

Public Administration Reforming in the Republic of Moldavia

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Experience shows that those governing understand the concept of reform in the system of the public administration by adopting new normative acts only, by replacing those obsolete ones, in their opinion, or by amending these depending on the legal tastes of the consultants they have at their disposal. It is obvious that this approach of a decisional process proves an archaic and inefficient way to provide efficient policies and, also, does not increase the credibility of the governing act. Unfortunately, this thing happened also during the first projects of reform in 1991, 1994, 1998, when there were inserted the basic rules and principles of the local public administration, without connecting the legislative context at the principles and the norms laid down in the Constitution, and even forgetting to harmonize the rest of the legislation with the mechanisms and rules aimed to strengthen the fiscal autonomy and the decentralization of the town property.

The first efforts connected with the projection and implementation of the reform concerning the system of the local public administration were done just in the first days after the Independence Declaration of the Republic of Moldavia. Nevertheless, although 4 Parliaments and 8 Governments were followed one another, since that moment of grace of the year 1991 till the present time, the local public authorities are still in a state of profound incertitude, without legal guarantees and enough economic resources for the missions they have to accomplish and without European standards, accepted by the national authorities of our country during the ratification of the European Charter: The Autonomous Exercise of the Local Power, have penetrated the structure and the essence of their functioning.

Many year ago, we have identified three phases of the evolution concerning the reform of the local public administration system, phases during which serious efforts and attempts have been done with a view to establish a model of local autonomy at commune and county level. We should notice in this sense that only in the third phase, connected with the setting up of the counties and the end of the structural outlining of the territorial-administrative reform, the implementation of the territorial competence of a system legitimated by means of the local autonomy principle and that of the public service decentralization has been successfully accomplished. At the present time the Republic of Moldavia has entered instantaneously a new phase of reconsidering the reform, a phase characterized by a conceptual confusion, lackey attitude for obsolete models of an ancient party oligarchy and the attempts to conceal certain scientifically mistaken plans on various pretexts and political reasons. Therefore, what happened after 2001 it wasn't surprisingly. The governing party hurried up to take his revenge for the humiliaties during the period it was in opposition, announcing that it will change thoroughly what is considers being promulgated in the public administration system without its participation. Consequently, those aspects improved by means of territorial-administrative reform in 1999 and even the progresses made in the field of the local autonomy are now in danger.

One of these measures concerns the return to the old administrative-territorial division in districts. This measure shows a clear lack of vision of its initiators now, when the majority of the European states, especially Western ones, find the results of the regional development as being efficient from the economic and administrative point of view. A division in small and financially weak

territorial-administrative units represents the prove of a tendency to strengthen the control of the central authorities against the local ones, a centralization in the true sense of the word. The new announced measures in the filed of the local public administration harm at the same time the communities autonomy from the Republic of Moldavia and, therefore, the local democracy, anyway weak enough. The fiscal decentralization process is half-done, not allowing still to the local authorities to rely on stable and forecasted budget at the same time. For this reason the stage of the public investments, essential for the local development, is not in an advanced phase. The access to other methods to supplement the own incomes such as the loans are, also, extremely reduced. There is no co-ordination between the decentralization of the public services and the financial decentralization, so that the public local authorities face serious difficulties in communities management and offering quality services for their citizens.

We should mention that in its present formula, the administrative-territorial reform is rather against that in favor of a new administration model. This negativism of the model proposed by the government is revealed by the liquidation of certain institutions validated during the last years, such as the prefect's institutions and those of the county councils, and of other instruments serving the basis of consolidating the local governments' autonomy as well.

These actions represent attempts to rehabilitate the old commanding administrative system, by implementing certain out of date methods and practices, meant for the dictatorial regime. The lack of serious information concerning the whole process of reforming and the lack of professional experience of the public office workers have had as consequence the inefficiency of the administrative policy in this sense.

As sovereign and independent State, organized on the basis of the market economy relations and political pluralism, our State for sure can not anymore be governed according to the recipes of the ancient Soviet regime. The today Republic of Moldavia should respond to the present, and those of future, new and complex needs, in comparison with which it should adapt, transform and improve itself. In this context, our State needs clearly defined policies and development strategies, projected to serve the social and institutional complex dynamics, and this is possible by developing the public administration only, by strengthening the autonomy of the local collectivities and transferring the decisions to the basic levels and a rational sizing of the administrative-territorial units as well.

The public administration fulfills its functions within a large process of managing the resources , objectives and functions the society considers as important ones. This process involves a detailed structure of the organizational capacities in many sectors of the political and economic system, this meaning that the effort to plan the reform of the local public administration is not a register of intentions, but a systemic approach of the major interacting processes and demands an improvement of the current situation in this field and of the general conditions concerning the development of the local public administration. It is important to underline the difference that must exist between the initiative to plan the reform and the operational apparatus of taking decisions, the preserving of their autonomy being in a position to protect the central authorities from excessive improvisation in approaching the strategic development directions for the local public administration.

The harmonization of the domestic legislation in the Republic of Moldavia with the provisions stipulated in the European Charter concerning the local autonomy and the community legislation of the European Union, demands certain extremely difficult conditions for the legislative and coordinating activity of the bodies within the public local Administration. For these reasons, the reform of the local public Administration must focus on the following changes:

- The adjustment of the professional planning capacity and that of taking decisions, of knowing the decisional and legislative process in accordance with the existing rules and norms in the developed democracies.

- Offering better and more pertinent information concerning the objectives and principles of the legislative changes, improving the communication with the public in relation with this process, involving the professional, research, business and corporative circles, with a view to increase the projects quality and to consolidate the citizens' solidarity as against the State policies.
- The increase of the quality concerning the activities for preparing the law projects from the material and technical-legislative point of view, establishing the responsibility for the professional valuation and the impact of the proposed laws, defining the necessary condition for their implementation.
- The orientation toward the new legislation, against the older practices of amending the laws and providing partial or incompletely coordinated amendments with the rest of the legislation.
- The increase of the horizontal and vertical co-ordination in the process of planning the reform within the Government, the improvement of the process concerning the preparation of the legislative approvals by the ministries and other central authorities, this demanding a radical change of the reform planning process, eliminating the unrealistic efforts on short term and increasing the professional requirements imposed to the public office workers, to the corresponding departments.

The reform of the local public administration is a complex process and with many dimensions, involving the relation this field has with a great number of actors: citizens, civil society, private sector, political actors, State authorities and European bodies.

For these reasons, the reform must be structured and administrated in a coherent way, as an unitary program, taking into account the specific interests and relations with each of these national and international actors. In this respect, the Government must adequately use the formal instruments for changing the local public administration, i. e. the legislation, the Government decision, the plans of action and implementation, the reorganizations, the annulment of inefficient functions, the setting up of new institutions, besides other instruments, informal ones, that are meant to stimulate the public interest, the initiation and favoring the co-operation feeling with a view to identify new ideas and to improve the performances, the establishment of quality indicators in the field of the local public administration. By virtue of the particular importance this process has for the governing quality, as a whole, the reforms must be managed by the Government, and the ministers must have the responsibility for the performances they achieve. It is necessary that the reform be considered as an ensemble of individual programs, structured in technical projects, having own responsibilities, objectives and verifiable results, for which the necessary funds have to be allocated. Each planned program or project within this initiative of reforming must have its own manager, whose rights and obligations have to be clearly defined.

For projecting the reform it is necessary to select the most competent experts in the field and having as functional objectives certain attributions such as:

1. The preparation of the reform concept, the strategy, the plan of actions and the necessary budgets;
2. The analysis of the problems and necessities;
3. The general co-ordination of the activities and measures connected with the reform;
4. The monitoring and the valuation of the reform evolutions;
5. The diffusion of the information related to this reforms and the mobilization of the public support;

6. The organization of the experience exchange and the use of the European experience as a model;
7. The co-ordination of the technical support and international consultations for supporting the reform.
8. The implementation of this process in the public administration.

Naturally, in the economic and political transition to a free and democratic society, these changes of administrative structures must be subjected to contradictory points of view. In a natural way, similar problems of institutional nature with conflictual and contradictory character can appear even in the politically stable countries. There is no an ideal system of administration, good to be copied for all countries. The problem is one of an another nature, it is necessary to search the characteristics of a local public administration that corresponds to the social and cultural specific character, to specific character of the administrative and political traditions, but uniting them with the international standards of references and authority.

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