).

In the reference period of the 19th century, the judicial courts were excluded from the administrative litigation, the French revolution did not organize administrative tribunals, but adopted the system of ‘administration – judge’, which itself transformed into stages into a system of administrative jurisdiction. Thus, a solution is adopted, which seems paradoxical today, to entrust part of the function to judge to administrative authorities. The formula was to entrust the administrative contentious to the administration and in the middle the same administrations to the active administrators: king, ministers, department administrators.

During the golden age of French administrative law, due to the jurisprudence of the State Council, the judicial control is strengthened thus becoming the best system of protection of liberties.

The next stage begins with the period of the 1930s, lasting more than 40 years, and affects the main sectors of administrative law: the public service, the public institution, the public persons and their criteria of competence. The doctrine estimated that each of these crises can find its solution in itself, committing itself to release a new criterion of jurisdiction of the administrative jurisdiction and to impose the decisions of the judicial courts, proposing new interpretations to prohibit the incorrect application of the law. This doctrine did not delay being challenged, reproaching it with the underestimation of the real life of the administration and the administrative practice, thus the administrative litigation, appearing as a damaged image of it.

The modern period begins with the 1970's and resulted from the fruits of previous criticism. The specificity of the respective period resides in the fact that the remedy of the crises suffered by the administrative contentious is in historical evolution or in the change of the logic of the administrative jurisdiction. Currently these crises reflect the deeper movement, which reaches the whole of the French administration and in a broader sense the French society itself. From another point of view, the classic French model of separation of powers in the state denotes the fact that a well-adjusted constitutional administrative judicial system can ensure the judicial control of the public administration activity.

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IMPLEMENTING THE REGIONAL OPERATIONAL PROGRAMME: THE CASE OF THE INTEGRATED TERRITORIAL INVESTMENT DANUBE DELTA. ADVANTAGES AND DISADVANTAGES*

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Abstract

The 2014-2020 regulatory provisions to EU Cohesion policy gave our country, Romania, new opportunities to use ESIF for sustainable development, particularly using Integrated Territorial Investment (ITI). This paper analyses the implementation of the Regional Operational Programme (within the new framework and provisions) in comparison with the previous programming period (2013-2017). The analyzed area of implementation is mainly in Tulcea County and a small area in Constanța County, the territory of ITI Danube Delta, as stated in the Integrated Strategy of Sustainable Development Danube Delta.

The paper shows that there has been a significant improvement in implementing the program. The territorial provisions have encouraged innovation and adaptation in both thinking and practice. The strategy, focused on a particular area, stated clearly the needs of the territory, that would be financed also through the Regional Operational Programme. It resulted in more submitted applications, different applicants, more needs fulfilled.

The implementation of the ITI Danube Delta in Romania brought many advantages, but it also had some setbacks. So, there is scope for extending the use of the territorial strategies in the future, albeit with the simplification of some of the regulatory requirements and more flexibility in programming. Also, more attention needs to be given to monitoring and evaluating the outcomes of strategies.

Keywords: cohesion policy, Integrated Territorial Investment, Regional Operational Programme.

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1. Introduction

It is increasingly evident that the various challenges facing urban and rural areas – demographic, social, economic, environmental – are closely linked, and success in local development can only be achieved through an integrated approach. However, the policy response at European and national level, regarding the issues mentioned above, has been slow and divided. The Cohesion Policy 2014-2020 aims to stimulate integrated strategies (measures in terms of employment, education, social inclusion, and institutional capacity are supported) that enhance sustainable local development in order to strengthen cities' resilience and ensuring synergies between the investments supported by the European Structural and Investment Funds (ESIF).

Taking these aspects into consideration, the new European regulations define new tools to implement the Cohesion Policy for the period 2014-2020, respectively:

- Joint Action Plan – a group of projects implemented under the responsibility of the beneficiary, as part of the operational program or programs;
- Integrated Territorial Investment (ITI) – an integrated approach to urban or territorial development strategies that involve investments from several priority axes, from one or more Operational Programmes;
- Community-Led Local Development (CLLD) – is achieved through local development strategies on integrated and multi-sectorial areas, being placed under the responsibility of the community, of the local action groups formed by representatives of the local socio-economic interests of the public and private sectors; local action groups develop and implement local development strategies.

Each member state was given the opportunity to choose one or more tools mentioned above. Romania has chosen all of the new tools in order to implement properly the submitted projects. The most important instrument used in Romania in the actual programming period (2014-2020) is ITI Danube Delta, financed through all the European funds, including the European Regional Development Fund. One of the programs financed through this fund is the Regional Operational Programme (ROP).

2. Research objectives and methodology

This paper tries to analyze by comparison the methods of programming, implementing and the results of the Regional Operational Programme (ROP) in two programming periods 2007-2013 and 2014-2020 – only in the area covered by the ITI Danube Delta in order to identify the advantages and disadvantages of each mode of operation.

The objectives of this research are:

Objective 1: Analyzing the objectives and financeable areas of intervention in a comparison between the ROP in the previous programming period (2007-2013) and the actual one (2014-2020);

Objective 2: Analyzing the results and the indicators reached in implementing the two programs;

Objective 3: Stating the advantages and disadvantages of using the integrated approach in comparison with the standard approach; and

Objective 4: Concluding on responsibilities, governance method, and ways of implementing the ESIF further on.

The methodology consists of an analysis of official/public documents (legislation, strategies, reports, etc.). Both national and European legislation regarding the Regional Operational Programme, the European Regional Development Fund, the Integrated Territorial Investments were analyzed. Also, strategies, work plans, guides, terms of reference, reports, etc., related to this field, issued mainly at a national level, were analyzed.

Secondary data analysis implied: analysis of the recommendations of the annual implementing reports of the ROP, analysis of the changes made in the organizational charts of the entities involved in implementing the new tool of financing, including the level of the specializations of the experts.

The analyzed documents are: Common Provision Regulation (CPR), Partnership Agreement, Regional Operational Programme 2007-2013, Regional Operational Programme 2014-2020, Annual Implementation Reports, Final Implementation Report ROP 2007-2013, Organizational Charts, The Quadripartite Agreement, The Integrated Strategy of Sustainable Development Danube Delta, World Bank Reports, and charts, specific situations published by the Management Authority or the Intermediate Body regarding ROP 2007-2013 and ROP 2014-2020.

3. Cohesion Policy and Integrated Territorial Investment

The influence exercised by the European Union on national public policies is now commonly accepted. The European Union's cohesion policy, more identified by its means (structural funds) than by its objectives, is significant in the process of Europeanisation of the public action because it contributes to the renewal of forms of governance (Radaelli, 2002; Saurruger and Surel, 2006).

Cohesion policy is procedural. Its implementation is decentralized at the regional level. If it is important to remember that the European Union is not intended to act on the sovereignty of the states, the existence of a regional level is a prerequisite for obtaining structural funds. States may, therefore, choose to transfer the management of these funds to the elected region or to create new administrative regions (Marcou, 2002; Lepesant, 2011).

By retaining the regional level for the management and implementation of cohesion policy, the European Union has contributed to the assertion of the regional fact (Barone, 2011; Picouet, 2012; Keating, 2013), even though cohesion policy is largely

dependent on national contexts. This governance mixes a multitude of actors at different levels in the context of ongoing negotiation around issues and means. The protagonists are linked by chains of interdependence that do not involve hierarchical relations (Marchand-Tonel and Simoulin, 2004).

Taking into consideration the example of the cohesion policy and more particularly its urban aspect, materialized by a new tool, the Integrated Territorial Investment (ITI), our contribution questions the effects of the EU intervention on the institutional changes within the Member States.

Integrated Territorial Investment (ITI) is an instrument created by the European Commission under the urban component of the cohesion policy to facilitate the implementation of a territorial strategy. It aims to meet the objectives of 'smart, sustainable and inclusive' growth as defined by the Europe 2020 Strategy (formerly Lisbon-Gothenburg). The use of ITI was allowed, under the 2014-2020 cohesion policy programming, by article 7 of the ERDF Regulation (1305/2013). This tool can be mobilized in various geographical areas (from the neighborhood to the cross-border areas) and must also be linked to the axes listed in each Operational Programme (OP). The areas targeted according to the OPs are: urban planning, economic development, vocational training, the fight against discrimination or the energy transition. Thus, the ITI can participate in the financing of training courses, workshops to support the creation of businesses, innovative equipment, the renovation of buildings as well as housing. For the Commission, it is also a question of allowing the beneficiaries of the funds to combine the use of the ERDF and the ESF.

There are many tools that this regulation places under urban and territorial dimensions, one of them is the Integrated Territorial Investment, not only for urban areas but for any type of territory. In line with CPR, all thematic objectives could become an object of ITI.

Thus, a definition of this particular instrument might be that an ITI is a tool that offers the possibility to 'bundle' together ESI funds to perform activities aimed to support sustainable urban development. It has the freedom to join and coordinate different funds and priorities that the new programming period wants to promote. The ITI needs a financial pot, a bundle of integrated measures under diverss thematic objectives. It focused on areas such as peripheries or urban environments.

According to the approved legal framework, each Member State planning to use this tool must state so in its Partnership Agreement, and has to show in the OPs that will refer to that and will finance such an instrument. The architecture of an ITI needs time for planning activities and deciding sources of financing, therefore it may be complicated for OPs to add them on time. A possible way to ease the pressure on delivering the names of the cities that will participate in ITI, might be to allow them to plan and implement one even if the new programming period has begun, and the national and regional documents have already been submitted and approved.

Moreover, the current legislative framework asks every Member State to earmark at least 5% of their ERDF for urban-related initiatives and the use of ITI.

Cities and other intermediate bodies are direct beneficiaries and targets of such funds, and in this way the program offers a major role to cities that they did not have in the 2007-2013 programming period.

The choice of cities where the 5% will be delegated to is a responsibility of the Member State by consultation with other stakeholders. This mechanism is essentially different from the last programming period, and allows a direct transfer of funds from the top to the bottom level. The regulation aims at empowering cities with responsibilities to tackle problems and obstacles that arise at the local level.

4. Comparative analysis: ROP 2007-2013 – ROP 2014-2020.

The implementation of the Partnership Agreement

In Romania, as a Member State, the ESIF was divided into several programs of financing. The main fund is the European Regional Development Fund; the Regional Operational Programme, existing in both programming periods, is financed through this fund.

The Regional Operational Programme implements important elements of the National Strategy for Regional Development and of the National Development Plan (PND) contributing, together with the other Sectorial Operational Programmes (SOP), to the achievement of the strategy's objective and of the National Strategic Reference Framework (CNSR, namely 'the reduction of disparities of economic and social development between Romania and other EU member states').

The proposed priority axes and the areas of intervention included in the ROP 2007-2013 were in line with the objectives of the Lisbon Strategy (which takes into account the Strategy Gothenburg 2001), of the Cohesion Policy of the European Union and with the Guidelines Community Strategies.

On October 6, 2011, the European Commission adopted the provisional version of the legislative package that has constituted the framework for implementing the Cohesion Policy for the period 2014-2020. The new proposals have been designed to strengthen the strategic dimension of the policy and to ensure that EU investments will be focused on long-term 'growth and employment goals', according to the objectives of the Europe 2020 Strategy.

In September 2013, the World Bank was contracted to provide support services for Romania's Government to develop a strategic document dedicated for Danube Delta and its surrounding areas, named the Danube Delta Biosphere Reserve (RBDD), which would bring prosperity to this rich ecological and cultural region, but which is gradually depopulated. In response, a procedure was developed to achieve a comprehensive analysis of the existing situation regarding access to basic services, opportunities for job creation, economic growth and development constraints.

The diagnostic analysis was supplemented by the conclusions of the public consultations conducted with the participation of locals and stakeholders on their 'preferences' related to how the future Danube Delta will show (the vision). Together, they justify investment needs and changes in public policies.

Romania decided to apply such an integrated territorial approach that tries to capture the potential sectorial synergies. The Danube Delta Strategy and its action plan try to balance two objectives: preserving unique cultural and natural values of RBDD and fulfillment of inhabitants' aspiration of improving their economic opportunities and living conditions.

The action plan consists of two parts: one includes proposed interventions eligible for ITI financing and the second presents interventions non-eligible for ITI funding, for which other sources must be sought.

The ITI mechanism was defined to cover certain priority axes and measures from all seven OPs and the National Rural Development Programme (NRDP), being funded from five European Funds.

Some of the special axes and measures were selected by the Romanian Government in order to take into consideration the peculiarities of this region. The national strategies and priorities are reflected in the Danube Delta (DD) Strategy and so on, OPs cover the most important priorities of our country. In this way, a wide and strong connection between the OPs and the DD strategy is assured. However, some features turn out to be due to the definition of this mechanism that focuses on large infrastructure investments. To a certain extent, the ITI 2020 proposal emphasizes higher on infrastructure compared to the Strategy 2030, which focuses more on the environment (balancing the environmental protection and the objectives of socio-economic development).

The interventions proposed by each OP demonstrate complementarity and integration. The potential of the DD's tourism sector will remain unexplored if the urban services (such as garbage collection, sanitation, and water) and tourism infrastructure will not be improved through the ROP. Services, as well as the health and education sector, will depend in the future on Information and Communication Tools (IC&T). There will be more benefits in tourism after further development of many attractions (through ROP) and recreational fishing, aquaculture, organic agriculture, guided tours, etc. Because the natural and cultural values are the main attractions of the region, the restoration, protection, and improvement of them is of crucial importance in the ROP. Beyond integration and the synergies between OPs through the global planning process, the links between physical investments, changes in policies and regulations, and institutional development and technical assistance could increase benefits and support resources.

The area of the DDBR is characterized by a rare and isolated population, economic vulnerabilities, unsatisfactory accessibility to services, etc. The institutional and administrative functioning of the Danube Delta ITI mechanism is ensured by the Inter-Community Development Association ITI Danube Delta (IDA-ITI DD).

IDA-ITI DD is a private legal entity with public utility status, which includes 38 Territorial Administrative Units (of which 5 urban administrative units: Tulcea, Măcin, Isaccea, Sulina, Babadag), Tulcea County Council and Constanța County Council. At the executive level, IDA-ITI DD has its own technical apparatus led by the President of the Board of Directors, and benefits from financial support through the OP Technical Assistance.

In order to promote the partnership principle in the implementation of the ITI mechanism, an Advisory Committee was established as a partnership body with an open character on a voluntary basis, constituted by the General Assembly of ADI through the active involvement of all stakeholders.

Romania is among the five Member States (together with France, Italy, Poland and the Czech Republic) that have benefited from an allocation of more than 1 billion Euros for this instrument. The interventions realized through the ITI Delta Danube mechanism are also an important element for achieving the SUERD objectives. The ITI instrument benefits from a multi-fund allocation of 1,111.7 million Euros, representing investments from the ERDF, ESF, FC, EARDF and EMFF which have in the foreground the Danube Delta Biosphere Reserve with its entirely natural and cultural heritage. For the Regional Operational Programme 2014-2020, the allocation is of 358.11 million Euros.

Therefore, the main difference between the two programming periods regarding the implementation of the Regional Operational Programme is represented by the new tool/instrument designed by the European Commission: Integrated Territorial Investments. This is the reason why in the scheme of responsible institutions for the ROP implementation, it appears a new structure, IDA-ITI DD, as represented in the table below:

Table 1: Comparative analysis between ROP 2007-2013 and ROP 2014-2020 implementation

ROP 2007-2013	ROP 2014-2020
<p>6 Regions:</p> <p>North-West; North-East; South-West Oltenia; South-Muntenia; Bucharest-Ilfov, Centre; South-East (Counties: Tulcea, Constanța, Galați, Brăila, Vrancea, Buzău)</p>	<p>6 Regions:</p> <p>North-West; North-East; South-West Oltenia; South-Muntenia; Bucharest-Ilfov, Centre; South-East (Counties: Tulcea, Constanța, Galați, Brăila, Vrancea, Buzău)</p> <p>Within South-East: ITI Danube Delta</p>
<p>Internal Control System:</p> <p>Managing Authority</p> <p>Intermediate Bodies</p> <p>Certification and Payment Authority</p> <p>Audit Authority</p>	<p>Internal Control System:</p> <p>Managing Authority</p> <p>Intermediate Bodies</p> <p>Certification and Payment Authority</p> <p>Audit Authority</p> <p>The Intercommunity Development Association ITI Danube Delta</p>

Source: Authors' own contribution

The activity of IDA-ITI Danube Delta is supported by the OP Technical Assistance (allocation 5 million Euro) both for ensuring the necessary technical and logistical conditions, as well as for supporting the necessary expertise for the coordination at a territorial level of the implementation of the ITI mechanism. For the project implemented in the period 2015-2018, reimbursement applications amounting to approximately 1.6 million Euros were submitted.

IDA-ITI DD assures the coordination of the Strategy Action Plan Implementation, playing a central role in the ITI by supporting the beneficiaries, such as local authorities, public institutions, private or public members as well as non-members, to initiate projects and by endorsing projects prepared by the local beneficiaries from the point of view of relevance with the strategy's objectives, while providing a communication channel between the Managing Authority and beneficiaries about possible problems.

In 2016, the structure of IDA-ITI DD was functional, through the technical team formed by experts on programs. At the same time, in 2016, it was completed the recruitment plan, organizing the competitions to fill vacancies. Other competitions were held for the following posts: 1 procurement expert, 1 communication expert, 2 program experts, and 1 assistant manager.

Following these competitions, the personnel scheme of the structure by IDA-DD ITI was complete, so that at the end of 2016 it was at its full capacity of 21 people.

The analysis carried out by the Ministry of European Funds through the Directorate General for Programming and System Coordination (in the progress report on the implementation of the Partnership Agreement¹), regarding the implementation of ITI, indicated the need to improve the administrative capacity of IDA-ITI DD and, starting with 2019, a new technical assistance agreement (approx. 4.4 million Euro) is implemented, which included new performance indicators (contracting rate of projects supported by IDA-ITI DD, the absorption rate of completed projects). The implementation of the project also involves providing a helpdesk in the process of preparing the projects. The difficulties reported in the implementation include the difficulty in obtaining the necessary approvals when submitting the financing applications, obtaining the cadastral approvals for the lands covered by the investment works, identifying the investment objective in the inventory of the assets that make up the public domain.

1 In accordance with Article 52 of Regulation (EU) no. 1303/2013 establishing common provisions on the European Structural and Investment Funds (FESI), by August 31, 2019, Member States have the obligation to prepare and submit to the European Commission a Progress Report on the implementation of the Partnership Agreement.

5. Administrative functioning

5.1. General data

ROP 2007-2013 was approved by the EC on July 12, 2007. The general objective of the Regional Operational Program 2007-2013 was supporting 'economic, social, territorially balanced and sustainable development of Romania's regions', according to their specific resources and their needs, through a focus on urban growth poles, by improving infrastructure conditions and business environment in order to become more attractive places to live, visit, invest and work. In line with this objective, it was structured in five priority axes and thirteen areas of intervention, as well as a priority axis of technical assistance.

The value of the Community funds (ERDF) allocated to the ROP for the previous programming period 2007-2013 was 3,726,021,762 Euros.

On the other hand, ROP 2014-2020 was approved by the EC on June 23, 2015. Its main objective is increasing 'economic competitiveness and improving the living conditions of regional and local communities' through supporting the development of the business environment, services, and infrastructure, in order to assure the sustainable development of Romania's regions, by effective management of their resources, a capitalization of their innovation potential and by technological progress. It is structured in 14 priority axes and 37 areas of intervention, as well as a priority axis of technical assistance.

Also, in terms of financing data, the two programming periods are different. With an allocation of 3.72 billion Euro ERDF, ROP 2007-2013 gave the South-East Region 411.57 million Euros. Whereas, ROP 2014-2020 offered ITI Danube Delta an allocation of 358.11 million Euro out of 6.7 billion Euro allocation for the entire program. One could state that, from the beginning, the actual programming period is more appealing for the covered territory. If in 2007-2013, the whole region that includes six counties was allocated approximately 400 million Euro, in 2014-2020, a small territory covering parts of two counties within the region is allocated almost the same. This is the main reason why the value of the submitted applications and implemented projects in the Tulcea County area is reduced compared with the value of submitted applications within ITI Danube Delta. So, if the value of submitted applications in ROP 2007-2013 is around 82 million Euros (at the end of programming period), the same value for ROP 2014-2020, at the level of October 2019 is about five times higher, approximately 389 million Euro. The report is diminished to approximately 2.5 in terms of the value of signed contracts.

The detailed situation of the submitted applications and signed contracts is shown below in Table 2.

We took into consideration only the projects implemented within Tulcea County area. After we requested the information from the Regional Development Agency South-East Region, they sent us data regarding the implemented projects within

Table 2: Financial Data on ROP 2007-2013

Financed actions	Allocation of SE Region (ERDF)	No. of submitted projects (excl. rejected/retracted)	Value (ERDF)	No. of signed contracts	Value of signed contracts (ERDF)
Urban centers (roads infrastructure, social, educational)	57,420,000.00	6	8,480,923.17	6	8,480,923.17
County roads	123,630,000.00	3	37,941,933.82	3	37,941,933.82
Health infrastructure	25,110,000.00	2	6,377,657.58	2	6,377,657.68
Social infrastructure	12,530,000.00	1	593,577.21	1	593,577.21
Educational infrastructure	58,000,000.00	4	6,586,149.89	4	6,586,149.89
SMEs (micro enterprise)	31,330,000.00	31	4,545,960.27	27	4,336,824.58
Cultural heritage	44,090,000.00	2	10,849,566.91	2	10,849,566.91
Tourism infrastructure	59,450,000.00	4	6,345,655.64	2	2,607,798.85
TOTAL	411,560,000.00	53	81,721,424.49	47	77,180,854.90

Source: Authors' own contribution, based on data from ROP Management Authority

the region in the previous programming period, in Excel documents, also with the final report of implementation regarding ROP 2007-2013, in the South-East region. Given the fact that in the report, the gathered data referred to the region as a whole, the main documents used to extract data regarding the projects implemented in Tulcea County were the Excel documents given by the agency representatives. The data are for December 31, 2016.

The data gathered in this table is based on the monthly situations published by the Regional Development Agency South-East Region and by IDA-ITI Danube Delta regarding the submission of projects and signed contracts within the ITI instrument. The shown data is referred to as September 30, 2019.

Analyzing the two programming periods, we reached the following conclusions:

- both programming periods finance investments in county roads, health infrastructure, social infrastructure, educational infrastructure, cultural heritage, development of SMEs, tourism infrastructure;
- the new financed actions introduced by ROP 2014-2020 are: investments in energetic efficiency, business incubators, mobility plans, development of small cities;
- the allocation for the South-East Region in 2007-2013 is similar to the allocation for ITI Danube Delta in 2014-2020;
- the number and value of submitted applications is considerably higher in 2014-2020 than the ones in 2007-2013.

Taking all these facts into consideration, we analyzed the reasons why the situation is different. This analysis is represented below.

6. Analysis of the governance model. Proposal for improvement

As a new mechanism introduced by CPR during ESIF programming period, Integrated Territorial Investment aims to facilitate territorial strategies' implementation, that needs to attract funding from different sources and to promote a more local-based policy-making process.

It is clear that for Romania, the ITI Danube Delta initiates some improvements in implementing the Regional Operational Programme opposite to the previous programming period. However, the governance model could be improved in the upcoming period. We stated several proposals for improvement after analyzing the given situation.

6.1. Advantages

The existence of a structure in the territory that is close to the beneficiaries could be considered an advantage. There is a perception of confidence in the administrative culture of the territory that is higher in a structure that is of the same rank and in the same territory with him, who understands his problems being near him.

Table 3: Financial data on ROP 2014-2020

Priority Axis	Area of intervention	Financed actions	Allocation (ERDF)	No. of submitted projects (excl. rejected/retracted)	Value (ERDF)	No. of signed contracts	Value of signed contracts (ERDF)
2	2.1.A	SMEs (micro enterprise)	17,158,782.69	118	17,158,782.69	118	17,158,782.69
	2.1.B	Business Incubators	5,805,479.82	1	5,805,479.82	0	0.00
	2.2.A	SMEs	50,862,378.37	257	163,675,688.51	113	71,335,626.74
3	3.1.A	Energetic efficiency - residential buildings	14,483,044.00	8	652,631.83	0	0.00
	3.1.B	Energetic efficiency - public buildings	25,787,234.00	11	21,611,365.60	8	11,969,625.43
	3.1.C	Public lighting	4,469,388.00	4	6,697,171.69	0	0.00
	3.2.	Mobility plan	53,805,319.00	2	20,367,778.52	0	0.00
5	5.1.	Cultural heritage	27,223,404.00	8	20,769,052.27	8	20,769,052.27
6	6.1.	Regional Infrastructure (County roads)	74,744,681.00	6	54,219,111.11	6	54,219,111.11
7	7.1.	Tourism infrastructure	13,864,958.00	14	41,264,021.65	0	0.00
8	8.1.A	Polyclinic	3,220,000.00	1	798,353.85	1	798,353.85
	8.2.B	Emergency Reception Unit	4,200,000.00	2	2,968,892.87	2	2,968,892.87
	8.3.B	Social infrastructure for adults with disabilities	1,978,800.00	3	1,724,288.04	2	1,155,522.09
	8.3.C	Social infrastructure for children	1,978,800.00	2	526,834.63	0	0.00
10	10.1.A	Educational infrastructure for preschool children	5,030,612.24	3	1,474,120.17	0	0.00
	10.1.B	Educational infrastructure for primary and gymnasium education	16,479,592.00	18	10,610,982.96	9	4,129,084.24
	10.2.	Educational infrastructure for technologic highschool	10,408,163.00	3	8,474,858.11	3	8,474,858.11
13	13.1.	Development of small cities	16,630,851.00	3	9,768,582.43	0	0.00
		TOTAL	348,131,487.12	464	388,567,996.75	270	192,978,909.40

Source: Authors' own contribution, based on data from ROP Management Authority

IDA-ITI DD, being in contact with all the programs, with all the Managing Authorities, it has the vision on all that means ESIF financing. In this context, we can make a comparison between the programs, by identifying what works well, and where is potential, and where solutions can be proposed for improvement.

IDA-ITI DD studied all the guides of all the programs, studied all the programs and a beneficiary does not have to go to three different places to different authorities if he needs support or information about several programs. Specifically, mayors have projects on three programs RDNP, ROP and HCOP, and they could obtain information from a single place from IDA ITI where the program experts provide support.

Reduction of travel costs and time consumed by traveling only to Tulcea and not to Brăila for meeting with representatives of ROP, HCOP, AFIR/OJFIR Constanța could be considered another advantage.

The experience accumulated by the IDA-ITI DD experts during the 6 years since this structure operates is put at the service of the beneficiaries.

Providing an interface between the Managing Authorities that manage at the central level and the local beneficiaries is another advantage.

The involvement of IDA-ITI DD in the writing stage of the strategy helps: it knows all the problems of the territory and where it must be reached with the implementation of the strategy.

IDA-ITI DD is the only structure that concretely implements a strategy dedicated to a territory. It is an independent and apolitical structure that ensures equal treatment of all the beneficiaries.

6.2. Disadvantages

The involvement of IDA-ITI DD is required more in the absorption of funds, but its powers are limited, being not involved at all in the life cycle of a project.

IDA-ITI DD not being part of the system implies not having access to the information from the electronic applications of the programs.

During the project implementation period, it has access to those beneficiaries with which it has concluded a collaboration agreement, the form found by IDA-ITI DD in order to be able to monitor the projects from the perspective of the strategy.

6.3. Proposals for improvement

Seeing the benefits that the implementation of the ITI instrument gets, we consider that it is necessary to keep the existing structure of the IDA-ITI DD, possibly with an increasing number of experts. Other aspects that should be improved are: formalizing a collaboration with each Management Authority separately, in addition to the Quadripartite Agreement, giving increased powers, respectively, the

selection of projects. Recommendations for improving the implementation: opening calls with continuous submission; correlating the projects between them and opening the calls in a logical order of the interventions (e.g. first water-sewerage, then the road, then investments in educational, social, cultural infrastructure, etc., at the same time as financing the improvement of the administrative capacity of the personnel involved); monitoring projects implemented through ITI by IDA-ITI DD, as part of the system, to intervene if there are problems in implementation; monitoring the indicators of the strategy to be carried out on some measurable indicators, the data coming from each project, then to be aggregated, and the indicators referring to statistical data to be separated within the strategy. Thus, there should be project indicators (e.g. newly created jobs) that will be quantified at the level of each project, and IDA-ITI DD staff will quantify them at the territory level, as well as the statistical data (e.g. the number of tourist arrivals); these statistical data do not reflect an exclusive result of the implementation of the funded projects, but of other actions taken. Therefore, it does not measure exclusively the result of the implementation of the strategy.

The benefits of using this tool were seized by the representatives of the Romanian Government, and the next programming period 2021-2027 brings significant changes in both institutional and strategic structure.

Within the cohesion policy, the Ministry of European Funds proposes nine types of programs, and the Regional Operational Programme is to be managed decentralized at the level of the Regional Development Agencies in each of the 8 regions of the country (Polish model).

Also, the ITI mechanism for Danube Delta will also continue between 2021-2027 to complete the actions to achieve the specific objectives, established within the Integrated Strategy for Sustainable Development of the Danube Delta (SIDD DD).

Furthermore, given that the financial period 2014-2020 showed us that the ITI Danube Delta mechanism has shown its usefulness for the territory it covers, the necessity of the continuation of the ITI project is implied for the next financial period. In order to identify the best solutions for territorial development through ITI, the Association for Inter-Community Development ITI Danube Delta opened the consultation process with the general public, until January 31, 2020. The purpose of the consultation is to identify the priority areas of intervention and those measures that will continue to contribute to the implementation of the Integrated Strategy for Sustainable Development of the Danube Delta.

7. Conclusions

It was made clear that ITI offers significant potential in terms of added value in the debate on future reforms. Specifically, it has the potential to target development needs and issues and to project bottom-up responses with the active involvement

of citizens and local institutions to ensure that ‘no person or region is left behind’. It also has the potential to respond to localized shocks or unexpected developments through integrated packages that provide substances to action plans. However, it is necessary to design and implement strategies to be more ‘agile and flexible’, to ensure that beneficiaries can access funds and deliver projects quickly, which involves a significant reassessment of regulatory requirements.

In the Romanian Memorandum regarding the use of the European funds in 2021-2027, it is stated that regarding ITI, the proposal for the financial period 2021-2027 is:

- to continue the investments related to the Integrated Development Strategy Sustainable Danube Delta (ITI DD); and
- to implement a new ITI instrument in the Jiu Valley region, taking into account the new initiatives promoted at European Union level, respectively The Platform of Carboniferous Regions in Transition to which Romania joined with pilot region Valea Jiului, as well as the establishment of the Fair Transition Fund (Just Transition Fund), meant to help affected communities in the area, and to build new strong, resilient and diversified energy savings. For this region, the financing of the elaboration of the strategy was approved, which aimed the reconversion of the area within the Support Program for Structural Reforms, under direct management at EC level.

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GENDER EQUALITY IN THE ROMANIAN RESEARCH FIELD

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Abstract

The present study aims to observe the evolution of women occupying research positions through a long period of time in order to establish if they face discrimination regarding access to this profession and which are the research fields preferred by women. The main objectives of the study are (1) to investigate the presence of horizontal segregation inside all the sectors of performance and fields of research and development, and (2) to analyze the evolution and the proportion of female researchers inside the research fields and sectors of performance during the 2000-2017 period.

The research revealed that the whole number of researchers from all sectors of performance has decreased in the studied period on average with 1.67% per year. The number of women has decreased by 1.79% per year compared with 1.57% in men's case. The proportion of women among researchers from all sectors has decreased from 47% in 2000 to almost 46% in 2017 but the gender parity existed taking into account that both genders occupied more than 40% of the positions.

The horizontal segregation was observed among the research sectors because women were better represented in Higher Education and Government sectors, the only areas where the gender balance has been almost at parity. From 2011, women researchers in Romania have worked more in the Higher Education Sector in comparison to the other main sectors of the economy and registered an increase in the proportion of the researchers from this sector (from 41% in 2000, 49% in 2011 to 51% in 2017). The Business Enterprise Sector (BES) still had a disproportionately high share of men researchers and the proportion of women decreased from 42% to 34% in 2017. Women researchers were still underrepresented in the field of engineering and technology (39.55%) and overrepresented in the medical sciences (64%). In the other fields, the gender balance has been reached.

Keywords: horizontal segregation, research sectors, fields of research and development.

1. Introduction

The development of the R&D sector is a complex process influenced by various stakeholders. Governments, universities and private companies should collaborate in order to create a sustainable research area with long-term positive outcomes. Due to the high importance of research for societies' evolution, gender equality should be present also in this field and women should have the same career opportunities as men. It would be expected for the scientific population to be gender-balanced and the gender gap to be very narrow.

In Romania, research is not a well-developed sector and the number of researchers has decreased almost every year in the last 17 years (The National Institute of Statistics, 2019). According to the European Innovation Scoreboard (2018), Romania was considered a modest innovator with a constant low level of performance in this area (31.4 points at the Innovation Index in 2018). The Rio Country Report (2018), indicated that Romania has the highest number of researchers who are working abroad. Even if Romania's target was 2% of GDP allocation, the situation is not even close. Research continues to be underfinanced and Romania allocated in 2019 only 0.18% of the its GDP, meaning the lowest allocation per capita among the Member States, 14 times lower than the European average.

The National Institute of Statistics revealed that in 2018 the expenditures from the R&D sector represented 0.5% of the GDP. Only 0.21% were spent by the Government and the other expenditures were supported by universities and the private sector.

Considering the unattractiveness of this working field and assuming the presence of occupational segregation which leads to a higher presence of women in positions with lower levels of remuneration, gender equality should also be approached related to the R&D sector.

Observing female researchers' situations among the Member States and the presence of occupational segregation inside the R&D sector, the present paper studies gender equality in the Romanian Research and Development sector in order to observe the presence of gender segregation and the situation of female researchers. The study also aims to observe if women are well represented in all the research areas or if this sector is divided into masculine and feminine fields.

2. Literature review

2.1. *Female researchers across European Union Member States*

Gender equality in research is important for equity and for lowering the deficit of skilled employees inside the EU labor market. At the European level, women are still underrepresented in the R&D sector, especially in Science and Technology and in management positions which leads to a considerable loss of talent. Even if

the position of female researchers has improved over the years, in order to create a comprehensive picture, gender equality should be studied inside the research sector and from many perspectives.

As the European Commission (2018b) and the European Institute of Gender Equality (2019) revealed, the annual growth of women scientists is less than half the annual number of female doctoral graduates. This indicates that each year, less than half of the female Ph.D. graduates choose to follow a career in the R&D sector. Even if in some sectors of performance (as Higher Education and Government) female distribution among researchers is over 40%, considering the whole population of researchers and scientists, it could be observed that at European level, women still represented only 33%. This situation maintained over the years, and even if the proportion of female researchers during 2008-2015 registered a higher increase (3.8% in women's cases and 3.4% in men's cases), women still represent only one-third of the research population (European Commission, 2018b).

Women's underrepresentation in the research sector could be explained by a series of factors namely, stereotypes, social values, the social roles of men and women, the criteria for advancing in an academic career or by gender segregation (European Institute for Gender Equality, 2019).

As Blackburn *et al.* (2002) explained, gender segregation in the labor market represents the fact that women and men tend to have different occupations, which divides the market into feminine and masculine professions. As a consequence, men are most likely to occupy leadership positions, to become scientists, engineers, to work in logistics or informatics and technology and women could be considered more suited for being teachers, nurses, civil servants or to occupy positions with less power of decision. The occupational segregation takes two forms: *horizontal segregation* – the situation when men and women tend to occupy different sectors inside a working field or to work in different industries and *vertical segregation* – when women are represented within the same sector as men but they cannot achieve positions with high power of decision on top of the respective sector. Vertical discrimination leads to women's underrepresentation in top management positions and overrepresentation in middle and low management positions (Moldovan, 2016).

The She figures (European Commission, 2018a) showed that, at the European level, the horizontal segregation inside the research sector is still present. Female researchers are concentrated in the Government sector as well as in Higher Education, where the gender balance has been reached due to each gender representation of more than 40%. As far as the Business Enterprise Sector is concerned, men's representation is higher and women's proportion is only 20% (European Commission, 2018a). The situation disadvantages both groups, as women will be reluctant to develop a career in a masculine research sector. The same situation could influence men's career choices, as they would hesitate to work in a feminine sector.

Also, gender segregation leads to unequal levels of remuneration between the two groups. Consequently, men are usually developing careers in fields with higher levels of remuneration than women's (Silber, 1989; Hutchens, 1991, 2004; Mora and Ruiz-Castillo, 2003, 2004).

Considering that the Romanian research sector is underfinanced and sometimes unattractive for human resources, due to the low level of remuneration, and to the fact that men are often concentrated in well-paid sectors, it is possible that women's representation among researchers to be very high. If in European countries, female researchers are underrepresented (33% in 2012), (European Institute for Gender Equality, 2019), the situation could be the opposite in Romania. The situation could be similar to the Romanian public administration and educational system, where women represented the majority of the employed population, but the positions with power of decision and with high levels of remuneration were dominated by men (Profiroiu and Nastacă, 2018a, Profiroiu and Nastacă, 2018b).

2.2. Gender differences in the R&D sector

Studies regarding men and women developing scientific careers revealed that the gender gap is narrowing and the gender differences between scientists are decreasing (Lind, 2006; Alaluf *et al.*, 2003). Even if the proportion of women among researchers is increasing, it could not be stated that women have equal opportunities to develop a scientific career as men. Regarding the Higher Education Sector, the gender differences are observed initially, from the fields of study chosen by men and women. Even if progress has been made and women are equally represented or even outnumbering men in many fields of study, mathematics, computing, and engineering, manufacturing and construction are still mostly chosen by men (European Commission, 2012). Consequently, the horizontal segregation appears as the research positions from the mentioned fields will be occupied predominantly by men. Also, inside the Higher Education Sector (HES), the gender segregation in both its forms is still present from many points of view.

Authors (Machado-Taylor and Ozkanli, 2013; Teelken and Deem, 2013; Renzulli *et al.*, 2013) studied gender segregation in higher education and revealed that women in academia are mostly occupying positions with a lower level of remuneration. Also, vertical segregation could be observed as in assistant positions women are represented three times more than men. Moreover, the lecturer positions are occupied by a double number of women. Considering the highest position in academia – full professor, women are represented in even lower proportions (18%) (European Commission, 2012).

Data collected from the Member States (European Commission, 2012) showed different situations. There are states where men and women are equally represented in teaching positions within academia, excepting the full professor position and

states where gender inequality starts from the Ph.D. studies and increases when graduates occupy teaching positions. Overall, among Member States, it could be observed a general tendency of female underrepresentation in the higher grades of the teaching profession. Even if women's situation has improved and a higher number of them are occupying positions within the Higher Education Sector, vertical segregation is still present (European Commission, 2012).

Also, the horizontal segregation divides all the research sectors into masculine and feminine fields. Humanities are a female-dominated research area and Science and Technology presents a higher concentration of men. Considering this situation, it could be assumed that vertical segregation will exist mostly in the masculine research fields. However, studies revealed (see De Henau and Meulders, 2003), that women are facing vertical segregation in the majority of scientific fields, including the female-dominated areas. A high gender gap was observed in Humanities, as well as in Science and Technology, and also in Economics (European Commission, 2012, Ginther and Hayes 2003, Kahn, 1993).

Some authors (Hopkins *et al.*, 2013) tried to explain female underrepresentation in Higher Education through the fact that men are more published at each academic level. Other authors (Eloy *et al.*, 2013) considered that unequal representation is influenced by gender differences in research projects' funding where they observed that men received higher levels of funding than women did.

Also, gender inequality in research was approached through the scientific productivity perspective. Authors tried to investigate research productivity in different fields of study from social sciences (see van Arensbergen, van der Weijden and van den Besselaar, 2012) to material sciences (Mauleón and Bordons, 2006) using performance indicators like the number of citations, the number of first authorships or the number of publications. These papers revealed that the research productivity was higher in men's cases and this could be an explanation of the low number of women with full professor grade (see Garg and Kumar, 2014; Larivière *et al.*, 2013; Malouff, Schutte and Priest, 2010; Prpić, 2002).

Regarding leadership positions in R&D, women still face difficulties in occupying positions with decision power in all the fields and sectors of performance. Women are underrepresented in leadership positions (in scientific decision-making committees) both in feminine and masculine research fields. Among these fields, the situation differs and the lowest number of female leaders is being registered in Science and Technology (Osborn *et al.*, 2000).

Regarding the Business and Enterprise sector (BES) it has been observed that scientists are leaving academia in order to work in this research sector (European Commission, 2012). Women's representation in BES has increased in the 2008-2015 period at a faster rate than in men's case but the men's presence is still very high (79.8%). Also, a low number of women (28%), working as scientists in BES, have one or more children comparing to women occupying other types of positions in the

same sector (34%). Activating in this sector implies sometimes long working hours and women could be reluctant to developing their careers in BES as they have to manage both professional and personal lives (Rübsamen-Waigmann *et. al.*, 2003).

In conclusion, the literature review showed that gender segregation in the research sector is still present, but female scientists' situation is starting to improve. Also, gender balance has been reached in Higher Education and Government sectors. Even though there are still many differences between men's and women's choices regarding their scientific careers, which leads to a continuous gender segregation in the research sector, the gender gap is narrowing.

2. The research methodology

The methodology of the research consists of an exploratory study conducted using secondary data analysis for the 2000-2017 period, regarding researchers from the Romanian Research and Development sector. The research is part of a series of exploratory studies regarding gender equality in the labor market.

Regarding Romania's R&D sector, the research staff is represented by people who participate in research projects or provide services directly related to this area. The research personnel are grouped by occupation in: research specialists, technicians and assimilated staff as well as other categories – workers and administrative personnel who participate in the execution of research and development projects or are directly involved in the execution of such projects. (National Institute of Statistics, 2019).

Also, the human resources of R&D sectors are analyzed by sectors of performance, according to the methodology presented by the Frascati in the OECD Manual (2002). There are four sectors of performance, as follows: the Business Enterprise Sector (BES), the Government Sector (GOV), the Higher Education Sector (HES) and the Non-Profit Sector (NPS).

Also, researchers are analyzed by research fields, namely: natural sciences, engineering, and technology, medical and health sciences, agricultural sciences, social sciences, and humanities.

For the present study, data concerning the research staff from all sectors of performance as well as from all the research fields were gathered from the National Institute of Statistics and from the European Institute for Gender Equality. The data were analyzed for the 2000-2017 period, in order to observe the situation of the human resources of this sector, for a long period of time from the gender perspective.

The purpose of the study is to observe the evolution of women occupying research positions through a long period of time in order to establish if they face discrimination regarding access to this profession and which are the research fields preferred by women.

The main objective of the study is to establish if, in the Romanian R&D sector, the horizontal segregation phenomenon is present and female researchers are concentrated only in some research fields and sectors of performance, as well as if the population of researchers is gender-balanced.

The study has two **specific objectives**:

O1: To investigate the presence of horizontal segregation inside all the sectors of performance (business enterprise, government, higher education and non-profit) and fields of research and development (Natural Sciences, Engineering and Technology, Medical and Health Sciences, Agricultural Sciences, Social Sciences, and Humanities).

O2: To analyze the evolution and the proportion of female researchers inside the research fields and sectors of performance during the 2000-2017 period.

The study has started from the following **research questions** which were formulated after exploring the situation from the Member States in order to establish if in Romania the situation is similar:

R1: Which is the proportion of women among researchers?

R2: Which are the sectors of performance where women are better represented?

R3: In which research fields the proportion of women is higher than the proportion of men?

R4: Is horizontal segregation present inside the R&D sector?

R5: Does gender balance exist inside the R&D sector?

3. Main findings of the study

3.1. *The research personnel' evolution during 2000-2017*

In order to respond to the first research question (*R1: Which is the proportion of women among researchers?*), data regarding the population occupied in the research field was collected and analyzed from the gender perspective. The whole population of researchers was analyzed, as well as the number of research specialists (graduates of Ph.D. studies).

The analyzed data showed that the share of women among researchers was over 45% for all the analyzed period. At first glance, the gender balance in research was present for all the studied years. Observing the whole research sector, without dividing it into fields and sectors of performance, it could be affirmed that gender equality in the Romanian research field was always present and apparently, women did not face discrimination when trying to occupy research positions. From gender equality in the research field perspective, Romania ranked on superior positions among the Member States. According to the European Institute for Gender Equality (2012), European Union's Member States face female under-representation in the

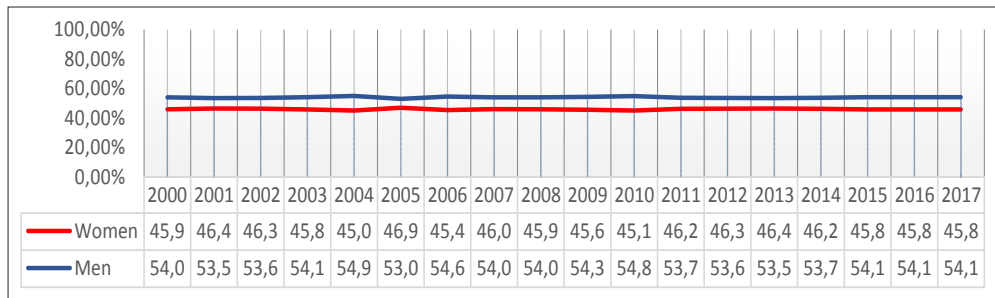


Figure 1: Research positions on the national level, by gender

Source: Authors, adapted from the National Institute of Statistics (2019)

field of research. For example, in 2009, female researchers represented 33% of the total population occupied in the R&D sector. Romania ranked fifth place among Member States with a female share with almost 46%, similar to countries like Bulgaria, Portugal, Slovakia, and Poland. In 2015, the gender imbalance amongst researchers still existed, and the share of female researchers at EU level remained at 33%. Romania ranked 13 amongst Member States, with almost 46% of female researchers (European Institute for Gender Equality, 2018). The data indicated that the Romanian R&D sector could not be considered either a feminine work field nor a masculine one, as the gender balance existed for all the studied periods.

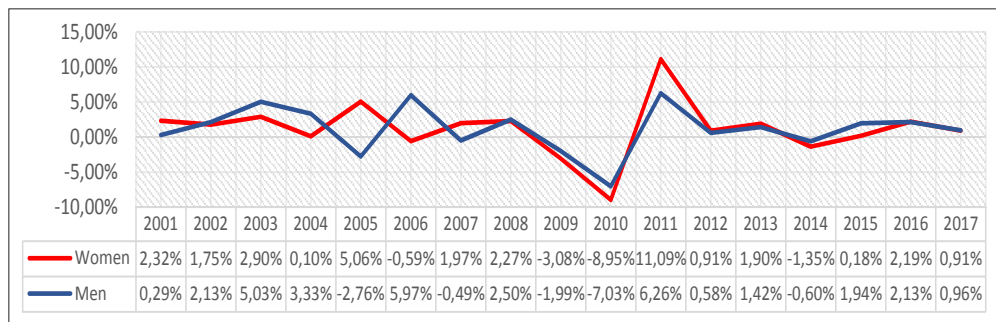


Figure 2: The annual growth rate of the research personnel, by gender

Source: Authors, adapted from the National Institute of Statistics (2019)

Analyzing the annual growth rate of the research personnel (Figure 2), a major decrease could be observed in 2010, in both female and male researchers' cases. The number of women researchers decreased to a higher extent (almost 9%) but also registered a higher increase in the next year (11%) than in the men's case. Another revealed aspect was that the proportion of women among research personnel decreased in four years from the studied period, namely in 2006 (-0.59%), 2009 (-3.08%), 2010 (-8.95%) and 2014 (-1.35%). For the rest of the period, the female researchers' growth rate increased from 0.10% up to 11.09%. A significant difference could be ob-

served in 2005, when the share of women increased by 5% while the number of men decreased by 2.76%. In the next year, the situation reversed and men’s proportion increased with almost 6% while the share of women decreased (-0.59%).

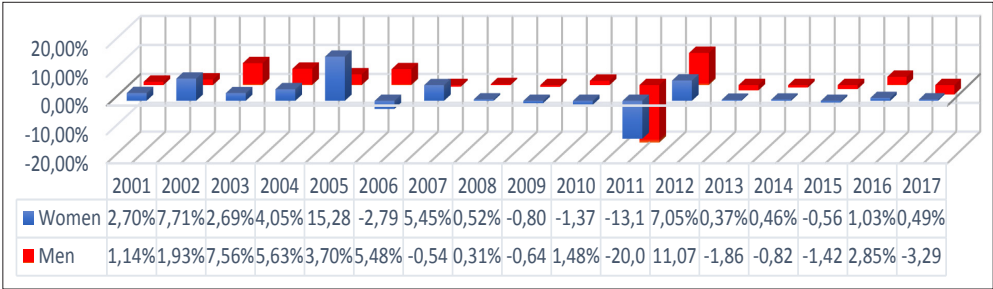


Figure 3: The annual growth rate for research specialists, by gender
Source: Authors, adapted from the National Institute of Statistics (2019)

According to the National Institute of Statistics (2019), at the beginning of the studied period, there were 23,179 research specialists, 13,338 being men and 9,841 women. Their number increased until 2008 when Romania had 30,864 specialists (17,047 men and 13,817 women). Since then, the number decreased systematically. At the end of the studied period, Romania had 27,367 research specialists (14,577 men and 12,790 women). The number of research specialists decreased for many years, even if in 2017 it was higher than at the beginning of the studied period. Figure 3 presents the annual growth rate only for the research specialists’ case.

During the studied period, there were many years when the number of researchers registered a decrease. The situation could not be related to gender issues as the phenomenon was observed amongst both men and women working in the research field. The major decrease was registered in 2011, when there were 13% fewer women working in research. The decrease was even higher in men’s cases (20%). The situation could have been related to the impact of the economic crisis and the low level of the sector’s financing. During the economic crisis, the number of female researchers registered a negative trend. From 2009 until 2011, the share of female researchers decreased annually; however, the situation improved in 2012 and there were 7% more women than in the previous year. The increase in men’s cases was higher (11%), but in the next three years, their proportion decreased annually, even if not in a significant manner. During all the studied period, the proportion of female researchers maintained between 45% and 47%. The small increase of the research population, without considering gender should be a matter of concern for the central authorities, due to the fact that the R&D sector is important for the sustainable development of the country and is still unattractive for researchers.

Considering the main findings regarding the evolution of research employees during the 2000-2017 period, it could be affirmed that the gender balance existed

inside this sector for the whole studied period. Women did not seem to face discrimination regarding access to this profession, as they were represented in a proportion of more than 40% during all the analyzed years. If the problem of gender equality is approached with regard to the whole population of researchers, without considering the sectors of performance and research fields, it could be stated that in the Romanian research sector, gender equality has been reached. The findings respond partially to the fifth research question (*R5: Does gender balance exist inside the R&D sector?*) because even if women have been granted access to this profession, the situation must be analyzed inside the R&D sector too, where the share of women should be equal with men's proportion among the sectors of performance. If women aren't represented equally in all the areas of the research sector, it cannot be said there is gender equality. In conclusion, at first glance, Romania is placed in a better position regarding women's representation in the R&D sector, as other Member States and gender balance was definitely present.

3.2. Female researchers among R&D sectors of performance

In the next section, the proportion of female researchers across R&D sectors of performance will be presented. The analysis is trying to respond to the second research question (*R2: Which are the sectors of performance where women are better represented?*), as well as to observe the presence of horizontal segregation inside the R&D sector.

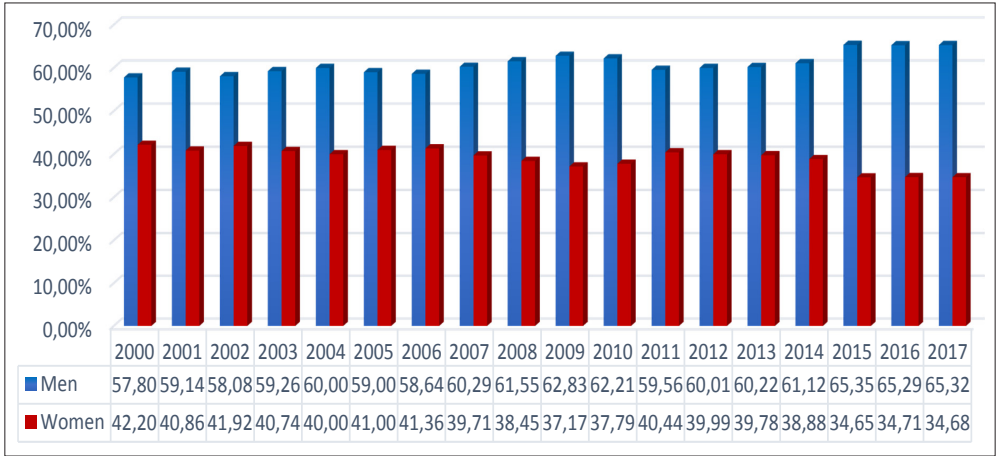


Figure 4: The distribution of research personnel from the Business Enterprise Sector (BES), by gender

Source: Authors, adapted from the National Institute of Statistics (2019)

Comparing the data regarding researchers from the Business Enterprise Sector it could be noticed that the situation was different as in the whole R&D sector. The figures showed that the gender balance did not exist, as men were over-repre-

sented, for the whole studied period. In the first year of study, the share of women amongst researchers from BES was 42.20% which could indicate a certain level of gender equality. The gender gap leveled up and in the last six years of the analysis, male researchers dominated the sector. Women under-representation in BES indicate the presence of horizontal segregation inside the R&D sector and the potential existence of feminine and masculine areas inside the research field. The unbalanced participation of men and women does not affect only the current situation but has a negative impact on the evolution of this particular sector. If a working field is perceived as being male-dominated, women will be reluctant to try to develop a career, because it will be incongruous with their gender role and status. Even if the evolution of female researchers registered a negative trend, the situation was better as in most of the European countries. In 2009, the average share of female researchers amongst BES was 19% compared with Romania, where the proportion of women was of almost 40%. Romania was in fourth place in the European ranking even if women's presence lowered every year. In the European Union, women represented 20% of the researchers' population working in BES in 2015. Even if in Romania's case, the proportion of female researchers lowered almost at 35%, our county ranked on the ninth position in the European ranking, with almost twice as many women researchers as France, Germany or the Netherlands (European Institute for Gender Equality, 2018).

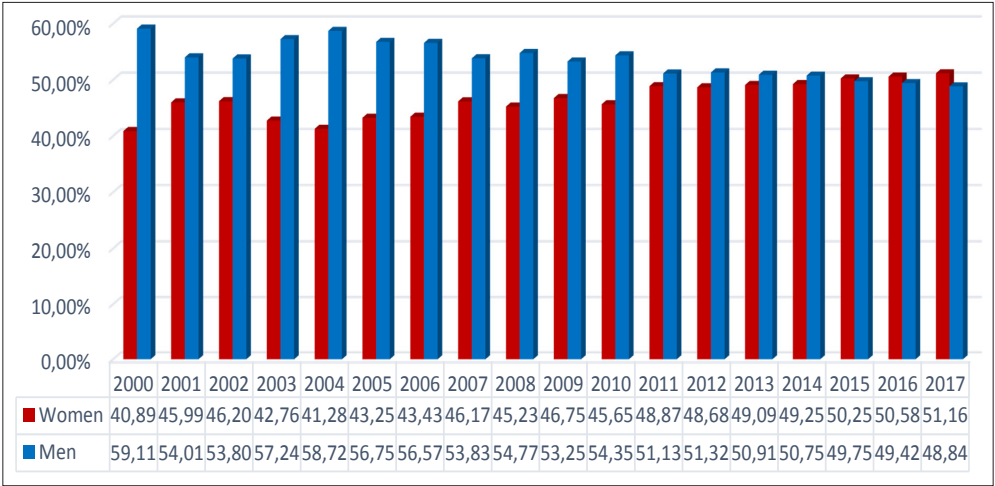


Figure 5: The distribution of research personnel from the Higher Education Sector (HES), by gender
Source: Authors, adapted from the National Institute of Statistics (2019)

As far as the Higher Education Sector was concerned, the share of female researchers increased from 40% at the beginning of the studied period to 51% in 2017. The distribution of men and women researchers in HES was balanced as each gender had a more than 40% representation. The situation was similar to the distri-

bution of men and women researchers among the Member States. In 2009, more than 40% of the researchers were represented by women, Romania occupied on a superior position in this case, too. In 2015, 42% of women researchers were working in the HES, while in Romania, the proportion reached 50% (European Institute for Gender Equality, 2018). The results were in accordance with a previously conducted study regarding gender equality in the Romanian education system (Profiroiu and Nastacă, 2018b).

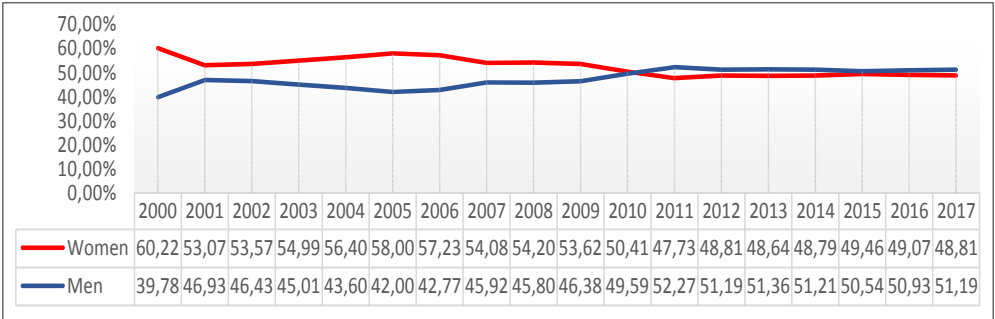


Figure 6: The distribution of research personnel from the Government Sector (GOV), by gender
Source: Authors, adapted from the National Institute of Statistics (2019)

The figures showed that in the Government Sector the presence of female researchers decreased almost in each analyzed year. Between 2003 and 2005, women’s proportion increased, but for the rest of the studied period, the trend was negative. If in the first analyzed year, women’s proportion among GOV researchers was 60%, in the last 17 years, the share of female researchers decreased up to almost 49%. Even if the number of female researchers presented a negative trend, the population of researchers working in GOV was gender-balanced as both men and women were represented in a proportion of more than 40%.

The distribution of men and women in the Government sector situated Romania at the top of the European hierarchy because, in 2009, women represented 40% of the GOV researchers. In 2009, in the Romanian Government sector, almost 54% of researchers were women and in 2010 both genders were equally represented. Even if women’s presence lowered, in 2015 Romania still registered a higher proportion of female researchers (49.4%) as the European average (42.5%) (European Institute for Gender Equality, 2018).

Regarding the Non-profit sector, the data was available only for the 2003-2017 period. It could be observed that the share of female researchers decreased dramatically, from 64% at the beginning of the analyzed period to almost 38% in 2017. From 2006 until 2016, the population from Romania’s research field was gender-balanced, but at the end of the studied period, female researchers were under-represented. Considering that the number of employees working in this sector is extremely low

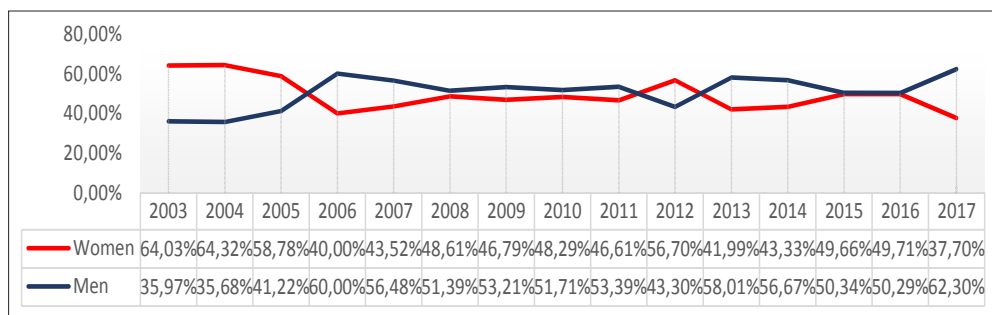


Figure 7: The distribution of research personnel from the Non-profit Sector (NGO), by gender

Source: Authors, adapted from the National Institute of Statistics (2019)

(162 persons in 2003, 69 persons in 2017), the data do not have an impact on the gender equality problem.

The analyzed data showed that the presence of female researchers is predominantly in the Higher Education and Government sectors. In both sectors, the population of researchers is gender-balanced as men and women are almost equally represented. Even though, the horizontal segregation could be observed as men dominated the Business Enterprise Sector. As the presence of female researchers decreased on the long term, the negative trend is likely to continue, which would not be in women's favor. The findings indicated that the BES might be perceived as a masculine field which might be an impediment for women who would want to activate in this research sector. Overall, even if in Romania the proportion of female researchers was significantly higher than in most of the Member States, the general trend was similar to the European countries. As in the European countries, female scientists chose to work in HES and in the Government Sector in Romania, being represented by over 40%. As in the Member States, the population of researchers from these fields was gender-balanced. The situation from BES was similar to the European average, where women were under-represented. Female researchers did not choose to develop their careers in BES and this fact has negative impact on the long-term development of this research sector.

3.3. *The evolution of women in research positions from the fields of science and technology*

In the next section, the results regarding the presence of female researchers in research fields will be presented. The analysis is trying to respond to the third research question (*R3: In which research fields the proportion of women is higher than the proportion of men?*) as well as to observe the presence of horizontal segregation. For the analysis, data concerning men and women researchers in the main scientific fields were collected, from the European Institute for Gender Equality, for the

2000-2014 period. The scientific fields included in the analysis were: Natural Sciences, Engineering, and Technology, Medical and Health Sciences, Agricultural Sciences, Social Sciences, and Humanities.

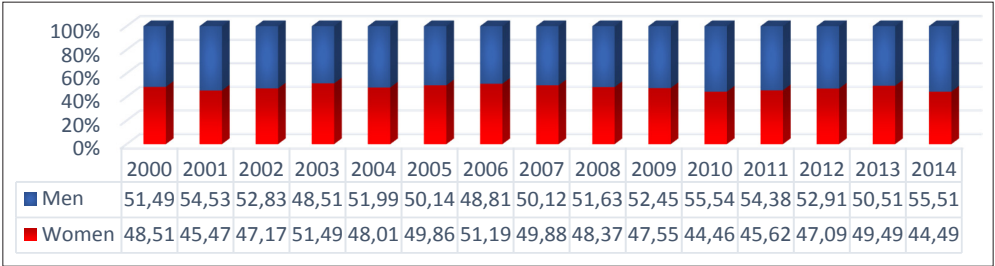


Figure 8: The distribution of research personnel from the Natural Sciences field, by gender
Source: Authors, adapted from the National Institute for Gender Equality (2018)

The collected data showed that the population of researchers from the Natural Sciences field was gender-balanced for all the studied period. Regarding women’s presence, the figures showed a negative trend as their proportion lowered from almost 49% in 2000 to 44% in the last analyzed year. The data could indicate that this research field could be perceived as being more accessible to men. The situation might influence women’s choice of getting a Ph.D. in Natural Sciences as they might choose other fields of study.

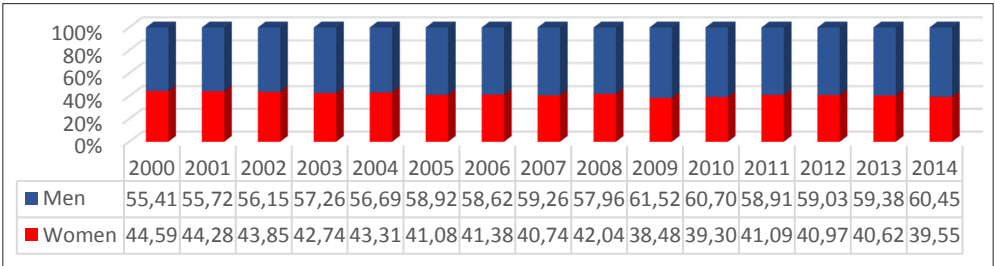


Figure 9: The distribution of research personnel from Engineering and Technology field, by gender
Source: Authors, adapted from the National Institute for Gender Equality (2018)

In the Engineering and Technology research field, it could be observed that at the beginning of the studied period, even if the male proportion was 10% higher, the gender balance was present due to the fact that each gender had more than 40% representation. As a general trend, the proportion of female researchers lowered and men dominated this research field, for all the studied period. Engineering and Technology was a field dominated by men’s presence where women began to be under-represented, starting with 2009. The figures indicated that this research field was preferred by men to a higher extent.

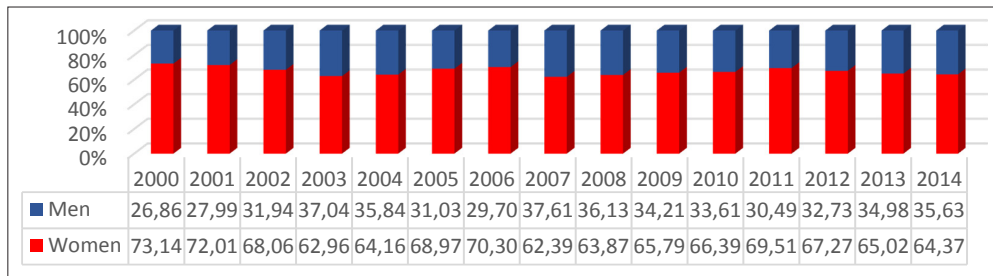


Figure 10: The distribution of research personnel from the Medical and Health Sciences field, by gender

Source: Authors, adapted from the National Institute for Gender Equality (2018)

The figures showed that Medical and Health Sciences were a research field definitely preferred by women, as they dominated the whole studied period. Women were over-represented in all the studied years, even if their presence lowered during time (from 73% at the beginning of the studied period to 64%). The gender balance did not exist, but even if women's presence was in high proportion, the situation is not beneficial for any of the studied groups. If females are concentrated in a field of study or work, this has consequences over men, who will be reluctant on choosing a career in a sector dominated by women.

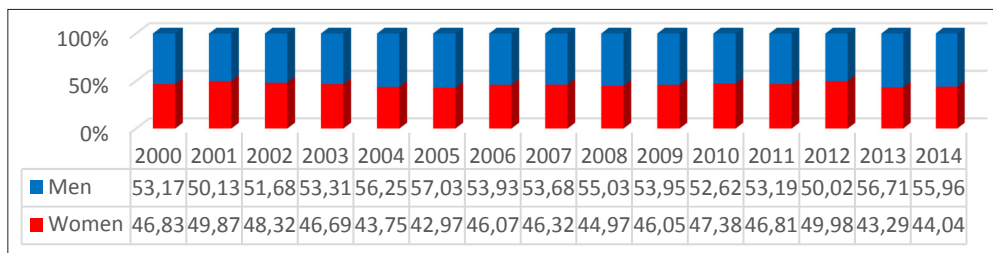


Figure 11: The distribution of research personnel from Agricultural Sciences, by gender

Source: Authors, adapted from the National Institute for Gender Equality (2018)

Regarding Agricultural Sciences, it could be considered a research field preferred by both men and women in almost an equal extent. The population of researchers was gender-balanced for all the studied years as men and women represented more than 40% of the researchers. For the whole period, men's presence was higher and the proportion of women continued to lower. The Agricultural Sciences seemed to be preferred more by men, but it continued to be an important choice in women's cases, too.

The research population from the Social Sciences and Humanities field was gender-balanced in all the studied years. Men's proportion changed during years and gender inequality was present only in 2005 when the field was dominated by female researchers (65%). This was the only field where the share of women researchers was higher at the end of the studied period, compared with the first year of analysis.

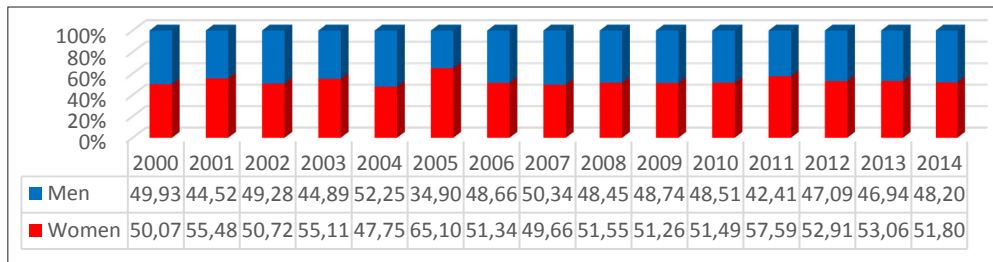


Figure 12: The distribution of research personnel from Social Sciences and Humanities, by gender

Source: Authors, adapted from the National Institute for Gender Equality (2018)

Considering all the main scientific research fields, the data showed balanced participation of men and women in Social Sciences and Humanities, Agricultural Sciences and Natural Sciences. Medical and Health Sciences were definitely preferred by female researchers, as they were over-represented among all the studied years. Engineering and Technology became a predominantly masculine area since 2009, a situation that is not in women's favor. The data showed the presence of horizontal segregation as Science and Technology is preferred by men, Medical and Social Sciences presented female over-representation and in the other research fields, despite the gender balance, the proportion of men was higher among all the analyzed years. On the whole, gender equality has been reached only in three research fields. However, in the future, as the feminine presence lowers in the three research fields where the gender balance was present, the situation of female researchers might not improve. Regarding the scientific research fields, the situation in Romania was similar to that in the Member States. In the European Union, as in Romania, women preferred to work in Medical and Social Sciences and Engineering and Technology were highly preferred by men. Also, the Natural Sciences seemed to concentrate a higher number of male researchers (European Institute for Gender Equality, 2018).

4. Conclusions

The study revealed that Romania's position among the Member States is superior regarding the share of female researchers among the entire R&D sector even if the whole number of researchers (including technicians and supporting research staff) has decreased in the studied period on average with 1.67% per year. At the end of the studied period, the research staff was almost 18,000 less than in 2000. The number of women has decreased by 1.79% per year compared with 1.57% in men's case. The proportion of women among researchers from all sectors has decreased from 47% in 2000 to almost 46% in 2017, but the gender parity existed taking into account that both genders occupied more than 40% of the positions. The data showed the presence of gender equality in the R&D sector but the concerning aspect is the

low number of research personnel. The central authorities should create and implement a policy regarding the human resources from the research sector and raise the expenditures with R&D. As Romania's target established through the 'Europe 2020 Strategy' was an allocation of 2% of the GDP, it is recommendable for the national authorities to allocate more resources to the development of this sector concomitant with a package of measures for stimulating the participation of research personnel in more research projects.

Regarding the research specialists, women's representation increased by 30% in 2017 compared with 2000 while the number of male researchers increased by only 9%. Women's representation among the research personnel was balanced and increased from 42% to 47% in 2017. The situation revealed an improvement of female researchers' situation as their representation among the research personnel who graduated Ph.D. studies increased. The balanced representation of men and women in research positions which require higher education showed that the vertical segregation from this perspective did not exist.

Therefore, the horizontal segregation was observed among the research sectors because women were better represented in the Higher Education and Government sectors. Starting with 2011, the Higher Education Sector was preferred by female scientists in comparison to the other main sectors. Female representation in HES registered an increase from 41% in 2000, 49% in 2011 to 51% in 2017. The Business Enterprise Sector (BES) was male-dominated with a disproportionately high share of men researchers. Also, the proportion of women in BES decreased from 42% to 34% in 2017. In the Non-profit Sector, women were underrepresented, too. Only 38% occupied research positions at the end of the studied period. The population of researchers was gender-balanced only in the Government and in the Higher Education Sectors.

The horizontal segregation was observed across the fields of research and development too, because women seemed more likely to choose to work in Medical Sciences or Social Sciences and Humanities while men researchers seemed more likely to work in Natural and Agricultural Sciences as well as in Engineering and Technology. Women researchers were still under-represented in Engineering and Technology (39.55%) and overrepresented in the Medical Sciences (64%). In the other fields, the gender balance has been reached.

On a whole, the study revealed the presence of horizontal segregation among all sectors and fields of research, dividing the R&D sector into feminine and masculine research areas. The study also revealed the existence of the gender balance in the majority of the research areas.

In the development of the R&D sector, various stakeholders should be involved. The national authorities should develop partnerships with the Higher Education Sector in order to transfer know-how and use the expertise from the academic area. Also, the Business Enterprise Sector should be more involved in academia from

where they could recruit their next potential scientists. Also, BES could sponsor research projects in universities where they could involve both students and professors. Consequently, the two sectors should be in continuous cooperation in order to exchange information, expertise and even personnel. Also, the national authorities should adjust the legal framework in order to help Ph.D. graduates to develop careers as scientists and make the research sector more attractive for young people.

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BURNOUT SYNDROME AMONG STUDENTS – THE CASE OF THE SENIOR STUDENTS ENROLLED IN PUBLIC ADMINISTRATION BACHELOR'S DEGREE PROGRAM

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Abstract

The purpose of this paper is to highlight the level of academic burnout among the senior students enrolled in the public administration bachelor's degree program at the Faculty of Political, Administrative and Communication Sciences, Babeş-Bolyai University, Cluj-Napoca, using the Oldenburg Burnout Inventory. Burnout has a long tradition of academic studies, mainly regarding employees, being associated with reduced productivity and satisfaction. The increasing evidence that it is a condition that can be transposed in other settings, such as universities, gave us a reason to investigate the level of burnout among students.

This paper includes a literature review of the main hypotheses regarding the appearance and factors associated with burnout, mainly in universities and among students. Based on a sociological survey applied among students, it identified the level of exhaustion and disengagement, in order to establish which of those aspects were related to burnout. The survey reveals the existence of burnout among students, mainly regarding a quite high level of exhaustion, but the figures point out that burnout among Romanian students is not as high as in other countries.

Finally, conclusions and future perspectives are drawn based on identified perceptions and attitude towards burnout among students.

Keywords: burnout syndrome, exhaustion, disengagement, Oldenburg Burnout Inventor.

1. Introduction

Over the last decades, the burnout syndrome has gained more and more attention from specialists, due to its negative impact on employee health (Bianchi *et al.*, 2015; Hakanen and Schaufeli, 2012; Kahill, 1988; Jonsdottir *et al.*, 2013; Ahola *et al.*, 2010), of negative attitudes generated at the workplace and not least about the harmful organizational behavior: the emergence of a high level of absenteeism (Ybema *et al.*, 2010; Petittaa and Vecchionea, 2011), work engagement (Trépaniera *et al.*, 2015; Mäkikangas *et al.*, 2017), intention to quit (Kim and Stoner, 2008), and organizational cynicism (Özler and Atalay, 2011).

Basically, no socio-professional category is immune to burnout, this syndrome being viewed both as an extremely important social problem and as a medical diagnosis that affects most employees (Schaufeli *et al.*, 2009; Dehelean *et al.*, 2016; Ahola *et al.*, 2013).

One of the social groups vulnerable to developing burnout syndrome are students of the higher education system. The university education system is often a stressful time for many students as they go through the process of adapting to the new imposed academic, educational and social environment demands. From this point of view, academic burnout can be defined as the phenomenon that occurs among students characterized by a chronic state of exhaustion (both emotional, physical and cognitive) due to high or inadequate imposed academic requirements they have to cope with, as well as a negative attitude (of non-involvement and disengagement) towards study and academic preparation.

The purpose of the research is, on the one hand, to highlight the level of burnout among students enrolled in the bachelor's degree program in public administration at the Faculty of Political, Administrative and Communication Sciences from Babeş-Bolyai University, and to see to what extent this program can be considered stressful for students, leading to the appearance of burnout syndrome among them.

2. Burnout among students

Generally, burnout syndrome occurs when individuals are exposed to chronic emotional and interpersonal stressors related to their activity (Maslach *et al.*, 2001). Although there is no unanimously accepted definition of burnout, there is still a relative consensus regarding this syndrome. Thus, on the one hand, burnout syndrome can be defined as either a consequence and a response to chronic 'work' stress, characterized by negative attitudes and feelings towards the people with whom an employee works (depersonalization attitudes), respectively a reduced level of commitment to one's own professional activity, as well as a chronic state of emotional exhaustion (Maslach and Jackson, 1981). Other authors (Schaufeli and Enzmann, 1998) have defined burnout as a persistent, negative, work-related men-

tal state, which is mainly characterized by emotional exhaustion, which is accompanied by suffering, low competence feeling, low motivation and the development of dysfunctional attitudes in the workplace.

One of the problems that students face is related to the appearance of burnout syndrome. Changes that have occurred in the duration and complexity of the university educational processes, the new reality that emerged in the university context, lead to a resizing and repositioning of the student's role, in terms of assuming increasing academic requirements and rigor imposed by universities. Although, of course, students are not formal workers, from a psychological and social point of view, many of the activities they carry out are comparable to those of any worker (Caballero *et al.*, 2015). In this regard, a series of researches have shown that students develop exhaustion, cynicism and inefficiency in their academic activities when they experience high levels of burnout (Caballero *et al.*, 2015; Palacio *et al.*, 2012).

Therefore, of course, like any socio-professional category, students can develop (over time) emotional and physical exhaustion, as well as psychosocial damage generated by different stressors. As these stressors accumulate, students' ability to cope or adapt to this environment leads to depletion of their physical or psychological resources. In the absence of a solution or method of recovering from the exhaustion, it inevitably leads to the appearance of burnout syndrome. Studies confirm that students may be stressed by factors related to both academic aspects – excessive or inadequate academic requirements (Salanova *et al.*, 2005) and interpersonal or intrapersonal aspects (Panda *et al.*, 2015). On the other hand, the operationalization of stress sources that may contribute to the appearance of burnout syndrome among students can be done based on the JD-R model (Bakker *et al.*, 2014, Bakker and Demerouti, 2008), respectively in terms of academic requirements, educational resources (social support, access to information and different sources of documentation, organizational climate, interaction with different teachers or students, etc.), professional practice (practicum stage) activities (Moldovan and Raboca, 2019), and personal resources (optimism, self-efficacy, resilience, self-esteem) of response to the job demands (inappropriate student behavior, workload and physical work environment). From this perspective, the academic demands are positively correlated with the level of burnout, while the educational and personal resources are negatively correlated with this syndrome.

In the academic context, burnout among students can be interpreted as a consequence and a response to chronic stress related to the role, activity and academic context, of a negative and dangerous nature that may affect the performance, commitment and satisfaction of the students regarding their preparation, respectively, may affect their psychosocial health. On the other hand, burnout developed by students can be defined as a negative, persistent, emotionally related response, formed by a feeling of being exhausted, of not being able to do more student related tasks

(exhaustion), a cynical or distancing attitude towards the meaning and usefulness of the studies performed (cynicism); and a sense of academic incompetence (inefficiency) as a student (Caballero *et al.*, 2015).

The most commonly used instrument for measuring burnout syndrome among students is the Maslach Burnout Inventory (MBI) (Maslach and Leiter, 2016). In this respect, the measurement of burnout syndrome in the academic field was made by adapting the MBI instrument to the specific academic context. In general, MBI as a tool is operationalized on three dimensions, which according to the authors, characterize and describe the burnout syndrome, namely: emotional exhaustion (in the sense of energy draining), cynicism, and reduced professional efficacy. Another instrument for measuring the level of burnout used to highlight stress levels among students is the tool called Oldenburg Burnout Inventory (OBI). This instrument includes a number of 16 items through which two basic dimensions of burnout syndrome are investigated and evaluated (Demerouti *et al.*, 2010), namely: (1) exhaustion, and (2) disengagement from the workplace.

Last but not least, another tool used to investigate student burnout is the Copenhagen Burnout Inventory (CBI) (Kristensen *et al.*, 2005). This tool, although operationalized on a number of dimensions that are not suitable for the academic system (operational dimensions: personal burnout, work-related burnout, and client-related burnout), can be used by modifying and adjusting to the specific in the university field, especially the medical one (Stein and Sibanda, 2016). Last but not least, regarding the operationalization and the use of the different instruments for measuring the level of burnout among the students, it should be remembered that Maroco and Campos (2012) have highlighted that this syndrome is best reflected and investigated in the perspective of two large dimensions namely: (1) physical and psychological exhaustion produced by educational/academic activities, respectively (2) cynicism and disengagement from these activities.

3. The research methodology

As mentioned above, the purpose of the research is to highlight the level of burnout among students, respectively to highlight the factors that influence and lead to the development of this syndrome. It should be mentioned that the research was carried out on the basis of a sociological survey conducted among the senior students enrolled in the public administration bachelor's degree program (students from the final year). In this regard, the survey was conducted on the basis of completing an anonymous questionnaire by the students, the number of interviewees, taken in the analysis, being 131 (which covers 100% of the total number of students in the final year enrolled in public administration bachelor's degree program the at Faculty of Political, Administrative and Communication Sciences from Babeş-Bolyai University).

To highlight the degree of burnout, we used as a measuring instrument, the Oldenburg Burnout Inventory (OBI) adapted to the academic requirements. Generally, this tool uses two subscales and relies on 16 items formulated in positive and negative terms to evaluate the two aspects of burnout: exhaustion and disengagement (Demerouti *et al.*, 2010; Campos *et al.*, 2012), high values for the two subscales indicating a high level of burnout. On the other hand, it should be remembered that to investigate and describe the level of burnout we used a single variable statistical processing, the scores of the level of burnout being calculated separately on each subscale. In this respect, we first calculated the values of the arithmetic mean on each subscale (the values reported by each student on each item divided by 8), followed by the calculation of the average values (also on each subscale separately).

Also, to determine the limit values (cut-off value) needed to define the level of burnout we used two methods. Thus, the limit levels used to investigate burnout level are those proposed by Campos *et al.* (2013), namely: for the exhaustion subscale ≥ 2.57 , and for the disengagement subscale ≥ 2.17 . Other authors have proposed other limit values (Peterson *et al.*, 2008; Thun *et al.*, 2014), a little lower, namely: exhaustion ≥ 2.25 , and disengagement ≥ 2.1 . On the other hand, for the analysis of the burnout syndrome among the students we also resorted to dividing the respondents into four major categories (the categories of students whose scores on the two scales are below or above the limit values).

4. Data analysis and processing

If we consider the average values on the two OBI scales (Table 1) it can be observed that the highest values are those related to exhaustion. In this respect, the values on the exhaustion subscale (values below the limit value) show the occurrence of the exhaustion phenomenon among the students, while the values on the disengagement subscale (greater than the limit values) show that we cannot yet speak of the phenomenon of exhaustion, an increased distance towards academic activities, respectively the emergence of the phenomenon of depersonalization or cynicism.

However, if we divide the group of students interviewed into two categories for each subscale (the group of students having values greater than the limit values, respectively the group of students whose values on the subscales are below the limit values), it can be seen that the percentage of students developing the disengagement process is high (over 38% of the total students).

Also, if we analyze the percentage of students who develop both exhaustion and disengagement (the values obtained on the two scales being concurrently below the limit values), it can be observed that this percentage is, in our opinion, quite high (over 1/3 out of the total respondents consider that they suffer from both exhaustion and disengagement).

Table 1: Values on the two OBI subscales (average values and percentages)

Dimension	Mean	S.D.	Low value	High value	Cut-off value
			(out of total interviewees) %	(out of total interviewees) %	
Disengagement	2.32	.37	38.9	61.1	2.17
Exhaustion	2.37	.49	58.00	42.00	2.57

Note: MEAN - obtained as a result of using a measurement scale from 1 to 5, where 1 represents a very high level and 5 represents a very low level

Source: Authors' own contribution

Also, the results of the research suggest that there is a difference between gender and level of burnout (Table 2). In this sense, male students tend to develop relatively higher levels of burnout syndrome comparative with female students (especially when we consider the issue of exhaustion).

Table 2: The level of burnout between genders

Variables	Male students		Female students		Cut-off value
	Mean	SD	Mean	SD	
Disengagement	2.23	.24	2.37	.43	2.17
Exhaustion	2.07	.61	2.52	.49	2.57

Source: Authors' own contribution

From the point of view of the burnout syndrome developed by the students of the bachelor's degree program in public administration compared to other students from different countries (Table 3), it can be observed that the same tendency as the average values of the appearance of the burnout syndrome is maintained.

Table 3: Comparative data related to burnout among international students

Variables	German students*		Greek students*		Romanian students		Brazilian students**		Portuguese students**		Cut-off value
	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	
Disengagement	1.99	.55	1.90	.51	2.32	.35	2.25	.46	2.03	.53	2.17
Exhaustion	2.28	.61	2.59	.49	2.37	.38	2.70	.48	2.47	.37	2.57

Note: Mean – obtained as a result of using a measurement scale from 1 to 5, where 1 represents a very high level and 5 represents a very low level

* Reis, Xanthopoulou and Tsaousis (2015)

** Campos, Carlotto and Marôco (2012)

Source: Authors' own compilation

Compared to students from Germany, undergraduate students in public administration from Romania tend to develop a lower level of burnout (especially on the disengagement dimension). Obviously, this could be explained by the differences

that exist between the educational systems of the two countries in terms of educational/academic demands, respectively educational (organizational) resources and personal resources.

5. Final remarks

Burnout among students represents a study field because of the complexity of the educational program and academic progress that influence the appearance of different stressors with high direct and positive effect on the emergence of the burnout syndrome. The consequences of burnout are extremely dangerous for them. In this sense, burnout syndrome is often associated with mental and behavioral disorders (anxiety, sleep disorders, depression, absenteeism and intention to drop out of school).

Using the Oldenburg Burnout Inventory, we identified a relatively high level of burnout among senior students enrolled in the public administration bachelor's degree program at the Faculty of Political, Administrative and Communication Sciences from Babeş-Bolyai University. The data indicates that students developed both exhaustion and disengagement, aspects that highlight a quite high level of burnout (over 1/3 out of the total respondents have a high level of exhaustion and disengagement). Compared to other international research data, from some point of view, the finding of our research reveals that students have the same trend regarding the burnout level comparative with students from other countries. On the other hand, the level of burnout developed by students seems to be relatively low if we consider that for certain academic domains, such as medicine, the level of burnout developed by students often exceeds 45% (Ishak *et al.*, 2013; Dyrbye *et al.*, 2006; Almalki *et al.*, 2017).

Although some studies have concluded that female students tend to develop higher levels of exhaustion compared to male students (Győrffy *et al.*, 2016) the results of our study do not confirm this. In this sense, although the differences are not very significant, the results of the study show that male students develop not only higher levels of exhaustion but also higher levels of disengagement. Although burnout among students is influenced positively by academic demands and negatively by personal resources (self-confidence, self-effectiveness, control, anxiety and neuroticism) and educational resources (academic infrastructure, access to academic information, organizational support), the current and ever-growing reforms regarding public administration in Romania, could influence the actual level identified among public administration bachelor program students. Further research could be conducted on the relation between academic burnout and different educational programs, taking into consideration social-cultural characteristics of students and different factors that influence the appearance of burnout.

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THE CRISIS OF POLITICAL REPRESENTATION: THE HYPERBUREAUCRATIZATION OF RELIGIOUS FREEDOM

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Abstract

In this paper we are trying to find what are the intellectual rationalities of the establishment of a new political and diplomatic position in Western countries and beyond. It seems that the establishment of the position of Special Envoy for the Promotion of Freedom of Religion or Belief in countries with lasting and consensual democratic regimes is a step forward in the process of re-politicization and de-bureaucratization of societies, meaning that what used to be very routinized (e.g., the state guarantee and support for religious freedom) now starts to become a political game which inaugurates post-democracy as a new species of political regime.

Keywords: religious freedom, special envoy, politicization, routinization and bureaucracy.

1. Introduction

Over the last few years in Europe big debates have been steered over the concept and practice of the rule of law, a Medieval concept revisited by the end of the 19th century in Britain (Dicey, 1885). For years to come, rule of law, as well as its quite different versions, French and German, was coined as the foundation of liberal democracy and also canonized as such. Nobody had seriously challenged the liberal and democratic understanding of the rule of law up until the 1980s, when along with the rise of neoliberal policies and the ‘rolling back of the state’, as former British PM Margaret Thatcher had put it, when new uses and tools of the rule of law were developed.

Our hypothesis is that while the classical liberal democracy which has reached its peak between the Second World War and 1980-1990s in Western Europe was in many senses a compound political regime made up from political liberalism and democracy, nowadays, as we are approaching the era of post-democracy (Crouch, 2005) lots of classical routinized instruments and tools of governance have changed their nature. Among these we find the very concept of religious freedom, the subject of the very first amendment to the Constitution of the United State of America. While for decades religious freedom was a consensual topic in most of the representative democracies and implemented by the governments in a rather liberal manner, that is quite bureaucratized (e.g., supporting financially religious organizations, ruling against cases of discrimination on religious grounds and so on), nowadays, due to the resurgence of religious extremism and fundamentalism, the rise of religious persecution worldwide and also the rise of the importance of religious diplomacy, religious freedom tends to become a more politicized field.

The issue analyzed in this paper is rather new for political science, meaning that it does not contain a classical methodological approach. We found no literature dealing with our topic, neither in the United States, nor in Europe. We have used a new-Weberian approach along with the theory of post-democracy as coined by British sociologist Colin Crouch (2005). Thus, we believe that in the contemporary political sphere many political institutions are now personalized, rather than bureaucratized. It is also called ‘the presidentialization of political power’, meaning that not only political parties and political regime tend to be presidentialized, but also junior positions such as the position of Special Envoy for the Promotion of Freedom of Religion or Belief, discussed in this paper.

2. The nature of the rule of law

The very first academic work on the concept of the rule of law belongs to Albert V. Dicey, an Oxford scholar who had presented at the end of the 19th century three meanings of the concept in Britain by comparison to France and Germany. For Dicey (1885) the ‘rule of law’, as a fundamental principal of any constitution, has

three major meanings:

- Liberal meaning: The supremacy of regular law as opposed to the influence of arbitrary political. The government cannot have discretionary authority and prerogatives. People are then ruled by the law and only by the law.
- Republican meaning: Equality before the law, or the equal subjection of all, regardless their background, to the ordinary law. Therefore, there are no exemptions of officials or others from the duty to obey the law and the jurisdictions of regular tribunals.
- Liberal-democratic meaning: The law is not the source of rights and liberties, but the very outcome of rights and liberties of the individuals.

The way Dicey was trying to define the concept of the rule of law is not very straightforward, but it tells us a lot about the 19th Century Britain, one of the very few countries that had been considered democratized. It means that, the rule of law as a foundation of democracy is nothing else than the process of maximization of rights and liberties of individuals.

Years afterwards, Juan Linz (1964, p. 255) provides a definition for the authoritarian regimes as opposed to the rule of law: ‘political system with limited, non-responsible political pluralism; without an elaborated and guiding ideology, but with distinctive mentalities; without either extensive or intense political mobilization, except at some points in their development, and in which a leader, or, occasionally, a small group, exercises power from within formally ill-defined, but actually quite predictable, limits’.

For Italian political scientist Leonardo Morlino (2010, pp. 39-63), rule of law implies effective protection of civil and political rights and freedoms, independent judiciary that allows equal access to justice, higher administrative capacity of the government to enforce the law, transparent policy-making process, neutral and professional state bureaucracy, civilian control over the military and effective fight against corruption and the arbitrariness of the state agencies.

As this approach towards the rule of law was consolidated in the West and has helped decisively the construction of democracy, new challenges had appeared towards most of the rights and liberties of individuals. It is the case of LGBT+ family of rights, in which case the legal scholars still have no consensual approach. Are they some kind of new civil rights? Or, on the contrary, they form a new family of rights, different from those already known.

3. Religious freedom revisited

Drawing on religious norms and interfering directly in the religious communities’ affairs may affect democracy in many ways, especially for ill. Most of religious traditions have a theological-political approach towards politics and society and even a set of social thoughts that influence political views. This treasury of very

profound thinking needs to be represented also in the political sphere, with or without acceptance.

When religion is embedded in culture or there is a default religion of the nation, it could easily influence the birth of authoritarian regimes, whether secular of theocratic and increase religious extremism. At this moment, democracy is not the most spread political regime in the world, but the authoritarian ones, which are, as sociologists prove, the birth place of religious extremism. While in the representative democracy there is an empty space of political power (Marchart, 2011) waiting to be occupied by the pluralistic civil society, in the authoritarian regimes that empty space is filled by the sovereign, whoever that may be.

We often think in simplistic terms: democracy is good per se, while authoritarian regimes the other way around. While this could be true, we still do not have straightforward answers for many questions such as ‘Why do we have so many extremist gestures, speeches and actions in well-consolidated democracies? How should we cope with that?’ The answer could be very simple: less bureaucratization and more politicization of the rights and liberties. As a sum up at the presentation of his work and recommendations, Jan Figel, Special Envoy for the Promotion of Freedom of Religion or Belief Outside of the EU (2016-2019), stated: ‘We need FoRB climate change!’ (Figel, 2019). This means that there is a state of bureaucratization of freedom of religion or belief at the level of the European Union that does not manage to respond to the current challenges. The routinization became a climate that needs to be changed. But in what way? Could the European and American models of freedom of religion or belief shed some light on some very serious issues regarding freedom of religion or belief worldwide and moreover in the authoritarian regimes? Our answer is yes, only if it was upgraded alongside with an increase of political representation.

For decades now, but moreover from 1990s onwards in the European Union, as Peter Mair (2009, pp. 18-22) stated in his famous article *Rulling the Void*, we are living in democracies with ‘output-oriented legitimacy’ that require ‘solutions that are beyond the state’ and, also beyond the normatives of old-style representative liberal democracy. This process is associated with the decline of popular involvement, lesser party membership, populist elections and referenda, and so on. It is not anymore the elections that make a good democratic regime, but the combination of the rule of law and a vibrant civil society, or as Peter Mair puts it ‘democracy = NGOs + judges’.

Maybe for this reason citizens retreat into the leisure of private life or *ad hoc* forms of political representation, while politicians retreat into institutions as technocrats concerned mostly with governance and not with representing the people. Most of the political parties have become organizations that govern rather than represent, that mediate between the rule of law and NGOs rather than to give voice to the people as an indivisible entity.

The growing gap between citizens and political leaders is to be filled with the voices of intermediary bodies and associations, the religious and secularist organizations, the media, trade unions and so many others. It is their blended knowledge that manage to fill the emptiness of political representation as mourned by political scientists these days.

Recently, OSCE/ODIHR has carried out a very sensitive task. That is to facilitate for governments, media and civil society a better understanding of the intersection of Freedom of Religion or Belief (FoRB) and security. *Freedom of Religion or Belief and Security. Policy Guidance* is almost like a surgical cut through hundreds of opinions on this topic, and the only one up until now that promotes, hand in hand, both FoRB and security as fundamental rights. Readers and policy makers will find that FoRB and security are not competing or opposite rights, but complementary, inter-independent and mutually reinforcing objectives in any democratic regime. The guidelines offer a sense of political representation as this book is both a handbook for governors, legislators, intelligence agencies and also a voice speaking on behalf of the people that want more than ever to feel represented.

In relying on the ideas of some influential political scientists/ thinkers of the 20th century, such as Hannah Arendt (1963, pp. 32-33), Jurgen Habermas (2013), Juan Linz (1963), etc., one should bear in mind that all fundamental rights and freedoms have a negative side (freedom from the state...), as well as a positive side (freedom to...). The current perception is that of a rather confined paradigm in which civil rights and freedoms are given mainly a negative reading as they often miss resonating with their originating moment or ontology. Let's take, for instance, the right to live: the negative dimension of this right (freedom from the state) means that the private life is free from the state, which is not entitled to harm the private life. It can therefore be inferred that the death penalty or torture are absolutely incompatible with democracy.

There is however a positive side of the right to live (freedom to...) which translates into a person's right to live in safety conditions and generate other successive rights: the right to a healthy environment or the right to health care and medical assistance. In the case of religious freedom, the negative side (freedom from the state) translates into a citizen's right not to be forced by the state to embrace any form of religious belief. On the other hand, the positive side of religious freedom (freedom to...) means that the state facilitates the freedom of association of citizens in the name of their religious beliefs or, as theologian John Milbank (Milbank and Pabst, 2016) claims, it is the liberty to pursue a joint purpose.

We think Europeans have a well-preserved Christian legacy which has historically opened up the secular space by both desacralizing the political and by creating the space of free association which later turned into the space of civil society. As French political scientist Marcel Gauchet (1999) argues, civil society was born due to, or through, the separation of church and state, and of religion and politics. Civil so-

ciety, in its original meaning, includes religious bodies and all kinds of organizations regardless of their cultural or religious legacies. This means that civil society is *per se* a space of free association, an exercise of religious freedom and of multiculturalism. This is one of the key messages we need to refer to governments, namely that religious organizations should be considered as parts of civil society and be assisted to fulfill their vocational responsibilities (Milbank and Pabst, 2016, pp. 247-276). The topic becomes more complex once we add the fact that religions and beliefs are not subordinate to regional or national establishments, being rather a global phenomenon and also more publicized than two or three decades ago. It follows that globalization can augment religious identity, but not also religious freedom.

If, at its historical peak, religious freedom has been the root of all freedoms, it now seems at variance with freedom in general. Today, religious freedom might seem to be a general right of freedom of expression, practice, and worship, but drained of its spiritual content. This happens because we have not paid sufficient attention to how rights and freedoms were articulated in the past decades in our societies. The mainstream public discourse is usually focused on the negative side of rights and freedoms, overlooking the positive side. As Hannah Arendt (1963, pp. 32-33) argues ‘all [...] liberties to which we might add our own claims to be free from want and fear, are of course essentially negative; they are the result of liberation, but they are by no means the actual content of freedom, which is participation in public affairs, or admission to the public realm’. Arendt’s interest in positive political freedom... the freedom to do things in the public sphere as opposed to the negative freedom of civil rights, needs to be linked with the construction of democracy. With that in mind, we should assert that religious freedom in its negative sense does not recognize religion as a social good, and thus defines religion as a mere feeling or a private manifestation, which is, of course, not enough for religious bodies and their members. Thus, we have the negative meaning of religious freedom, which could be described as freedom from the state... freedom from any kind of authority to exercise religious beliefs. But, at the same time, there is the positive side of religious freedom, meaning freedom to worship, freedom to freely associate in the name of religion, freedom to express the deepest religious belief even in the public realm, and so on.

Our argument here is that in today’s postmodern, post-secular, and post-democratic establishment, ‘religions’ or ‘beliefs’ need to be recognized by governments as social assets, even at a constitutional level, in order to ensure a further consolidated democracy. Our vision on church and state relations outlines an upgraded balanced European model, an adequate synthesis between the demands for modernization and Europeanization, enhancing the cooperation between religions and the state, the neutrality of the state regarding religion and belief, further protection of the autonomy of religious organizations, and so on. Over the past few years, in particular as religious extremism and fundamentalism have escalated in European

countries with a deep secular tradition in respect of the relationship between the state and religious organizations, a question arises more and more often: how to revive and promote the positive side of religious freedom through political gestures and actions. The US State Department fights for decades for the rights of religiously persecuted people worldwide and to promote religious freedom, France contemplates redefining the principle of *laïcité*, Great Britain established a Ministry of Faith, Germany created a taskforce within the Federal Ministry of Foreign Affairs to promote peace through religion, Austria created a governmental taskforce titled 'Intercultural and Interreligious Dialogue' within the Federal Ministry for Europe, Integration and European Affairs, Finland, Denmark and others adopted the American model and created the position of Ambassador at Large for Religious Freedom, etc. A position of Special Envoy for Promotion of Freedom of Religion outside the EU was even created in May 2016 within the European Commission. Now 28 countries worldwide (of these 13 EU member states) have created a position of representation on FoRB (ambassadors, dignitaries, special envoys, etc.) trying to reconnect the religious freedom as a basic democratic right with the current political establishment characterized through rising populism, continuous struggle for cultural liberation and the decline of political representation.

All of Europe is now concerned with changing the paradigm of the relationship between the state and religious organizations, the recovery of the positive side of religious freedom by consolidating the state-religious organizations partnership through various public policies, such as social, environmental or educational strategies, the creation of a predictable framework for financial support intended to help the activities of religious organizations, boosting the religious literacy efforts, enhancing religious literacy of career diplomats who will be offered professional training programs on the state-church relationship, encouraging the freedom of expression of religious organizations in respect of public issues, etc. At the same time, the positive dimension of religious freedom is intended to revive the integrating and community character of religion, to help religious organizations get involved in activities which are close to their theological and missionary vocation according to the principle of subsidiarity, and to convey the message that religion is a social phenomenon which unites rather than divides people.

In our opinion, the international community should address the following:

1. The elaboration of a North-Atlantic strategy on religion, to encompass both the potentially discriminatory elements which religion may trigger (persecutions, hate crime and speech), and those elements which boost the efforts of religious organizations for society. This strategy may be defined by the joint efforts of EU, US Department of State, UN and OSCE/ODIHR, and may be used as a practical guide for all stakeholders.

2. Bearing in mind that religion is often presented as a pernicious force with social consequences and that it is better to keep it in people's heads and souls, it

is important that international institutions elaborate easy-to-read guidelines with good practices on public manifestations of religion, pertaining to dress, ritual, or civic invocations, the limits of free speech inside places of worship, the fiscal status of religious organizations, the judicial status of places of worship, and so on.

3. Religious identity has recently become the subject of legal protection, and what once would have been deemed legitimate expressions of free speech in relation to religion can now be regarded as prejudiced and abusive, on a par with racism and sexism (this is, for example, the case of Romania: during the 2018 referendum campaign on the introducing in the Constitution of an explicit definition of family as being the union of a man and a woman, we have witnessed lots of hate speeches and actions against Christians). In such situations, governments should rather promote inter-faith dialogue and religious identity.

4. It seems that today religious tolerance, including tolerance of the non-religious, a value that was secured three or four centuries ago as the contingent foundation of many liberties, can no longer be taken for granted. With the exception of North-Atlantic countries, this protection of religious identity is often the reverse of pluralism: a particular religion that is bound up with a national culture as the 'default religion of the nation' can enjoy increased favor and protection, while suppressing other faiths. This leads to religious extremism and anti-Semitism, and triggers all kinds of secular backlash and further restrictions on free public expression of religious bodies or free self-organizations. It seems that the more we see religion as a threat, the less people are willing to tolerate other beliefs. The solution is not mere legal pluralism, but developing some practical measures to assist states to live up to their commitments to freedom of religion and belief in the name of democracy.

5. Finally, a real re-politicization of religious freedom would have to address the problem of representation of people, of religious organization and of governments. Following the American model launched by the US State Department in 1999, already 28 countries¹ worldwide from which 13 EU member states have created a form of political representation in the field of freedom of religion or belief. Some of them have created the position or only the mandate for the promotion of freedom of religion or belief for diplomats or dignitaries as shown in below.

- United States of America – the position of Ambassador at large for International Religious Freedom, since 1999 (Farr, pp. 15-70). He/she also carries out the task to coordinate the Annual Report on Religious Freedom compiled by each American embassy;
- European Union – Special Envoy for the Promotion of Freedom of Religion or Belief Outside of the EU, European dignitary mandated with the task to

1 Australia, Austria, Belgium, Brazil, Canada, Chile, South Korea, Denmark, Finland, France, Germany, Great Britain, Greece, Indonesia, Ireland, Italy, Japan, Jordan, Latvia, Mexico, Mongolia, Morocco, Netherlands, Norway, Spain, United States of America, Sweden and Tunisia.

promote religious freedom as a European brand and to denounce the cases of religious persecution, discrimination and hate crime.

- United Kingdom – PM’s Special Envoy for Religious Freedom or Belief (either a junior minister from the Foreign Affairs Office or a member of the Parliament) to promote religious freedom externally and also the position of Minister of Faith (since 2014) with no bureaucratic apparatus to promote religious freedom internally;
- Canada – Religious Freedom Ambassador;
- Finland – Ambassador at large for Intercultural and Interreligious Dialogue Process;
- France – permanent adviser to the minister of home affairs;
- Sweden – Ambassador for Human Rights, democracy and the rule of law (includes the mandate on the promotion of freedom of religion or belief) and also Special Envoy for Religion in Conflict and Peacebuilding;
- Germany – Task Force on the Responsibility of the Religions for Peace, part of the Ministry for Europe and Foreign Affairs and also a high commissioner for the promotion of freedom of religion;
- Denmark – special Representative for Freedom of Religion or Belief as of 2018;
- Austria – Task Force Dialogue and Culture part of the Federal Ministry for Europe, Integration and Foreign Affairs;
- Hungary – state secretary for the promotion of religious freedom and support for the persecuted Christians;
- Poland – state secretary for humanitarian aid and also Special Envoy for Freedom of Religion or Belief; and
- Norway and the Netherlands – Special Envoy on Freedom of Religion or Belief.

Most of these countries have either well consolidated democratic regimes, either are in an advanced process of democratization. Almost all of them are important political players in the field of international relations. The portrait of the new special envoy on the promotion of freedom of religion or belief is made up from very few lines. Firstly, all of them have a resume that testifies a high-level academic expertise on the topic, as the field of faith and politics is not a general one, but a very narrow one. He is an expert in a field that had not been much emphasized in academia or in practice over the last decades. Secondly, they all have a clear mandate and work if not for the national Foreign Affairs Office very closely with the Office. Most of them are under the mandate of the national governments, subordinated directly to the prime-minister and are also limited to involve their country in different international projects. More important are the facts the international community needs to create awareness on. According to Pew Research Center figures, in 2019, 79% of the global population lives in countries with high or very high obstacles against freedom of religion or belief (Lipka and Majumdar, 2019).

Important steps towards de-bureaucratization and re-politicization of FoRB have been made recently: the EU Guidelines on the promotion and protection of freedom of religion or belief adopted at the Foreign Affairs Council meeting in Luxembourg, on June the 24th 2013 by all the 28 Member States; the creation of the European Parliament Intergroup for freedom of religion and belief and religious tolerance; the International Contact Group of Freedom of Religion and Belief and the establishment of the EU Special Envoy for Freedom of Religion Outside EU. After a work of three and a half years (2016-2019), Jan Figel (2019) has advanced five key recommendations: work on the freedom of religion and belief within a human rights framework; boost the freedom of religion and belief literacy; support the engagement with religious actors and inter-religious dialogue; implement a more strategic and contextualized approach at the country level; step up coordination among member States and European Union on religious freedom.

4. Conclusions

This process of empowering different diplomats (representatives of the states) or state dignitaries (representatives of the people) with the mandate to speak on behalf of their country on religious issues, to promote worldwide their home model of freedom of religion or belief and also to gather intelligence from the international community for the benefit of their national governments is clearly a step further towards de-bureaucratization of the field of church and state relations, and religious freedom. Having in mind that some serious facts and figures are well known worldwide: Christianity is the most persecuted religion in the world (only in 2019 there were reported more than 500 cases of anti-Christian offences in Europe), hundreds of anti-Semitic and Islamophobic acts and so on, we might have to consider that freedom of religion and belief is a precondition of good governance and welfare.

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THE ROMANIAN PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION AND THE COUNTRY'S IMAGE. RESULTS FROM A CONTENT ANALYSIS OF INTERNATIONAL MEDIA

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Abstract

Between January 1 and June 30, 2019 Romania held the rotating Presidency of the Council of the European Union. This position is often related to higher international media coverage that can have an impact on a country's image. Scholars in the field of public diplomacy and country branding have emphasized the role of country image in attracting foreign investors and tourists (Nicolescu, 2008). According to a study published in 2013, foreigners usually associate Romania with natural richness, corruption, economic problems, cultural richness and political problems (Popescu and Profiroiu, 2013). A relevant role in building the image of a country is played by international media (Dolea and Țăruș, 2009), and, often, mediated public diplomacy is involved (Dolea, 2015).

The aim of our research was to map Romania's image as it was presented in the international media in articles related to the Presidency of the Council of the European Union. The method we used was the content analysis of 231 news articles about Romania published during the time frame January 1, 2019 and March 15, 2019 in the online editions of Euronews, Politico, Radio Free Europe, Associated Press Europe, Euractiv and Reuters. Results showed that the subject of the presidency was salient in international media but Romania was often depicted in a negative way, being associated with corruption issues.

Keywords: country image, Romania, international media, EU presidency, content analysis.

1. Introduction

We live in a world where the image you have counts; image is important whether we are talking about public people, brands, institutions, or even cities, regions and countries. The focus of this paper is country image, more precisely the image that Romania had at the beginning of 2019 when it took over the Presidency of the European Council.

Major events related to a particular country, in this case holding the rotating Presidency of the Council of the European Union by Romania, may create favorable circumstances whereby a country can improve its image, or at least, attract the attention of international media. At the same time, there are opportunities to intensify the efforts of public diplomacy and mediated public diplomacy.

The aim of the present work is to analyze how the international press presented the image of Romania during its EU presidency and to highlight the efforts of mediated public diplomacy, in case there were any, of the Romanian institutions authorized to do so.

2. Romania's country image

According to Kunczik (1990, p. 44) 'an image of a nation constitutes the totality of attributes that a person recognizes (or imagines) when he contemplates that nation'. That image then consists of three components: a cognitive component linked to what we know about the country; an affective component attached to how we feel about a country and an action component that reflects the definite behavior towards the country (Tarasheva, 2014).

The image of a country can be positive, negative or neutral. The country image plays an important role in a country's branding. There is often confusion between the country brand and the country image, but the latter is only a component of the brand, while the country brand can form 'its economic, political and cultural destiny, influencing people's decisions to buy, invest, or change the place they reside or travel' (Popescu and Profiroiu, 2013, p. 148).

To date, several studies have investigated the factors that influence people's perception of a country. For example, Anholt (2005) uses the term 'nation brand hexagon' to point out the factors discussed above: tourism, exports, governance, investment and immigration, culture and heritage, people. Dolea and Tăruș (2009) list the main factors as follows: media, cultural beliefs, stereotypes, and state that international audiences perceive a country in different ways. In a study conducted by Popescu and Profiroiu (2013) it was shown on a sample of 1,150 foreigners from 10 different countries, that the main features that foreigners associate with Romania are: natural wealth – 32.2%, corruption – 24.3%, economic issues – 19.1%, cultural richness – 16.5% and political issues – 7%. The authors also concluded that

Romania's image abroad can be improved if there are investments in the following areas: people, tourism and image (Popescu and Profiroiu, 2013, p. 155).

3. Public diplomacy and mediated public diplomacy

Public diplomacy is a complex concept that marks a new dimension of international relations beyond traditional diplomacy, the cultivation by governments of public opinion in other countries, and it is a process of intercultural communication (Dolea, 2015). Cull (2008) emphasized the dimensions of public diplomacy: listening, advocacy, cultural diplomacy, exchange diplomacy and broadcasting. Public diplomacy is often related to soft power.

Entman defined mediated public diplomacy as a reliance on 'mass communication (including the internet) to increase support of a country's specific foreign policies among audiences beyond that country's borders' (Entman, 2008, p. 88). Thus, actor visibility, agenda and frame building are means of mediated public diplomacy (Jungblut, 2017). News shapes our perception of the world and helps us 'understand and construct ourselves as subjects within local, national and, increasingly, global context' (Wahl-Jorgensen and Hanitzsch, 2009, p. 3). Media coverage can be seen as an indicative of public opinion and policy response. In our case, news media plays an increasing role in shaping the public perception of events, as it is the main interface through which the public comes into contact with the reported issues. As Kral (2009, p. 2) states: 'Mass media play a crucial role in influencing and changing the perception of the country because they combine many factors that make the message credible and trustful for the consumers'.

4. The Presidency of the Council of the European Union

The Council of the European Union represents the framework in which all ministers from EU countries meet, in order to adopt legislation and coordinate European policies. The main responsibilities attributed to the Council of the EU are: the conclusion of external agreements, the adoption of different policies and the approval of the EU budget.

The Presidency of the Council of the EU is held by a rotating member state over a period of 6 months. At a macro level, in fact, the presidency is held in groups of three, over a period of 18 months, for the simple fact that the six-month period is not enough to debate and adopt the priorities on the agenda. The aim of the presidency is to represent the Council in relations with the rest of the EU institutions, among which the most important are the European Commission and the European Parliament (Europuls, Centrul de Expertiză Europeană, 2017).

On the 1st of January 2019, Romania took over the Presidency of the Council of the European Union for the first time. Romania held this mandate until June 30,

2019 and collaborated closely with Finland and Croatia, the other two countries in the trio in which it belongs. This mandate provided Romania with the opportunity to stand out externally and prove its organizational capacities. All eyes were on Romania and on how it chose to address different issues (such as the Brexit negotiations, the EU elections or the Multiannual Financial Framework), organize meetings and negotiate certain treaties.

Prisecaru (2018) argued that this mandate of Romania was not sufficiently known to the public: ‘not only many citizens do not realize the importance and the magnitude of the subject, but even business environment does not seem too concerned or interested therein’ (Prisecaru, 2018, p. 181). The aforementioned author also stated that Romania had proposed quite challenging and ambitious targets for this mandate, which were in addition to the compulsory mandate.

This was Romania’s first presidency in the EU Council and the way in which the international press chose to present the events that took place during this Romanian mandate is important to observe and analyze. In this context, the following research questions were raised:

- Research question 1: How was Romania described in the international press during its Presidency of the Council of the EU?, and
- Research question 2: What was Romania’s image during the Presidency of the Council of the EU according to the international media?

5. Research methodology: Instruments, data collection and sample

The content analysis was designed by the authors and included the following categories: subject/topic, tone (positive, negative, neutral), keywords describing the article. Formal categories were: the name of the publication, the article link and the date of publication.

A total of N=231 press articles were analyzed from six European online publications between January 1, 2019 – March 15, 2019. The publications were: Euronews, Politico, Radio Free Europe, Associated Press, Euractiv and Reuters; the number of analyzed articles from each source is included in Table 1.

Table 1: The structure of the sample

Publication	Reuters	Euractiv	Politico	Associated Press	Radio Free Europe	Euronews
No. of articles	56	55	45	34	25	16

Source: The authors

The reasons for choosing these publications are: they are in English; they enjoy international credibility and are in most cases international media organizations. The articles had to contain ‘Romania’ at least twice and focus on the presidency of the Council of the EU. The encoding was performed by a single coder, so it is not

necessary to calculate the inter-coder reliability. In addition to the frequency analysis of the themes, a qualitative analysis of the articles was conducted in order to answer the research questions.

6. Results

In the sample of 231 analyzed articles, ten major topics were addressed as shown below.

Table 2: Frequency of issues

Topic	No. of articles	Percentage
Presidency	59	25,54%
Kövesi	33	14,29%
News	29	12,55%
Romanian economy	26	11,26%
European politics and EU elections for the EU Parliament	25	10,83%
Romanian politics	22	9,52%
Corruption	14	6,06%
Laws of justice	8	3,46%
Health care	8	3,46%
Sports	7	3,03%

Source: The authors

In the next section, we will present the main findings of our investigation into the ten topics. Most articles were written on the subject of the ‘Presidency of the Council of the European Union held by Romania’ in the first half of the year 2019: 59 out of the total of 231 which were published in the sample period. Many of these articles tackled corruption in Romania in the context of the presidency. Various European leaders gave statements on corruption, claiming that this problem could affect the presidency of Romania at the Council of the EU. Other articles referred to the agenda of the presidency, i.e. past and future meetings, major events, workshops, etc.

The ‘candidacy of Laura Codruța Kövesi’ for the position of European Chief Prosecutor was the topic of 33 articles. The former head of Romania’s National Anticorruption Directorate (DNA) decided to apply for this position and, following rigorous tests and interviews, was among the three shortlisted candidates. This application reached the attention of the European media for a number of reasons. Firstly, because this position was new, as it had not existed until then. Secondly, the international press was interested in Romania’s opposition to Kövesi’s appointment to this position. Certain Romanian politicians, in particular from governing

parties, publicly declared that they disagreed with her candidacy and even voted against her in the European Parliament. Most of the articles referring to Kövesi's candidacy had a positive tone as the press supported her candidacy and condemned the corruption in Romania, against which Kövesi had fought as chief prosecutor of DNA. Only one article had a negative tone, and it was written by Norica Nicolai, an ALDE representative in the European Parliament, for Euractiv.

For the next category, entitled 'News', we counted 29 articles (or 12.55%); this category includes various topics, which could not be integrated into any of the other categories, so it was decided to group them separately. Most of the articles in this category were written in a neutral tone and referred to the following topics: results of various studies (on religion, poverty, taxes), Ștefan Mandachi and the one meter of highway he built near Suceava, weather phenomena, commemoration of events, natural gas prices, unmasking a fake surgeon, etc.

The 'Romanian economy' represented another point of interest for foreign media since 26 articles (11.26%) covered this issue. Reuters published 25 articles on this subject, which leads to the conclusion that this publication covers more economic and business matters compared to the other publications. The articles written on this topic included various statements by Romanian economists, the Romanian Minister of Finance, analyses of different taxes, like the digital tax, bank tax, etc.

The subject of 'European elections' and events related to European politics were referred to in 25 articles (10.83%). These articles were selected because they referred to matters involving Romania, such as certain decisions at the EU level or the participation of Romanian politicians in congresses. The European Parliament elections had a higher coverage because they took place in May 2019, and preparations for the event were in full swing in the months before. Thus, the international media wrote about the formation of the USR-PLUS alliance or about announcing the candidacy of Rareș Bogdan or Ilie Năstase, with the articles maintaining a neutral tone.

'Romania's internal politics' is the subject of 22 articles; most of the news was written on the adoption of the budget for 2019 in Romania. Other articles focused on various meetings that Romanian politicians had: the adoption of new laws; the pension fund, and statements given by Iohannis on different occasions.

The topic of 'corruption in Romania' was also addressed by the international press, as 14 articles were written on the subject, all of which have a negative tone. These articles referred to corruption exclusively, but it needs to be noted that the topic 'corruption' was highly debated in almost all other categories. Thus, these 14 articles discussed the corruption allegations against Liviu Dragnea, then president of the Social Democratic Party in Romania, the European corruption index and the fact that Romania ranks among the first, Adina Florea as the head of the National Anticorruption Directorate, or several statements by European leaders asking Romania to continue the anti-corruption fight.

The ‘laws of justice’ were the exclusive subject of eight articles but, as in the case of corruption, this issue was addressed in other articles as well, and the tone is also negative. The articles referred to the protests in February, when thousands of Romanians took to the streets to show that they were against the changes in the judiciary system, the protest of magistrates, the criticism of European leaders against the proposed amnesty and pardoning law, etc.

The ‘health care system’ (8 articles) and ‘sports’ (7 articles) are two other topics that the international press wrote about. In sports, all the articles were positive and largely related to Simona Halep and her performances in the Fed Cup tournament. The articles on the health system in Romania had a negative tone in general; only one article was positive, which presented the construction of the oncology hospital by the organization ‘Asociația Dăruiește Viață’. Politico examined the state of the Romanian health care system and its incompetence in six articles.

Table 3 illustrates the online publications and the number of articles they published on each subject. We will continue by discussing the tone of the articles that focus on the Romanian presidency of the EU Council.

Table 3: Number of articles per topic

Topic	Euronews	Euractiv	Politico	Reuters	Radio Free Europe	Associated Press
Presidency	7	19	20	6	3	4
Kövesi	2	10	7	1	10	3
News	2	1	2	7	3	13
Romanian economy	0	0	0	25	0	1
European politics/ EU elections for the EU Parliament	0	13	4	2	5	1
Romanian politics	0	10	4	5	0	3
Corruption	5	1	2	0	1	6
Laws of justice	0	1	0	5	1	0
Health care	0	0	6	1	1	0
Sports	0	0	0	4	1	2
Total	16	55	45	56	25	33

Source: The authors

In Euractiv, 55 articles referring to Romania were written in total during the reference period (January 1, 2019 – March 15, 2019). Out of a total of 19 articles referring to the Romanian presidency of the EU Council, one was identified as having a positive tone, seven articles were classified as negative and 11 neutral. The only positive article mentioned the people behind this mandate, the ones who handled all the details on this matter. The main political actors – Klaus Iohannis, the president of Romania and Viorica Dăncilă, the prime minister of the country at the time, were presented at first.

The author of the article chose to mention only their achievements until then, and their competences. This article was sponsored by the Romanian Presidency of the Council of the European Union (this information is mentioned at the beginning of the article), so it can be considered a part of the public diplomacy campaign of the Romanian government.

The negative articles can be distinguished by simply observing keywords such as ‘corruption’ or ‘rule of law’. Two out of seven articles mentioned ‘Dăncilă’, while other negative articles contained keywords such as ‘PSD’, ‘Iohannis’, ‘Dragnea’, ‘climate change’, ‘Euro skepticism’. These seven articles included negative statements against Romania given by European leaders; doubts about Romania’s ability to carry out this mandate; references to corruption in the country or changes to the laws of justice.

The neutral articles referred to the president’s agenda, events or meetings, without any comments from the authors of the articles.

Euractiv wrote the most consistent and detailed articles on the main subject of this paper, compared to the other five publications analyzed. This publication published most of the articles in January.

Table 4: The tone of the articles referring to the Romanian Presidency of the Council

Publication	Neutral	Positive	Negative
Euractiv	11	1	7
Politico	15	2	7
Reuters	3	0	3
Radio Free Europe	1	0	2
Associated Press	1	0	3
Euronews	2	0	5

Source: The authors

Politico published 45 articles referring to Romania in the reference period, and 20 were written about Romania’s Presidency of the EU Council. January had the greatest coverage, Politico’s journalist mainly focusing on the comments made by the European leaders before Romania took over the presidency.

Most of the articles (11) were labeled as neutral, seven as negative and two articles as having a positive tone. Of the two positive articles, one is sponsored by the Romanian Presidency of the Council of the European Union, and the author talked about European companies and their competition in the USA and China, and he also praised the Start-up Nation Program implemented in Romania. The second positive article had a Romanian author who presented a guide for foreigners who wish to come to Bucharest during Romania’s mandate. Moving on to the seven articles with a negative tone, they largely summarize the statements of Jean-Claude Juncker, then President of the European Commission, and Donald

Tusk, then President of the European Council, about their expectations from Romania, as well as their fears. They stated in various contexts that the high degree of corruption recorded in Romania can negatively influence this presidency and the rule of law. Other negative articles referred to the presidency's agenda, to Eugen Teodorovici, the Romanian minister of finance, who tried to keep postponing the adoption of the tax haven law, an act which was noticed and criticized by the international press. Other negatively toned articles referred to the Euro skepticism of some Romanian parties.

The keywords in these articles were 'rule of law', 'corruption', 'Dăncilă', 'PSD', 'Dragnea', 'Euro skepticism'. With regards to the articles with a neutral tone (11 in total), ten of them referred to the presidency's agenda and one had a statement from Donald Tusk. The articles published in Politico show that Romania's mandate at the EU Council was also linked to the corruption issues that the country was facing and the attacks on the rule of law.

Reuters published a total of 56 articles and we will focus on the six articles reporting on the presidency. Three were classified as having a negative tone and three a neutral tone, while no articles with a positive tone were identified. All three articles with neutral tone concerned topics on the presidency's agenda and statements from Eugen Teodorovici and George Ciamba, the Romanian Ministers for Finance and European Affairs, respectively.

In the case of articles with negative tone, the journalists quote Juncker, who expressed his concern about Romania and said that the rule of law must be protected. Another article included the statements of Romanian leaders who argued that there was no cause for concern and that Romania would carry out the mandate. The last article examined the situation in Romania, in the context of the country holding the presidency: the protests against the proposed justice laws and the various attacks on the rule of law. The keywords of these articles were: 'rule of law', 'corruption', 'Juncker', 'Brexit', 'Dragnea' and 'Dăncilă'. Most of the articles referring to the presidency of the EU Council were written in January.

The next publication is Radio Free Europe, where a total of 25 articles were written on Romania. Three of the articles had the presidency of Romania at the EU Council as a main subject, two of which with a negative tone and one being neutral. One author quoted Juncker's statement made before Romania took office, in which he said that the country was not really aware of the implications of that mandate. The keywords in this text were: 'Juncker', 'Romania' and 'presidency of the Council of the EU'. The second negative article on Romania referred to corruption in the country, the amnesty and pardoning laws, and highlights the countless requests that European leaders had made to Romania on those issues. The neutral article discussed meetings on the agenda and used statements of the Romanian Minister Delegate for European Affairs, George Ciamba. Radio Free Europe published most articles on this subject in January.

Associated Press published a total of 33 articles during the reference period (January 1, 2019 – March 15, 2019) referring to Romania. Of the four articles on the subject of the presidency published in Associated Press, none were identified as having a positive tone; three of the articles were classified as negative and one as neutral. The article with a neutral tone, like other articles analyzed so far, discussed meetings on the presidency's agenda and quoted George Ciamba's statements.

Moving on to articles with a negative tone, two of them dealt with Juncker's famous statements, according to whom Romania was not ready and the situation in the country could affect that mandate. The other negative article referred to the takeover ceremony, which took place in Bucharest, and during which there was also a protest; the press recounted that event, connecting it to corruption and problems in the Romanian justice system. Most articles related to the subject mentioned above were published in January.

Euronews is the sixth and last publication analyzed and a total of 16 articles were related to Romania during the reference period. Of the total of 16 articles published during the research period, seven referred to the presidency held by Romania. Five of them were identified as negative and two neutral. The two articles with neutral tone described, as was the case with other publications, the meetings on the agenda and the responsibilities of Romania.

The five articles classified as negative referred to Juncker and other European leaders stating that, due to corruption and problems in the judiciary system, Romania may not cope with this mandate. All of these articles referred to corruption in Romania. This can only mean that the issue of corruption is a major one for Romania and this problem could take the spotlight from any other major event during Romania's presidency mandate at the EU Council. Euronews journalists wrote most articles on the subject of the Presidency in January.

6. Discussions

The present study was designed to determine how the international press presented the image of Romania during its EU presidency and to highlight the efforts of mediated public diplomacy. The results of the content analysis show the qualitative and quantitative differences and similarities between the publications. These can be determined by the topic of the articles, the month they were published and the general tone of the text. Firstly, there are quantitative differences, in the sense that the number of articles referring to the subject of Romania's presidency differs greatly from publication to publication, so most articles on the subject were written in Politico (20) and the least in Radio Free Europe (three). Another difference between publications can be observed in the tone of the articles: in some publications the neutral tone is prevalent, while in others the negative or the positive one is.

The greatest similarity between all publications is the correlation between the topic and the tone, in that all negative articles from all the publications referred to either the statements of European leaders on the situation in Romania, or consisted of research done by the authors on corruption or the rule of law in Romania.

As observed in the initial analysis, most articles on the subject of the presidency were written in January 2019. Thus, out of the total of 59 items analyzed, 38 (i.e. 64.41%) were written in January alone, which can be linked to the fact that Romania took office on the first day of the year. January was also the month in which most statements were given about the expectations and concerns that came with this mandate.

Compared to January, February was quieter, without major events, and only nine articles (15.25%) were published. In March, only 15 days were analyzed, for reasons related to the organization of this research, but more articles were written in these 15 days than in February, namely 12 articles (20.34%).

Regarding the qualitative and quantitative aspects of the tone used in the articles on the topic of Romania's presidency, most of them were written in a neutral tone: out of a total of 59 articles, 29 were identified as neutral, or 49.15%. More than 90% of the neutral articles discussed meetings on the agenda and statements of Romanian ministers.

We counted three positively toned articles written on the subject of Romania's mandate. Two of them were part of the Romanian government's effort for mediated public diplomacy. Therefore, they were sponsored content. The third one was written by a Romanian woman as a guide for foreigners who want to come to Bucharest during Romania's mandate. It can be said that the situation does not look very good for Romania, out of a total of 59 articles written on this subject, only 3 items, i.e. 5%, had a positive tone. Unfortunately, due to internal turmoil, Romania did not make the most of the media coverage at the start of the Romanian presidency of the Council of the European Union.

Overall, these results indicate that a percentage of 45.76% (27 items) of negative articles is very high. Negative media coverage has a significant impact on how a country's image is perceived. Romania is seen by the international press as a deeply corrupt country, and the results of this research underline this. Thus, in 21 out of a total of 27 articles (77.78%) with a negative tone about Romania's Presidency of the Council of the European Union, the topic of corruption is also mentioned.

Another aim of the research was to show the opportunity that Romania had during its presidency of the Council of the EU. This period was a very important one, as shown by the fact that in two and a half months 59 articles were written about the country's presidency in six European publications. The following statement, found in an article from the sample, underscores the scrutiny Romania faced at the beginning of its mandate: 'Europe is looking at Romania. Europe is looking at Romania more intensively than at any time since the fall of communism' (Euronews, 2019).

7. Conclusions and limits of the research

Country image is a complex concept, consisting of several factors. Major events related to a particular country, in this case Romania's presidency of the Council of the European Union, may constitute favorable circumstances whereby the image of the country can be improved, or at least, the attention of international media may be drawn to it.

The results of our research prove that Romania was not presented in a favorable way in the international press in the first half of its aforementioned mandate. As a main conclusion of the content analysis it can be stated that Romania's image was not a positive one, but rather negative, or at best neutral. In addition to the presidency, the main topics addressed in the international press referred to: Laura Codruța Kövesi and the efforts of Romanian politicians to stop her from being the European Chief Prosecutor, corruption in the country, problems in the justice system and in the Romanian economy. Topics related to domestic politics massively influenced the content and the tone of the media coverage during this period in a negative manner by emphasizing corruption issues, attempts to change anti-corruption legislation, etc. Regarding possible public diplomacy campaigns of the Romanian government, the results are limited, at least for the publications analyzed.

The main limit of this research is the sample, since only articles written in English were analyzed. This research analyzed the articles that were written in the first two and a half months in which Romania held this mandate, whereas the ideal period would have been all six months. It would also be interesting to note what other publications in different European countries wrote about this subject, not just those chosen in this research. Therefore, the results of this research cannot be generalized.

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CAN PARTICIPATORY BUDGETING BE ORGANIZED IN A MEANINGFUL WAY AT THE CENTRAL GOVERNMENT LEVEL?*

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Abstract

Many democratic countries are confronted with a growing disconnect between citizens, politics and politicians. This disconnect leads to a growing aversion to traditional politics, to an increasing polarization within society and to a growing support for the populist right. Opinion leaders, civil society organizations and politicians who recognize this evolution are looking for alternatives to give democracy a new impetus. Citizen participation and participatory budgeting are considered possible paths that can help to close the gap between citizens and politics, and to re-involve citizens more closely in policy. Most participatory budgeting initiatives that are currently developed are implemented at local government level. The question arises whether participatory budgeting can also be introduced in a meaningful way at the central government level. This paper tries to find an answer or at least a part of an answer to this question from a practitioner's point of view.

Keywords: participatory budgeting, budget developments, central government, accountability, alternatives.

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1. Introduction

Politicians, academics, citizens and media in many democratic countries frequently state that there is a growing disconnect between citizens and politics. Citizens have a strong feeling that politicians don't hear, don't see and don't care about their needs and concerns; they have the impression that politicians live in their own little world and are only interested in themselves. This growing gap leads to a growing aversion to traditional politics, to an increasing polarization within society and to a growing support for the populist right.

In several countries, opinion leaders, civil society organizations and politicians who recognize this worrying evolution, think about possibilities, alternatives and initiatives to give democracy a new impetus (Kantor and Greab, 2016). Citizen participation and participatory budgeting are considered possible paths that can help to close or at least to narrow the gap between citizens and politics and to re-involve citizens more closely in policy. Participatory budgeting initiatives are developed in a number of countries; most of these initiatives are with varying success implemented at local government level (Wolf, Rys and Van Dooren, 2018).

Experience shows that there is no one way to organize participatory budgeting; the initiatives range from a consultation of citizens regarding the budget involved over diverse forms of active involvement of citizens in the decision-making process to granting an actual decision-making authority to the citizens (Kantor and Greab, 2016). The way the participatory budgeting process is designed and organized is determined by the objectives the authorities want to attain; three main objectives are defined in literature: (1) activating citizens by giving them a clear voice, (2) obtaining citizens' input to come to a more efficient and effective public policy, and (3) developing citizenship (Wolf, Rys and Van Dooren, 2018).

The Participatory Budgeting Project (Participatory Budgeting Project, 2019) defines participatory budgeting as a democratic process in which community members decide on how to spend a part of the public budget thus giving people real power over real money, deepening democracy, building stronger communities and creating a more equitable distribution of public resources in accordance to citizens' needs and concerns.

With the exception of Portugal, literature does not give examples of participatory budgeting being introduced at the central government level. The question arises whether participatory budgeting can in a meaningful way be introduced at the central government level, and what conditions have to be fulfilled to do so (Wolf, Rys and Van Dooren, 2018). For Belgium this question can be translated as: can participatory budgeting be organized in a meaningful way at the level of the federal Government or of the Flemish state Government?

2. The central government budget

The budget is the financial translation of the policy that the government wants to develop and implement during the fiscal year concerned. The resources budget estimates mean that the government can collect and therefore can dispose of during the fiscal year. The spending budget estimates the expenditures that the government can incur during the fiscal year, and gives the authorization to actually incur these expenditures. The spending budget is an authorization to spend the available means within the limits of the parliamentary democracy and the rule of law; it contains no obligation to spend the funds.

Drawing up the budget and determining on which policies public funds will be spent, are much more than just dividing money over initiatives and projects that seem interesting. A budget is only legitimate if the resources are allocated to the agreed policies that the government wants to continue or to develop and implement. The funds must be allocated to the various expenditure items in function of the objectives and priorities set by the government, Parliament and society; it is therefore important that clarity and consensus on these objectives and priorities exist before the financial issues are discussed (van Sprundel, 1998).

However, the method to draw up the budget starting from objectives and priorities is not yet widely acquired. Various ministries still do not have the habit, the knowledge or the data to define objectives and priorities, to translate those into results that need to be attained during the fiscal year and to calculate the means required to achieve these results. Practice shows that drawing up the budget often goes as follows:

- (1) The budget minister issues the instructions for drawing up the budget. In order to meet the budgetary goals that are pursued, these instructions mostly assume a zero growth of the expenditures; the funds that were in previous fiscal years allocated are however never really questioned.
- (2) As the previously allocated funds are normally not questioned, the ministries propose a number of activities, projects and initiatives they want to develop and execute, aimed to justify these resources without making a clear link to policy objectives and priorities.
- (3) Taking into account the budgetary goals and the political priorities, the budget authorities determine the funds that each ministry can actually dispose of.
- (4) The ministries reformulate the activities, projects and initiatives they proposed in order to remain within the allocated funds.

This way of working makes budgeting a rather technical and arithmetic exercise which pays only very limited attention to the objectives that the Government wants to achieve in order to steer society and to respond to the citizens' needs and concerns.

In the 1980s and 1990s, New Public Management emerged and performance became the key driver for any government action: the government has to be effective, efficient and economic. Government has to determine the objectives it wants to attain in the short, medium and long term, set priorities within these objectives and monitor whether these objectives are actually met. Monitoring requires that indicators measuring the extent to which the objectives are met, are developed and implemented (van Sprundel, 1998).

Within this framework performance budgeting was introduced. OECD (OECD, 2019) defines performance budgeting as the systematic use of performance information to inform budget decisions, either as a direct input for decisions on the allocation of resources or as contextual information for budget planning, and to create more transparency and accountability in the budget process by providing information to Parliament and the citizens about the spending targets set and the results achieved. OECD differentiates different stages in the implementation of performance budgeting, whereby pending the stage of maturity the link between performance data and the budgetary decision-making becomes increasingly stronger. Direct performance budgeting is the most far-reaching form of performance budgeting, whereby performance information directly steers the decisions on the allocation of resources. Direct performance budgeting contains the following steps:

- (1) the government defines long-term strategic objectives to attain;
- (2) these long-term objectives are made concrete in medium-term operational objectives;
- (3) the government defines the results to achieve during the fiscal year concerned as a step to attain the operational objectives;
- (4) the government determines the activities that are required to attain these results;
- (5) on the basis of available cost data, the government calculates the cost of the activities that need to be performed to attain these results; and
- (6) the cost of the activities and the number of activities that have to be delivered, determine the amount and the allocation of the funds that are entered in the budget.

An OECD survey conducted in 2018 (OECD, 2019) shows that no country uses direct performance budgeting; the political nature of the budget and the many conceptual and practical problems that arise when establishing the link between the allocation of resources and the results, and the objectives to be achieved hamper the introduction of direct performance budgeting.

Experience shows that in Belgium, governments are reluctant to set clear objectives for the medium and long term, or to define clear results they want to achieve during the fiscal year. Clear objectives allow citizens and civil society to hold politicians accountable if these objectives are not met, even if this is due to unforeseen changes in the context and environment within in which the government operates.

In addition, it is very difficult to determine comprehensive indicators to measure the impact of the political action on achieving the results and objectives as also external events or environmental factors on which politics have no direct hold may impact on this achievement.

3. EU's budget policy and other evolutions

A number of political and societal evolutions took place over the past years that have a significant impact on the budget (process). The EU took a number of initiatives to achieve and ensure the budgetary health of the Member States; these initiatives have a direct impact on the Member States' budgets.

Following the 2008 economic and financial crisis, the EU strengthened the coordination and monitoring of the macroeconomic and fiscal policies in the Member States. New rules were imposed to support Member States to achieve sound public finances by avoiding and correcting excessive debts or budget deficits; these rules are much stricter for the Member States that are part of the Eurozone than for those that do not belong to the Eurozone. As a general rule, the budgets of the Member States should be in balance. However, if the budget is deficient, the annual budget deficit must not exceed 3% of the GDP. The debt ratio of a Member State must not exceed 60% of the GDP; a higher degree of debt can however be accepted under a number of strict conditions. These EU rules limit the space national governments have to draw up their budget and to allocate resources.

Other recent evolutions that impact the budget and the budget process are gender budgeting and sustainable development budgeting. Gender budgeting was introduced some years ago as people started to realize that gender inequalities appear to be more or less embedded in government policy and in the allocation of public funds. Various organizations pioneered to promote gender mainstreaming, assessing the impact of a policy on the different genders during the elaboration, adaptation or implementation of this policy in order to gradually eliminate gender inequality in the public sector, in the wider economy and in society. Gender budgeting is the translation of gender mainstreaming in the budget process (Downes, von Trapp and Nicol, 2017) integrating a clear gender perspective in the budget process and promoting a policy that tackles gender inequality. According to a 2016 OECD survey (OECD, 2017), about one third of the OECD countries have introduced gender mainstreaming in their budget process. The way in which gender budgeting is implemented differs from country to country. Nonetheless, there appear to be three broad systems of gender budgeting:

- (1) gender-informed resource allocation: the gender impact assessment provides information for individual policy decisions and/or individual decisions on resource allocation;

- (2) gender-rated budgets: the entire budget is assessed for gender impact; and
- (3) gender-based budgeting: the assessment of the gender impact is integrated in the budget process and thus in drawing up the budget.

Sustainable development budgeting is based on the sustainable development goals that were adopted at the United Nations summit in September 2015. The Sustainable Development Goals (SDGs) want to put an end to all forms of poverty, to combat inequality, to tackle climate change and to ensure that no one is left out. The 17 objectives set an ambitious development agenda for the next fifteen years and cover the various aspects of sustainable development, economic prosperity, social development and environmental protection. Just as gender budgeting screens the budget for gender aspects and integrates gender mainstreaming in the budget process, sustainable development budgeting requires the budget to be assessed on its contribution to achieve the 17 SDGs. This assessment should become an integrated part of the budget process.

The EU directives, gender and sustainable goals budgeting will all have to be observed when a government decides to involve citizens and civil society more actively in drawing up and executing the budget e.g. by implementing participatory budgeting.

4. The conditions for implementing participatory budgeting

Budgeting and certainly performance budgeting are much more than allocating resources to an activity, a project or an initiative. The budget should be the financial translation of the societal objectives that the government pursues; this requires that objectives are defined and priorities are set. In addition, the budget has to be screened for its gender impact and its ability to contribute to the achievement of the SDGs. The EU directives on a sound financial and budget policy have to be applied.

Due to the EU directives on the budget deficit and the debt ratio, a major re-orientation of the budgetary means can, from a financial and budgetary point of view, at the short term only be operated through a reallocation of resources or an increase of taxes. From a policy point of view, major budget reallocations often require changes in legislation or regulations that are difficult to realize at short term. From an operational point of view, major budget reallocations often require a drastic cut in personnel and operating resources that risks to seriously hamper the operational effectiveness of the public administration causing a significant negative social and economic impact.

These elements apply regardless the budget processes and procedures applied. This has, as a result, that also when shifting towards participatory budgeting at the short and even medium term no major reallocations of resources will be possible. But not only the budgetary environment impacts on the feasibility and the im-

plementation of participatory budgeting, also a number of organizational requirements have to be met (Participatory Budgeting Project, 2019): a dedicated source of public funding, a clear process and time schedule, administrative staff to mediate the process, the involvement of a large enough number of citizens who are well informed and consider the public interest.

4.1. Citizens can decide on a dedicated source of public funding

Key to participatory budgeting is that citizens provide a direct input to support the decisions on how (a part of) the public funds are spent or have even a direct decision-making authority over a part of the budget. But even when citizens decide on the activities, projects or initiatives that are funded the final decision-making authority remains with the legislative authority (Parliament or City Council at the local government level). However, the government that draws up the final budget proposals and the Parliament that ultimately approves the budget and authorizes the expenditures, both should respect and take into consideration the input that the citizens provide or the decisions they make, in order not to endanger the process (Wolf, Rys and Van Dooren, 2018).

To convince citizens to participate in the process, it is important that citizens know at the start what their impact will be and what funds are involved (Ruesch and Kohake, undated). There are no guidelines to determine the amount of the public funds that can be allocated through participatory budgeting. This amount must be in proportion to the objective pursued while introducing participatory budgeting, and be relevant enough to convince citizens that their input is appreciated and taken serious (Wolf, Rys and Van Dooren, 2018).

Most examples of participatory budgeting in Europe described in literature relate to the local government level where the available funds are often limited. A few years ago, the city of Antwerp (Belgium) introduced participatory budgeting in one city district. For 2020 citizens could decide on an amount of € 1.4 million, which is somewhat more than 6% of the total district budget of € 22.5 million. The question arises however as to what is a relevant amount at the level of the central government. The expenditure budget 2019 of the Flemish state amounts to approximately € 44.95 billion; allocating 6% of these funds or €2,7 billion on the basis of a participatory budgeting process seems due to legal prescriptions, political considerations and the lack of experience with participatory budgeting not feasible in the near or even medium-term future.

4.2. Clear procedures and a clear time schedule are set out

Participatory budgeting is more than just deciding on the allocation of resources. The process normally consists of several steps (Participatory Budgeting Project, 2019): (1) a brainstorming about the activities, projects and initiatives resources

can be allocated to; (2) developing the ideas resulting from the brainstorming into concrete projects, initiatives or activities; (3) assessing the legal, financial and administrative feasibility of these proposals; and (4) discussing and deciding on the activities, projects and initiatives resources are allocated to.

This process is quite intensive and requires not only an active input from the citizens but also an open, clear and intensive involvement of the administration. The administration has an important role to play in translating the brainstorming ideas into concrete proposals and in assessing the feasibility of these proposals; more than the citizens the administration has the legal, financial, budgetary and administrative knowledge and experience that are required to make this assessment (Kantor and Greab, 2016). The support the administration has to provide, must be fit into the normal budget cycle that is quite intensive and runs at the level of central government from May to October. It is not evident for the administration to take up additional tasks during this period; participatory budgeting may therefore have the effect that the timing of the budget cycle will have to be adjusted.

The question arises whether participatory budgeting is or can be useful during the budget control that takes place every year in the January – April timeframe. The budget control assesses the budget of the current fiscal year, and adjusts it if justified due to changed volume factors or the index evolution; but the government can also decide to impose additional economies due to a change in the economic environment or to political or social evolutions. It can hardly be guaranteed that at a moment that additional economies are required, funds allocated by the citizens remain out of scope of any saving measure.

Participatory budgeting is not only for the administration very intensive, it also requires an important investment from the citizens who actively participate in the process. It is not certain that interested and motivated citizens always have the time required to actively participate throughout the entire process. However, clear procedures and a clear time schedule may facilitate the citizens' participation and the involvement of the administration.

4.3. The administration has to mediate the process

Citizens should have a clear and reasonable view on the subject matter concerned to be able to discuss the budget proposals and to take the required decisions. As most citizens are not familiar with and have often a (very) limited knowledge of the financial, legal and technical aspects of a budget, they are in need of solid support on these issues during the entire budget process.

To provide the required support the competent authorities must assign a motivated and dedicated team of civil servants to guide and to help the citizens through the whole process. These civil servants need to collaborate intensively with the citizens to provide them with the required information, to guide them through the

formal procedures, to support them while balancing the proposals, to point out the consequences of their decisions and eventually reflect with them on alternative options without however taking over the budgeting process (Wolf, Rys and Van Dooren, 2018).

The communication between the government and the citizens must be organized in a way that suits the different target groups that the government wants to address in the different phases of the process. Differentiations in information and in the way, information is provided may be required depending on the level of education, the age, the socio-economic background, or other socio-demographics characteristics of the different target groups. The use of new and social media can be important for this communication to be appropriate, quick and smooth.

4.4. A large enough number of citizens is involved

The legitimacy of participatory budgeting depends on the support it has within society. This support is influenced by various factors such as: the quality, reliability and robustness of the process, the quality and relevance of the activities, projects and initiatives to which resources can be allocated, the participation and involvement of a sufficient number of citizens in the budget process (Kantor and Greab, 2016).

A sufficient number of citizens participating does not only relate to the number of citizens participating; it also requires that citizens stemming from all layers within society can and effectively do participate in the process. The risk is indeed eminent that participatory budgeting mainly attracts the ‘usual suspects’: higher educated citizens who have the interest, resources and opportunities to participate in the process. Lower educated or social and economic weaker citizens or citizens belonging to minority groups often fall out (Participatory Budgeting Project, 2019).

Participatory budgeting therefore requires that the process is set up in an inclusive manner involving citizens stemming from all layers of the society. The government bears the responsibility to guarantee equal access for all interested, to remove any obstacle that can hamper the participation of any societal group and to invest in mobilizing participants from the various societal groups. At the end of the day a sufficient number of citizens stemming from all layers within society without any distinction based on gender, origin, nationality, age, education, socio-economic situation or health, should participate and be involved in the process.

There are no guidelines that determine how many citizens, both in terms of number and diversity, must participate and be involved in the process to ensure the legitimacy. This number will vary depending on the objectives the government wants to attain with participatory budgeting (Wolf, Rys and Van Dooren, 2018). One can however suppose that at the central government level, the required number of citizens participating in the process is probably quite large.

4.5. The citizens are informed and consider the public interest

A last condition requires that citizens participating in the process are well-informed about the policy and the budget, and they put the public interest above their own personal interest during the whole process.

The government can develop the necessary initiatives to inform the citizens properly in an open and transparent format that everyone can easily consult and understand, and that contains the policy and budget information that citizens need to participate in the process. The information provided should include financial and non-financial information, the objectives the government strives for, the indicators monitoring to which extent the objectives and results are achieved.

A survey shows that governments worldwide still have a long way to go in providing open and transparent information (International Budget Partnership, 2019). Almost 70% of the world population has no access to important budget documents or audit reports that can provide insight into the spending of public funds.

It is however more difficult to ensure that the citizens participating in the process place the public interest above their own personal interests. Open and clear information, a strong and valid procedure for drawing up the budget, involving citizens stemming from all layers and groups within the society, and a strict guidance of the participants can most probably help to transcend personal interests.

5. Is accountability an issue?

Participatory budgeting gives citizens a real power over the way a part of the public funds is spent. This power that will vary depending on the way the participation of the citizens is organized cannot stop the moment that the budget is approved by the legislative authorities. To be really meaningful, the input of the citizens has to imply that the citizens are also involved in the execution of the budget or can at least follow up very closely the budget execution.

During the drawing up of the budget, citizens can in consultation with the administration decide on who is best placed to execute the budget or the part/parts of the budget that is/are allocated through participatory budgeting: the administration, the citizens or the administration in close cooperation with the citizens (Citizenlab, 2019). But regardless of who executes the budget, citizens should be able to monitor closely the budget execution. This monitoring capability is not an issue particularly related to participatory budgeting; it is a normal and inherent part of the decision-making process in a democratic society.

Participatory budgeting should be a means to close or at least to narrow the gap between citizens and politics, to involve citizens more in the policy making process, to build stronger communities and to come to a fairer distribution of public funds in accordance with the real needs and concerns within society (Halloran and Khan, 2019).

These objectives should however not be limited to the funds on which citizens can decide, and the related policies; they have to apply to the entire budget and to all government actions.

To have a real impact on the public funds and to ensure a correct and equitable use of these funds, citizens must be able to hold those who draw up and execute the budget to account for the way they fulfill their responsibilities. Being accountable means that all involved in setting out policies, in drawing up the budget, in executing policy and spending the public funds are called to account for their actions and for the way they take up their responsibilities (Brown, 2011).

It seems very difficult to set up a workable structure that allows citizens to assess and evaluate policies and the related financial management apart from general elections. This issue becomes even more complicated when not only politicians and the administration are responsible for policies and the financial management, but when also citizens are directly involved in this process. Can citizens hold co-citizens accountable for the responsibilities they take up when deciding on the allocation of funds to different activities, projects or initiatives and are maybe even actively involved in performing these activities and spending the related resources? If no, process can be thought out to hold co-citizens accountable, there is an effective risk that a part of the public funds is spent without anyone to account and to be held accountable for the use of these funds. In that case, participatory budgeting does not contribute to reducing the democratic deficit, but even contains the risk to increase it as the democratic control of a part of the budget becomes very difficult or even impossible.

6. Are there alternatives for participatory budgeting?

A lot of issues arise with regard to participatory budgeting concerning the process, performance budgeting, the impact of EU directives, gender and sustainable development budgeting, the assignment of responsibilities and the accountability (Dey, 2019). Citizens stemming from all socio-economic groups within society, irrespective of gender, origin, nationality, age, education, status or health should participate and be involved in the process; they have to be well informed and put the public interest before their own personal interest.

The government must ensure that citizens are well informed and provide all relevant financial, legal, administrative and technical information; this information needs to be accessible in the clear and comprehensible way that is best suited to address the different target groups (e.g. young people, the low-educated) that the government wants to reach. Currently clear, concise and comprehensible information on the budget is not yet acquired.

In the participatory budgeting cases described in the literature, citizens allocate funds or provide input to allocate funds to activities, projects and initiatives

without having any decision-making authority on the objectives and results to attain nor on the activities to be performed. This way of allocating resources does not fit with the logic of performance budgeting. The question arises however to what extent citizens can actively be involved in the decision-making process on the objectives and results the government wants or needs to attain. In addition, if citizens should be involved in deciding on objectives and results, the conditions of representativeness (a relevant number of citizens from all groups within society) and of the required legal, financial, administrative and technical knowledge are much stricter than in the case of a mere allocation of resources. Currently the minimum conditions on representativeness and knowledge cannot or can at the best hardly be met.

While citizens decide on the activities, projects or initiatives to be funded, they need to take into account the budget directives issued by the EU and budgetary evolutions such as performance, gender and sustainable development budgeting. Gender budgeting and sustainable development budgeting require that the budget proposals are screened on their gender impact and on the extent to which they contribute to the realization of the SDGs such as clean energy and climate action. The public debate over recent years on gender equality, climate action, clean energy and other SDGs has led in many countries to a serious polarization within society. It is highly questionable that citizens can in a serene way be directly involved in decisions on objectives and results to attain on such polarized topics.

Finally, participatory budgeting can only have an impact if citizens are allowed to allocate a relevant part of the public funds. It is difficult to determine at the level of the central government what can be considered as a relevant part of public funds.

These concerns are reinforced by the fact that there are currently no structures or possibilities to hold co-citizens accountable for the actions and decisions they take within the participatory budgeting framework. The difficulty to hold co-citizens accountable makes the concerns with regard to participatory budgeting extra delicate and complex.

Those issues do however not mean that no initiatives can be taken to involve citizens more closely in the budget process (drawing up and execution) and to arm them better to hold the government and the administration accountable. Open, transparent, clear and understandable information on the budget is an important first step in this regard. In some countries, governments already provide information that makes it possible for non-specialists to understand the budget and the budgetary situation of the country (International Budget Partnership, 2019); they provide information on the objectives and results pursued by the government, on the economic assumptions that serve as the base for drawing up the budget, on the revenue estimates for the fiscal year and the way these estimates are substantiated, on the allocation of the resources. Significant increases or decreases in revenues or expenditures in comparison with previous fiscal years are explained. This informa-

tion can also indicate who bears the responsibility at the various stages of drawing up and/or executing the budget.

To ensure the involvement of the citizens, this information has to contain the essential financial data that citizens need to understand the drawing up and the execution of the budget, and the information has to be provided in the way that is most suited to reach the different societal groups taking into account socio-economic parameters, age, gender, etc. This way the required trust between society and the political level can be re-installed while amongst others it provides the means allowing citizens to hold politicians and administrations accountable for the management and use of public funds (International Budget Partnership, 2019). This information goes well beyond the limited and superficial information that appears in the media, and must make the complex issues such as budget planning, the limited availability of resources, the necessity to prioritize while defining objectives and results and assigning resources, transparent. Such information may increase the legitimacy of the budget and make harmful decisions on tax raises, cost cuts and savings more acceptable.

The issue remains regarding what procedures need to be put in place to hold politicians and the administration accountable for the management of the public resources: periodic general elections are definitely an important means, but it may be advisable to develop also other means that allow a much quicker and more direct response from citizens. A societal debate can probably produce useful insights and proposals in this regard.

7. Conclusions

Participatory budgeting is considered a means to close the gap between citizens and politics and to strengthen democracy by giving citizens a real direct impact, sometimes even a real decision-making power over a part of the public funds.

The participatory budgeting initiatives that are currently operational are mainly developed at the local government level. The question arises whether participatory budgeting can also work at the central government level. In this paper is argued that still a lot of issues and concerns regarding the implementation of participatory budgeting at the central government level have to be solved.

To strengthen democracy and to combat populist tendencies citizens should be better informed about and involved more closely in drawing up and executing the budget, providing them the means to effectively hold politicians and administrations accountable. A clear path to achieve this goal has to be set out. A first important step seems to be to inform citizens in an open, transparent, clear and comprehensible manner on all aspects of the financial management including the way the policy objectives and results are set out and monitored. A second step may be the

development of a framework that allows citizens to call politicians and administrations in a direct way to account.

Taken into account the issues and concerns that arise with regard to participatory budgeting at the central government level, it is very doubtful that participatory budgeting is currently a good way to achieve these goals. Not realizing these goals or not fulfilling the expectations that are created in this regard entails a risk that the trust of the citizens in politicians, politics and democracy is further undermined.

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LOCAL FAIRS AS GROWTH ENGINES FOR RURAL DEVELOPMENT IN ROMANIA

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Abstract

The article addresses the topic of how local fairs can be used as tools for community development in rural communities from Romania. The article explores the role fairs have played over time in the development of local communities throughout Europe and focuses on their current role. The article investigates through qualitative methods the case study of a local fair from Transylvania, namely Negreni fair, which is well known in Romania and in the region. Based on this example, the author proposes several strategies for incorporating fairs among other strategies for local community development in rural Romania.

Keywords: local fair, competitive advantage, community development.

1. Introduction

In discussing how European rural regions cope with economic change, in a context where communication is improved by the use of Internet and allows people to expand their work to non-farming activities, The Organization for Economic Co-operation and Development presents the new rural paradigm (OECD, 2006). While traditional administrative hierarchies are not able to develop effective place-based rural development policies alone, the new rural paradigm calls for cross-sectorial and cross-regional bottom-up initiatives (OECD, 2006). The main challenge stands in bridging the research and intelligence gap around rural policy. The new rural paradigm stands as a framework that encourages 'the competitiveness of rural areas, valorization of local assets, and exploitation of unused resources' (OECD, 2006, p. 4), and the involvement of all levels of government, together with local stakeholders such as NGOs, private organizations, and citizens. Romanian local fairs are an 'unused resource' that stands at the intersection of community development, tourism management, and social work. They have the potential to become drivers of rural policy change and to reduce urban-rural disparities while improving overall economic outcomes.

Examined more closely, however, the literature on fairs as drivers for rural development has done little to clarify the role of local fairs in community development. Does it indicate that local fairs pose as competitive advantage in the strategic and comprehensive development of rural communities? Do policy changes really reflect issues of social justice and equity in Romania? What are the impacts of local fairs on the economic, socio-cultural, environmental, and political context of the community? More fundamentally, are traditional local fairs considered and treated as local growth engines for rural development?

The unanswered questions can only be approached through a clearer and focused conceptualization of and more rigorous empirical research into the role of local fairs in community and rural development. The purpose of the research is to highlight the impacts of local fairs by closely examining the case of Negreni Fair from Cluj County, Romania. We begin with a literature review, focusing mainly on the definition of local fairs and their impacts on development. Based on some identified distinctions, we then present a typology of fairs. The goal of this paper consists in identifying the role that local fairs have in reducing regional disparities, but also to identify the economic benefits which fairs have on communities. Socio-cultural and political impacts are also taken into consideration. We conclude with a discussion on the implications of this typology on different concepts: social justice issues, rural development for reducing economic disparities, community participation and cultural competence.

2. The impacts of local fairs

In their discussion on sustainability and social justice in Romania, more specifically in order to strengthen economic justice and reducing economic disparities, Balaceanu, Apostol and Penu (2012), state that ‘the economic process should be based on the ability to assume a complex of institutional and market measures to stimulate the growth of local economies by exploiting the human capital, the ecological capital, and the incomes generated by the acts of production and sales’ (Balaceanu, Apostol and Penu, 2012, p. 681). According to the World Bank, the rural population living in Romania in 2018 accounts for 46% of the total population (World Bank, 2018). It experienced a steady decline of 0.71% since 2017 (World Bank, 2018). Regional disparities in Romania are present not only between the urban-rural dimensions, but also within accessing basic services and relational capital (Sandu, 2011). However, rural communities advocate for development in terms of attracting new investors and projects, investing in infrastructure, applying for European funding, and creating different events that make these communities attractive. Within this context, local fairs have the potential to contribute to reducing regional disparities and to create economic benefits, and a more in-depth look at their role and their impacts.

2.1. *Evolution of fairs in Romania*

Fairs have a long tradition in European history and play a role in putting a region on a map and highlighting its competitive advantage. Fairs help capture attention and promote infrastructure and attractions, and their impacts go beyond what is economically measured. In Europe, fairs would include a fiscal privilege, and this helped localities evolve into cities (e.g. Baraolt, Târgu Secuiesc). Matei Corvin offered the ‘fair privilege’ to the village of Lugașu de Sus¹ in 1439, and Corvin Fair functioned until 1930. Last year the fair was revived and became very successful.

Industrial revolts influenced the way trades were made, and this influenced the administrative rank of various localities. Today, fairs and markets are organized only for local supply needs, but they should not be overseen as community development factors.

Commodity trade fairs date back in ancient history and they still play an important role in people’s lives, being the places where they meet and exchange goods that would ensure their living (Allix, 1922). They are defined as a concentration of business places or a marketplace where different stakeholders gather as part of an ever-changing industry that allows for a variety of competing interests and

1 Village in Bihor County, Romania.

products (Power and Jansson, 2008). Trade fairs were part of long-distance trade, and always took place in cities or temporary townships (Moeran and Pendersen, 2011). Romanian trade fairs also took place in villages. They had an international character by hosting documented international merchants. The location was chosen based on easy access for caravans, given that some villages were isolated and poor infrastructure and mountainous location were oftentimes posing barriers (Allix, 1922). Medieval trade fairs gradually became different than retail markets, because products were sold not only for residents, but also for visitors (Skov, 2006). However, commodity trade fairs evolved into local fairs because trading was gradually replaced with selling, and merchants would bring samples and sell based on product orders (Allix, 1922). The literature emphasizes the need to go beyond the role of fairs as part of economic networks, and seek ways to improve collaboration between community actors and sellers (Skov, 2006; Rubalcaba and Cuadrado-Roura, 1995). Fairs contain both an economic/ exchange function, but also a cultural/ local mentality function. People perceive fairs in various ways stemming from being a space for sales and contracts, to a space for creating network and symbolic capital, and goes all the way to a space for knowledge diffusion and recruitment (Power, 2008). Fairs adapt their name and purpose depending on their function, which can be agricultural, food-related, fashion-related, auto-related, and so on, however their designation is usually the same.

Romanian fairs have a long tradition. A study based on document analysis from the Ottoman Archive of the Prime Minister revealed the existence (in the 17th century) of Gula Fair in Timișoara, Arat Fair, Valat Fair, Fohsan Fair, and Karasu Fair (Constanța County) and Tolci Fair (Dobrogea region) in the 18th century (Caliskan and Sonmez, 2018). Other fairs date back in the 16th century.

One place where merchants from Râmnicu Vâlcea² met with other Romanian and international traders was the famous Râureni Fair, one of the largest fairs in the Romanian Country (Wallachia)³. The fair is mentioned in historical documents dating back to Matei Basarab, but it is possible that it existed also in the 14th century during the ruling of Mircea cel Bătrân. Râureni Fair had a commercial character, since historical records mention: 'Here you found ferries from Romania; horses and horned cattle from Hungary; the chosen grocers from Czarigrad; fur and leather clothing from Russia; and garments from Vienna'. The fair was abolished in 1968.

Nowadays, Romanian fairs are organized in a specific time and place, they can be seasonal, and extend over more than one or two days. In the past, fairs were organized in spring and fall, given that their utility was related to farming and

2 The capital city of Vâlcea County, Romania.

3 Middle age/ Modern history historical and geographical region of Romania.

agricultural activities. Fairs are different than markets because they target a larger population, while markets mostly sustain the local residents. Markets take place on specific days of the week, and they facilitate immediate exchanges, unlike periodical exchanges as in the case of local fairs (Moeran and Pendersen, 2011).

The research on local fairs in relation to rural development in Romania is limited. While there is no national database regarding the actual number of fairs and attendees, we made use of data provided by local councils from the North-West Region of Romania. The following Table 1 presents information on the number of fairs organized in the region in 2019. The tendency to organize fairs in Romania is still present at regional level, given the rich historical heritage. Other related events include weekly agro-foods markets and animal fairs that take place at different frequencies. Some weekly markets are reminiscent of famous fairs from the past and are worth reconsidering by building on their story (e.g. Teaca, Bistrița County).

Table 1: Number of fairs in the North Western Region of Romania in 2019

County	Number of fairs and related events
Cluj	56
Satu Mare	15
Maramureș	64
Sălaj	11
Bihor	14
Bistrița	22

Source: Administrative data from County Councils

The concept of community fair received some attention in the literature on fairs (Delgado, 2016; Better Evaluation, 2005). According to Better Evaluation (2005), a community fair is ‘an event organized within a local community with the aim of providing information about the project and raising awareness of relevant issues’. Community fairs have the potential to engage community actors in an enjoyable manner, through a variety of activities and events, but their goal is to inform and raise awareness around certain issues. Given that communities generally have great flexibility in staging and organizing fair models, community fairs can help facilitate citizen engagement through various innovative means.

2.2. Economic impacts

There are few studies that include the economic impacts of small-scale fairs (Kim and Dombrosky, 2016), however there is an increased interest on the economic impacts of events in general (Anderson and Solberg, 1999; Burgan and Mules, 2000; Dwyer, Forsyth and Spurr, 2005; Jackson *et al.*, 2005; Mules and Faulkner, 1996; Ryan, 1998; Tyrrell and Ismail, 2005; Tyrrell and Johnston, 2001).

According to Skov, nowadays the thing which needs to be researched is not how fairs help in spreading the economic networks, but how it can make them help each other, given the fact that the sellers from the fairs are in competition when they participate at this type of event (Skov, 2006, p. 771).

Economic impacts are critical, because they sustain the strategic and long-term development of the community. Fair organization includes high expectations related to increasing local incomes, both at local and regional level (Felsenstein, 2003, p. 386). The economic impact is considered to be the most important one that fairs had over the local economy, since fairs create temporary jobs, develop new services (food, transportation, accommodation, etc.), and perceive taxes for visitors and vendors. Even though, at a first sight economic impact is something good for locals, there is a small line which can make it something bad for the community. It has to be taken into consideration also the idea that fairs attract visitors, vendors, but once that this event is perceived as a source of development by offering different services to the attendances, local prices can increase, and this will affect local residents, that is why the economic impact should be supervised by local authorities for not affecting local residents' quality of life.

Fairs are not simple markets or meeting points, but economic spaces where sellers and buyers are concentrated in a given space and time, where people communicate and change information, in order to exchange or buy goods or services (Rubalcaba and Cuadrado-Roura, 1995, p. 383).

If back in time fairs only had an economic significance, nowadays they are considered to have other significance, such as improving competition between communities or attracting foreign people (Rubalcaba and Cuadrado-Roura, 1995, p. 379). Small scale events, such as local fairs, are considered to be the most important source of money for local community, because it produces economic activities at the local level, activities which are transpose in money at the local budget.

To put it in a nutshell, fairs as any other event, can attract external investors and financial resources into the local communities, which lead to economic benefits which in some cases can help rural communities to pass through economic impasse (Reid, 2007, p. 89).

The economic impacts stem mostly from the trade/ sales function of fairs that includes managing commercial distribution networks, exporting, and selecting and recruiting local distributors (Rubalcaba-Bermejo and Cuadrado-Roura, 1995). Exhibitions for example, contribute to spreading innovation, accessing new markets, generating employment opportunities, developing services but also foreign trade. Factors that drive the success of a fair include the extent to which it distributes the flow of money in the area/ region, and the way it increases visitor expenditure in the region. Other impacts include leveraging human capital and cultural resources in order to generate economic vitality, improving the quality of life of residents, expanding the tax and business revenue base, and creating a positive community image.

2.3. Socio-cultural impacts

The culture function impacts not only transmitting and sharing the regional or national culture, but also the development of new ways of 'thinking and running the economy, ways or organizing work and strategies, and expressing work methods and job specializations' (Rubalcaba-Bermejo and Cuadrado-Roura, 1995, p. 384). It is believed that the buyer-seller interaction creates opportunities for creating personal relationships that move beyond the simple economic exchange, and it provides educational information to the seller (Ball and Wanitshka, 2016). Fairs can help renew social ties with neighbors and friends, and build bonds and bridges also with local governments, therefore they facilitate the development of social capital. The success of a fair in socio-cultural terms can be measured in terms of the extent to which it increased civic pride, community solidarity, and destination awareness. Other socio-cultural impacts include the preservation of heritage, enhanced international recognition of region and its values, increased local interest and civic participation.

2.4. Political impacts

Governments are using fairs and related events for socio-economic development, and fair-related expenditures can be justified in terms of their economic impact on the host community or region. Political impacts include opportunities for securing political power and influence to gain moment among residents and businesses, opportunities for promoting positive local and regional development, improving the relationship with the local community, and improving social justice and equity through involving underrepresented populations.

Fairs being perceived as social events, are organized based on people implication. Not forgetting the most important goal of fairs, bringing people together for celebrating their community, traditions and beliefs. In order to organize such an event, it is needed to involve not only local residents, but also local authorities and other important local institutions (church, local parties, private sector, and third sector). For taking place an event, the politics must interfere in the form of policies whose role is to manage the event, in terms of regulations regarding planning, environmental issues, fees, settlements, activities and more others.

The significance of the fairs is perceived twofold according to Brent Ritchie (1994). The author considers that, on the one hand, fairs can contribute to the image of the community, and how it is perceived by others at other levels (county level, regional level or, why not, at the national level). On the other hand, fairs may mirror the wish of different local actors to follow their personal interest, hiding underneath on the name of local community development (Ritchie, 1994, p. 4). To continue his idea, Ritchie claims that political impact can manifest both positively and negatively.

In a positive way, political impact is positive and can be measured in terms of the recognition of the community and its values at higher levels (county, regional, national, international), but also in terms of propaganda made by government among population regarding political values. Negative manifestations are felt through economic exploitation of local satisfaction to please political parties or by misrepresentation of the nature of the event, reflecting only the political system and not the event (Ritchie, 1994, p. 4).

By supporting the fairs, local authorities can, in some cases, only look after their own interest, and misrepresent the fair by not highlighting its importance and role for locals and other people and the real role that it has for and in the community.

2.5. *Negreni Fair*

The first historical mention of Negreni village dates from 1406 with the name of Fechetău (Fekethethow, Feketeto), according to the Historical Dictionary of Transylvanian Localities. Starting with the 1895, Negreni commune was known as the Negreni Circle in the Aleșd Squire, Bihor County. 2,352 residents (2018) inhabit the commune (now part of Cluj County), according to the Romanian National Institute of Statistics (NIS, 2019). Negreni commune hosts a very important commercial, cultural and touristic bi-annual fair, known as the Negreni fair. It is the largest fair in Romania, and the largest flea market in Eastern Europe. This fair maintains its traditional character where people from different regions would meet annually to buy, sell and meet relatives and friends who would otherwise be divided by mountain passes during most of the year. It sells traditional clothing, tools, antiques and farm animals, as well as increasingly imported products. The sellers are a mix of local Transylvanian, Romanian, Hungarian, and Roma people. The fair is one of the major meeting places for Transylvania's largest Roma population, and is a major social event where families feast until dawn.

Starting with 1815, the commune organizes the fair twice every year, in the second week of June and second week of October. Negreni fair preserves authentic elements from the past: there are no designated places for products exhibitions, the prices are negotiated, and the fair takes place outdoors, stretching over a distance of more than 1 km. There is a slight influx of new imported products into the fair, but overall the traditional character is kept alive. The fair represents a key strategic factor in the socio-economic development of the commune. Its conscious use defines the commune and its local touristic character, along with its local production.

Key strategic factors are those which will affect the community over a long period of time, in a decisive manner. On this behalf, the key strategic factors of the community should be identified correctly in order to succeed with key stakeholders, which in this case consists of customers, suppliers, local residents, local authorities, and other interested actors.

The local traditional fair is a key strategic factor. The conscious use of the fair as an event that defines the commune and as a basis for the development of local tourism, can add value to local production. The community should be stimulated to define by cooperation certain local products, to carry out their processing and marketing, and finally to capitalize them through tourism. Starting from an existing product with a high reputation, the community can develop it, correlate it with other local advantages and turn it into the main engine of the local economy.

Community cooperation is considered to be another key strategic factor. It involves stimulating local participation to generate competitive advantage, local cooperation in all development areas: agricultural production, services, local culture, and integrated local tourism. The commune must gradually support cooperation projects between different local actors (private environment, local administration, church, school). It can be started from small projects with tangible results, which can be further developed into larger projects (for example the development of local products).

Another key strategic factor taken into account is quality of life. It can affect the community on the long term in the sense that if no action is taken to increase the specific indicators, depopulation phenomenon will increase and the social-economic situation will suffer. On the other hand, if the commune manages to increase the quality of life, the prospects of a development based on local tourism increase substantially.

The next section introduces the study's methodology, followed by discussion and implications for practice, conclusions, and a series of recommendations.

3. Methodology

Negreni Fair received the official approval for organizing fairs in 1815, and starting from then annually there are organized two editions of this fair with the support of local authorities and local residents. As Bowdin *et al.* explain, the event typology, community events, local festivals or fairs are generated by the local government (city councils), but also by the industry associations (Bowdin *et al.*, 2006, p. 100). The two editions of the fair attract around 20,000 visitors in the summer edition and 71,000 visitors in the autumn edition.

Case studies have a significant role in researching and evaluating local fairs, since they capture the context of the events, and help practitioners formulate narratives for lay audiences (Yin, 2014; Mehmetoglu, 2001). Besides facilitating academic-practitioner conversations and exchanges, case studies help understand the community's reasoning of choosing a specific site for activities, or its perception upon the fair's role in order to facilitate decision-making and future policy directions.

The literature on community events and festivals brings up additional methods that can be useful in approaching this topic, such as: participatory observation, social investigation (using surveys, both of vendors and participants) and focus groups.

4. Discussion

Dolocal fairs pose as competitive advantage in the strategic and comprehensive development of rural communities? In order to ensure the development of a competitive advantage already existing in the community or to create a competitive advantage, it is necessary to develop the local economy through the diversification of activities, to solve social problems related to obtaining a job, reducing the migration, attracting young people into the commune or keeping them in the commune, providing quality education and health services, and to improve road infrastructure, which all will lead to an increased quality of life (Kulish, 2016, p. 13). For attaining a competitive advantage which can lead to community development, rural areas in general should focus on exploiting and valorizing their unused resources and the local assets. In this regard, we find out that local residents consider that the existence of fairs in their community is a source of competitive advantage. People get a hold of the unique elements of the fair such as its historical tradition (the fair dates back in 1815), the commercial profile (the autumn edition is a fair of antiquities known in all Eastern Europe), and also its connectivity – easy to arrive at fair (it takes place near the train station, and also near national road 1 and European road 60). These characteristics supported and sustained the fair to grow, because the fair led not only to an economic growth, but also to the recognition by non-local attenders, because there are not only participants⁴, but also vendors⁵ who come especially for this event from all over Romania, but also from other countries. Other features which make this fair unique are the geographical location and duration; on average a fair lasts one or two days, while Negreni fair lasts more than four days.

In numbers, Negreni City Hall came forward with estimative data related to both fairs (see Table 2 and Table 3). The tendency in both editions, from the visitors' point of view, number of vendors, food providers, revenues to local budget and revenues to commons undoubtedly continue to grow from year to year. Commons

4 1.1% from other countries in summer edition, 59.1% from other counties of Romania, excepting Cluj. In autumn edition 9% come from other countries, and 52% come from other counties of Romania besides Cluj.

5 71.9% from other counties of Romania, in summer edition. 2% from other countries in autumn edition, 64% from other counties of Romania, excepting Cluj.

(composesorat in Romanian) are an associative form of ownership of land with forest vegetation, pastures and meadows, meadows in the wilderness, undivided radishes, composite, meadow forests, urban forests, political communes, cooperatives, other communities with different forms of association (Law no. 247/2005).

Table 2: Summer edition of Negreni Fair in numbers (estimated numbers)

Year	Number of visitors	Number of vendors	From which food	Revenues to local budget (Romanian RON)	Revenues to commons (Romanian RON)
2015	18,000	300	8	12,000	10,000
2016	19,000	320	9	20,000	12,000
2017	18,000	320	11	22,000	20,000
2018	20,000	350	11	24,000	26,000
2019	20,000	400	12	26,000	20,000

Source: Author based on data provided by Negreni City Hall

Table 3: Autumn edition of Negreni Fair in numbers (estimated numbers)

Year	Number of visitors	Number of vendors	From which food	Revenues to local budget (Romanian leu)	Revenues to commons (Romanian leu)
2015	68,000	910	18	85,000	27,000
2016	68,000	920	20	96,000	42,000
2017	68,000	900	20	110,000	43,000
2018	71,000	920	22	120,000	67,000
2019	70,000	960	22	145,000	75,000

Source: Author based on data provided by Negreni City Hall

Fairs generate money both for organizers and community. The economic impact experienced at the community level is related to increased employment and business opportunities, development of new facilities and services both for locals and visitors, and development of local infrastructure (Yolal *et al.*, 2016, p. 3). Studies show that organizing fairs does not require much money as they are usually organized using the available infrastructure (Litvin and Fetter, 2006), not to mention that such events attract more visitors, investors, vendors, sponsors (Yolal *et al.*, 2016, p. 4). Considering all the mentioned information, we can postulate that the analyzed fairs are contributing to the development of the community, bringing in money for public sector, private sector and also for local residents. Taking into account the mentioned information, fairs can be considered as a source of competitive advantage in strategic and comprehensive development of rural communities.

Socio-cultural impact is manifested through the wish of participants and vendors to attend these fairs due to their tradition in time, culture, reputation, but also for socialization, opportunity to create networks or new connections. Good collaboration between local authorities, local residents and vendors should exist in

order to organize a proper event. Literature identifies a lot of positive socio-cultural benefits for communities which run events, such as: community cohesion, socialization, entertainment, cultural recovery, well-being and recreational opportunities (Yolal *et al.*, 2016, pp. 2-3). The political context is considered to have a high impact over the course of the fairs, since in Romania, the legal framework states that the mayor coordinates the activity of these types of events (Framework Regulation for the organization and operation of markets, fairs and sheds adopted on January 17, 1996). Political impacts on events (in our case, fairs) are accepted by public authorities, due to their economic benefits, job opportunities and potential development of the community not only during these events (Bowdin *et al.*, 2006, p. 58).

In parallel with the mentioned impacts, participants' and vendors' opinions are required in preparation of reaching a sustainable development of Negreni commune, using its crucial element, the fairs. The respondents mentioned problems related to infrastructure (sanitary spaces, roads, bridges, alleys), the organization of stall – people considering that by arranging the vendors in a certain order it would be easier for participants to find what they are looking for. But as we mentioned, one unique feature of the fair is the traditional character which can be lost if the producers will be arranged after the product type that they are selling or will have special places for the exhibition of the goods. To respond to the identified problems, the organizers should solve the infrastructure problems first, and after that they should develop some permanent arrangements designated for a versatile use, which means that they can create a roof for stalls, which can have a permanent utility – during the fairs is used as roof for stalls, and during the rest of year it can host shows, different events, and fair markets. In this sense, the traditional feature will not be destroyed and it can also lay the foundation for sustaining the development of other events in community, and for community.

People are looking to buy antiquities, sundries, clothing items, tools or different products such as (furniture, ironmongery, electronics, traditional costumes, jewelries, fishing tools, old money, etc.). People are attracted to come at these events mainly for the diversity, the antiquities, but also because of their tradition developed during the time. Doubtless, there are others reasons, such as atmosphere, amplitude of the event, the originality of the event, low prices, reputation or just curiosity or pleasure.

In terms of duplicating more editions of Negreni fair, sellers were on the same line with the participants, meaning that they want more editions of Negreni fair to be organized, because of the beautiful landscape, proximity to the fair, tradition, the geographical position between counties, communication, profit, experience, socialization and clients.

5. Limitation of the study

For composing a tool to determine the economic impact of Negreni fair, data provided by local authorities and other organizers were needed, and the absence of them restricted the author to develop a measurable instrument for determining the economic impact. In the future, organizers should be more careful in managing the number of visitors, vendors and fees, for having raw data which can be used in further research.

6. Conclusion

Becoming not only a source of competitive advantage, but a real competitive advantage, local authorities and local residents should valorize fairs more in-depth. In this manner they should cooperate between them, in organizing the two editions of the fair, and coming up with new ideas for combating the problems identified both by participants and vendors, in order to ensure their competitive advantage. Another aspect which came to our attention, is related to the origins of vendors at the fairs. As surveys show, numerous vendors are not locals, not even from Cluj County.

In this regard, local authorities should adopt a local policy in which they encourage locals to produce more, and sell their production, because we can't speak about a social justice or equity since local producers are not selling their products. This policy will encourage not only the local production, but it can lead to local development. Bringing into being a mechanism between market and production could be the starting point of a community development and also of a touristic development. The local tourism should be coordinated through locals, City Hall and Negreni tourist center, in a way in which all of them are helping each other and cooperate not only in their personal interest, but in the community's interest. A coordinated tourism contributes to a sustainable development of the community, and it strengthens the relations between people and also decreases the social exclusion⁶ by integrating the problematic groups into cooperative activities.

Economic impact can be more exploited, both by local authorities and local residents. Local authorities can invest in creating more parking lots, in solving the infrastructure problems that fairs face, creating jobs in different domains such as marketing, security, cleaning, and once these problems are solved, more people will be attracted to attend the fairs.

Local residents should develop more services and diversify the existing ones, by creating new ways of spending time in their community not only when the fairs take place. They can develop the tourism in the local area, a tourism which can be coordinated by them and the local authorities.

6 Both participatory observation and focus group showed that some minority groups are excluded.

Fairs can increase cooperation between local producers and can encourage the sale of the local products in the fair by defining the local producers, supporting producers by offering privileged stands and local promotion, but also by creating events that give the fairs a cultural connotation, and also, by using the fairs to increase the bonding (networks established within a group) and bridging (networks established between social groups) social capital of the community (Putnam, 2000).

Analyzing the community, we found that social capital at the level among Negreni's residents is at a lower level (lack of NGOs, poor connections of the commune with other communities or organizations). For finding a solution to this problem, both authorities and residents can cooperate (can constitute different associations, NGOs or other structures which can be a mediator between public sector and local residents or private sector). In this sense, existence of social capital can strengthen not only the relations between residents, but also between them and other sectors (private or public), or between residents and culture providers, which in the end can make them aware of their community resources, potential and competitive advantage. This awareness may well lead to a development of the community, based on socio-cultural assets bottomed on an existing social capital at the resident's level. Still and all, we can note that it exists an example of cooperation (from which arises the presence of local social capital) between Negreni City Hall and commons, since the fairs takes place on the land which belongs to both of them. The agreement to put together their land in order for the fair to take place illustrates their good collaboration.

Albeit the political impact can be positive (prestige on a higher level, social cohesion, attractiveness of investors, qualitative administrative expertise) or negative (endanger the fair progress, unwise fund allocation, lack of responsibility) (Bowdin *et al.*, 2006, p. 38), it has an important role in handling the fair's success, because it not only allocates the community resources, but also funds, and more important, it involves also residents, behaving in the interest of residents and community as well. In this regard, Negreni City Hall cooperates with commons, and together they support the fair to take place, offering their administrative expertise, money and infrastructure needed.

Environmental impact is another issue while we are talking about organizing events. Due to the fact that Negreni fair is held outdoor, the organizers and the residents should be aware of increasing environmental awareness not only among them, but also among vendors and participants through examples of best practice, assuring the necessary infrastructure (trash cans), all of these being possible only based on a good communication among all of them. Pollution is another item that should be taken into account, as well as destruction of heritage, traffic jam and noise pollution. Using the good expertise of the organizers, involving also the inhabitants, environmental issues may not be solved, but at least kept under control. This is the reason they take care of garbage after the fair takes place, and during

the fair they take care of the traffic jam by offering parking lots, and encouraging people to leave their cars there and walk to the fair. More events regarding environmental issues need to be developed, and residents should be offered the necessary education on this topic; brainstorming on this topic involving City Hall, commons' members and locals is needed. Local authorities could also issue a regulation related to the environmental conservation in light of the fair's progress.

In an era of digitalization, preserving the traditional character of Negreni fair, digitization needs to consider helping non-local participants and vendors to take care of them in the commune during their stay. In this regard, applications should be developed and free to download for everyone. The apps should include different information related to: the place where fair takes place (a map), a map which shows all the vendors (this map can include all the vendors and what they are selling, or it can include only the division on sectors – sector of food, sector of antiquities, sector of clothes, etc., number of free parking lots and a map of parking, available accommodation places, restaurants, etc. Being a tourist in a new country, access to needed information for living, 'from a click' away are essential.

To give strength to a sustainable development by use of Negreni fair, the organizers (Negreni City Hall, commons) should cooperate more not only between them, but also including local residents and private sector, for having a coordinated community development based on their competitive advantage (fair), which is the base of their development.

Further research is needed for identifying the perception of local residents in respect to Negreni fair, and also on the subject of community sustainable development.

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LOCAL REFERENDUM. A CONCEPT STILL PENDING IN ROMANIAN PUBLIC ADMINISTRATION

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Abstract

The institution of the local referendum is an institution that, at this moment in Romania, is unclear and is treated superficially in the legislation. Even if the Romanian society requires a legislation regarding the local referendum, it is regretted that the current Administrative Code only refers to this institution in an exhaustive and incomplete way. We consider the new Administrative Code to be a codex, a complex of texts than an Administrative Code which could bring concrete explanations on the relation between the citizen and the administrative-territorial unit.

In 2016, a modification of the law no. 3/2000 on the referendum was also made due to the needs of the society in order to allow the possibility of organizing local referendums at the same time with the local elections. This paper is an attempt to demonstrate the need for a clear and unequivocal legislation in the area of the local referendum precisely because of the needs of today's society. The more the local community manages to make its contribution regarding the decision-making at the administrative-territorial unit level, the more that administration will be able to be closer to the citizen. Thus, participatory democracy at the level of administrative-territorial unit is born, and it is a way in which the citizens of the European countries can get involved and participate in the local decisions.

Keywords: local referendum, public administration, Administrative Code, local community.

1. Introduction

At the level of the European Union, the practice of the referendum is on two levels, one with a tradition and the other with a recent appearance. The recommendations of the Council of Europe regarding the local referendum are meant to call for a referendum in this exercise, this being the means to legitimize the political decision democratically, or to strengthen the responsibility of the representative institutions; or to increase the decision-making transparency of decision-making as well as to stimulate voter participation in the political process.

The referendum is a democratic instrument that allows people to voice their opinion on a decision of an authority. In modern society, the referendum is an inevitable process. It is noted through different analyzes carried out by the Council of Europe that the political systems are different, and the institution of the referendum is integrated in the constitutional texts of the member states. If we take Switzerland as an example, we will see that it has used the referendum since the middle of the 19th century, while in Western Europe, the referendum took shape only after World War II, and of course in Eastern Europe after the fall of communism.

We can say that the referendum is the direct involvement of the people in the decision-making process, and has become an instrument of constitutional democracy as replicated in the French Parliament on September 21, 1792 *'il ne peut y avoir de constitution que celle approuvée par le peuple'* (there can be no constitution except that approved by the people) (Mercier, 2003).

2. Analysis on the situation of the local referendum in Romania

In the title of the paper it was specified that the notion of local referendum is still pending in the national legislation. To support this assertion, in the following part of the article we will analyze the normative texts regarding the local referendum.

From the analysis of the texts of the existing normative acts, namely the law no. 3/2000 (with the additions and modifications made on May 8, 2019), we find the following provisions.

'Article 5 (1) The national referendum and the local referendum are organized and carried out according to the provisions of the present law. (2) The referendum is valid if at least 30% of the numbers of persons registered in the permanent electoral lists participate. (3) The result of the referendum is validated if the validly expressed options represent at least 25% of those registered on the permanent electoral lists.

Article 13 (1) The problems of special interest from the administrative-territorial units and the administrative-territorial subdivisions of the municipalities may be submitted, under the conditions of the present law, to the approval of the inhabitants, by local referendum. (2) The local referendum can be organized in all the villages and component localities of the commune or city or only in some of them.

In case of the referendum at county level, it can be held in all communes and cities in the county or only in some of them, which are directly interested. (3) The draft laws or legislative proposals regarding the modification of the territorial limits of the communes, cities and counties shall be submitted to the Parliament for adoption only after the prior consultation through referendum of the citizens from the respective administrative-territorial units. In this case, the organization of the referendum is mandatory.

Article 14 (1) The issues submitted to the local referendum are established by the local or county councils, as the case may be, at the proposal of the mayor, respectively the president of the county council or a third of the number of the local councilors, respectively of the county councilors. (2) Citizens are called to say 'Yes' or 'NO' on the issue submitted to the referendum, deciding with the majority of the valid votes cast at the level of the respective administrative-territorial unit.' (Law no. 3/2000).

The article 5 regulates in many ways the referendum in Romania, respectively the quorum required for its validation. Article 13 stipulates which could be the object of the referendum, where it can be carried out, a possible subject being the modification of the territorial limits. Article 14 sets out who could be the originator of the referendum and the way of pronouncing 'Yes' or 'NO' on the problem subject to the referendum.

The Administrative Code was adopted through Government Emergency Ordinance (GEO) no. 57/2019 and published in Official Gazette of Romania no. 555 from July 5, 2019. From the analysis of the title II of the mentioned normative text we find that it operates with terms such as local autonomy, local collectivity, decentralization, respectively with principles such as principle of legality, principle of transparency, principle of proportionality, principle of adaptability, and principle of consulting citizens in solving problems of local interest.

The article 84 paragraph 2 from GEO no. 57/2019 refers to the possibility of 'resorting to the consultation of the inhabitants by referendum or any other form of direct participation of citizens in public affairs, according to the law'. Thus, the local autonomy guarantees the authorities of the local public administration the right to have initiatives in all areas, except those expressly given to the competence of other public authorities.

Article 144 of the law regulates the situation in which the local council can be dissolved through local referendum, following the request addressed for this purpose to the prefect by at least 25% of the citizens with voting rights registered in the Electoral Register and who have their domicile or residence in the administrative territorial unit.

The following article, the article 145, stipulates the way of organizing the local referendum, talking about the task of the expenses, respectively of who organizes the referendum, as well as of the quorum necessary for its validation.

Article 162 (2) presents the situation of organizing the referendum for the termination of a mayor's mandate as a result of the request addressed to the prefect by the inhabitants of the commune, city or municipality, having as object the non-compliance by the mayor with the general interests of the local community or the non-exercise of his/her duties, according to the law, including those whom he exercises as a representative of the state.

Articles 184 and 185 present the situation of the local referendum at county level for the dissolution of the county council. However, we appreciate that through the GEO no. 57/2019 significant additions have been made, but we consider them insufficient and not adapted to the needs of the society. We consider the institution of the prefect to oversee the organization and conduct of the local referendum as a positive element brought by article 46 (1). But we consider the subject of organizing a referendum regardless of its object as being exclusively the task of the local authorities.

The text of the Administrative Code should shed a light on this institution of the local referendum because we refer to a new technology in administration, to a much more current public debate that favors the participation of citizens in the life of the city.

It is true that in Romania the local referendum exercise has not been used very often, with referendums being organized only in the last 10 years.

Unfortunately, we do not have the democratic experience of other states such as France, which in 1969 managed to determine for the first time a head of state to resign; General de Gaulle undertook the political responsibility to adopt a reform of the Senate and local government through a referendum. He failed, and therefore he resigned.

The Professor Gérard Marcou at a conference in St. Gallen said about the referendum: 'The referendum is more an instrument of mobilization than a tool for democracy' (Marcou, undated). The same professor said that 'In reality, as valuable as it is, today, the referendum cannot be regarded as a major tool for strengthening local democracy. If we look at all the Council of Europe States, only a minority of them makes provision for referendums to decide matters at local level, and even fewer use them as a real decision-making tool. Most countries either hold what are merely consultative referendums – which are not really referendums but a procedure for putting a question to the public – or provide for referendums on very narrow issues, such as changing territorial boundaries or choosing between institutional models provided for in legislation and the like. In addition, it cannot be said that the referendum is something that functions in isolation from other factors. Certain conditions have to be met for it to achieve positive results at local level. Take the issue of public information for example – it has to be guaranteed that the information on the decisions to be taken is full and accurate. Likewise, it has to be ensured that the wording of questions is not biased or somehow likely to

determine the reply. Otherwise, the referendum becomes a tool for manipulation.’ (Marcou, undated).

From the report adopted by the Council for Democratic Elections at its 14th meeting, ‘Referendums in Europe – An Analysis of the Legal Rules in European States’, we learn about the experience of different states such as Switzerland where the regional or local referendums are most frequent (at cantonal and municipal level). The use of referendums is fairly frequent in Hungary, Italy, the Netherlands (solely at municipal level), Sweden and ‘the former Yugoslav Republic of Macedonia’. Local referendums are held from time to time in the Czech Republic, Denmark and Russia (over 130 examples, but the number of existing local and regional authorities in this country must be borne in mind). In Estonia and Finland, local referendums primarily concerned mergers of municipalities. In France, nine institutional referendums have been held since 1958, including five in 2003; consultative referendums were held in a large number of municipalities before the introduction of local decision-making referendums. Belgium has a few experiences of consultative referendums at local, but not provincial level. Only two local referendums have taken place in Portugal, and only one in Malta. In Poland, local referendums have only been held concerning dismissal of directly elected authorities. In Spain, only five regional referendums have been held, all relating to approval of statutes of autonomy. Lastly, a number of states where regional or local referendums are permitted have no practical experience of them to date (European Commission for Democracy in Law (Venice Commission), 2005).

3. Conclusions

An evaluation of the diverse experiences of various member states of the Council of Europe concerning the local referendums indicates that: the use of local referendums can form a positive element of the direct democracy. An institutionalization of the local referendums in national or regional legislation allows basic uniform rules to be laid down guaranteeing the proper use of this instrument of popular consultation and avoiding defects of organization. The referendum may be considered as a justifiable institution of direct democracy, in that it makes all citizens directly aware of their responsibilities and may be conducive to the settling of strongly contested situations.

We can underline that in Romania the local referendum is not a sufficiently regulated institution, but it is not a commonly used instrument. Perhaps this is the reason why the legislature has stipulated only certain situations in which this institution can manifest itself. On the other hand, the legislation must be adapted to the needs of the society and the local community. We consider it necessary in the case of the local referendum to take the decision at the local level from the beginning of

the organization of the referendum to the end when the result of the referendum is implemented.

The advantages of active participation of citizens through a local referendum are various; we mention here the improvement of the public services, the implementation of the citizens' requests or the request of the administrative-territorial unit by supporting the citizens by their expressed vote. In this way, the guarantee given to citizens is confirmed by the vote of the administrative-territorial unit to adopt a decision based on the results of the referendum. The need to make the decision at local level according to the specificity of the area is more and more current, so this is the reason why the legislator has to adapt the legislation to the needs of the new society.

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