

# CHANGES IN MANAGEMENT AND GOVERNANCE IN PUBLIC ADMINISTRATION. CASE STUDY IN ROMANIA

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**Abstract:** *The paper addresses to the Public Administration (PA) from the management perspective. The first part of the study defines the conceptual framework of the two management doctrines, generically called the New Public Management and New Public Government. The second part of the paper reviews the transformation movement in PA management and governance in Romania in the last two decades. The methodology of the study consists in the analysis of the recent theoretic studies on PA modern approach, and official documents, national and European reports, and other publications related to the PA reform in Romania.*

**Key words:** *Public Administration, Public Administration reform, New Public Management, New Public Government, case study.*

## 1. Introduction

Public Administration (PA) is an expression associated to activities carried out in public interest, being related to the functions of the government. This collocation is used with two different meanings: a large approach associated to all governmental activities (legislature, executive, and judiciary), and another using of the term, in a narrower sense, limited to activities of the executive branch of the government (Laxmikanth, 2011, pp.3-4).

The way of achieving the PA has continuously evolved over time. The changes amplified after 1900, when the first theories on the PA sector appeared. Currently, the PA adaptation to society's particularities is an issue of maximum interest all over the world, being justified by the increasing extent of the challenges facing the society, and the impact that their resolution has on economy, on community and on people's lives.

The present study addresses the PA from the management perspective and aims to illustrate the new paradigms of the modern PA management and government, and how they are applied in Romania. The first part of the paper synthetically presents the changes in management in the PA sector, with reference to the streams of thinking and

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action generically called the New Public Management (NPM) and New Public Government (NPG). The second part of the paper includes a case study conducted in Romania on the programs of change in PA launched in the last decades, and the current stage of this process.

The methodology of the study consists in the analysis of recent publications related to the PA modern approach, both theoretical studies and official documents and programs applied nationally in Romania.

## 2. Evolution of the PA Management, from the Classical Approach to the Current Trends

The purpose of this section is to clarify the new trends in PA management, modern management and postmodernism, known as the NPM and NPG. The distinctive elements of the two management doctrines are defined by reference to the traditional way of managing activities in the PA field, generically named Traditional Public Management (TPM). Each of these approaches is associated with a distinct philosophy and conceptual framework, presented schematically in Figure 1 and briefly described below.

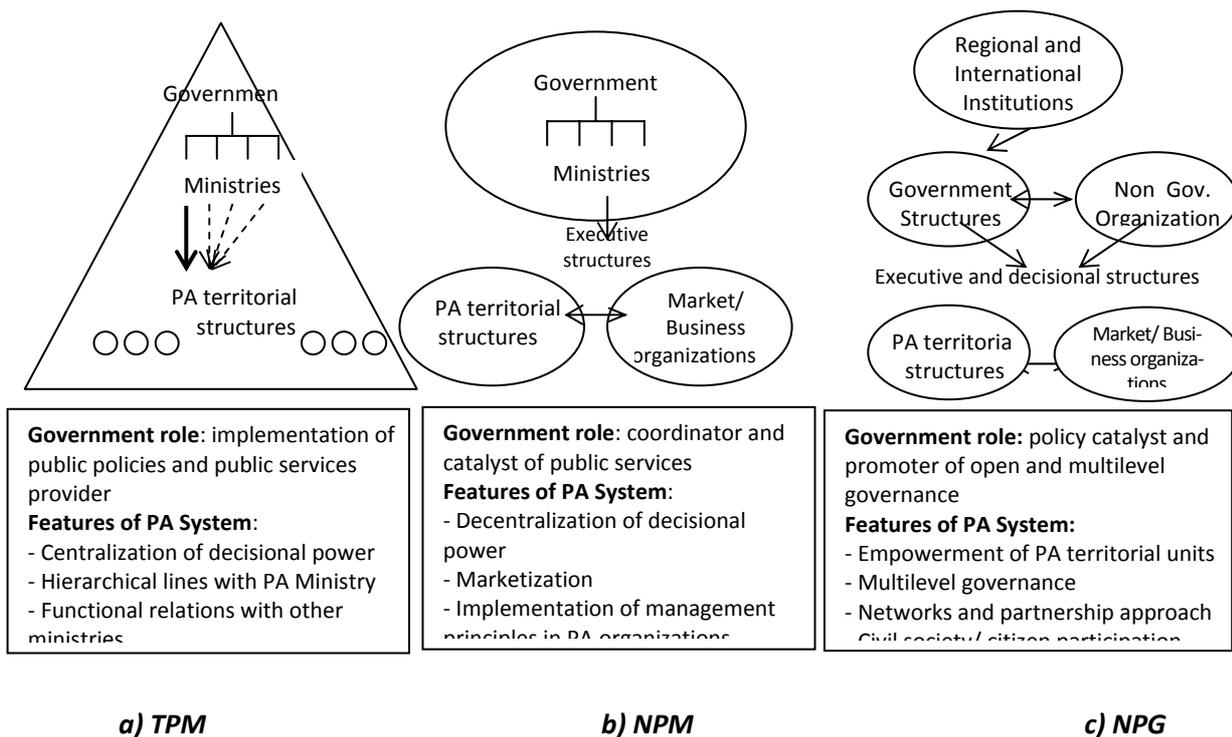


Fig.1. *The government role and the main features of PA system*

The traditional way of PA management is presented in many publications (e.g. Gruening, 2001; Hughes, 2003; Laxmikanth, 2011; Robinson, 2015), which identifies the dichotomy between politics and administration – an idea promoted by Wilson (1887), as

one of its core features. The TPM is also commonly linked with Weber's "theory of bureaucracy" (1947), being characterized by: centralized structures, well established hierarchies with top-down lines of authority and control, high degree of division of labour, and focus on law-based rules and procedures. These TPM features define the PA sector as a great bureaucratic enterprise, in which the state holds a monopoly both in the implementation of public policies and in the realization of public services.

The TPM doctrine became formalized between 1900 and 1920, and its precepts were largely applied in most Western countries until the last quarter of the 20th century, when a new vision on PA has been developed, namely the NPM. The collocation of NPM was introduced by Hood (1991), but similar theories of the new PA management have been presented under different names, such as: managerialism, entrepreneurial government, market-based PA, 'third way' between public administration and private administration. According to Pollitt, these concepts are not identical, but "they share a good slice of conceptual DNA" (Pollitt, 2014).

The definition of NPM as doctrine is based on the administrative reforms conducted since the 70's in some developed countries, starting with UK, New Zealand and USA. The success of these actions has put the reforms in PA on the agenda of most OECD countries (Keating, 2001; OECD, 2005; Melchor, 2008; Pal, 2008; OECD, 2010; Robinson, 2015). The purpose of these reforms was to change the 'machinery' of government, in order to improve the quality of public services, increase the efficiency of governmental operations and make public policy implementation more effective (Mongkol, 2011).

Worth noting is that, although the reforms in the PA sector have been in place for over 30 years, currently, there is no a single model for the NPM. Many authors consider the NPM an 'umbrella' concept used to label a shift from TPM to a new PA management, characterized by the application of markets-type mechanisms and business style of management (Hood, 1991, 1995; Van de Walle and Hammerschmid, 2011).

The publications addressing to NPM allocate important spaces to the defining features of NPM. There are many different variants, e.g.: Hood identified seven core features of NPM reforms (Hood, 1991); Osborne and Gaebler (1992) synthesized the basic features of the NPM into three fundamental elements; and the OECD (1995) identifies eight characteristic "trends" (Pal, 2008). The overview of the studies in this topic made by Gruening (2001) includes 20 attributes, to which six complementary attributes are added. From the analysis of these presentations, as well as others, some important conclusions can be drawn:

- the NPM presumes major changes addressing the relationship between government, markets and citizens. One can talk about re-defining the role of government, from the public service provider to coordinator and catalyst of the public sector. The governments should focus less on direct service provision and more on ensuring that things are done.

- the changes in the public services system are characterized by three megatrends: marketization, decentralization, and implementation of the modern management precepts within public organizations (the basic features introduced by Osborne and Gaebler, 1992).

An important role in promoting the NPM-type reforms played the OECD and regional structures, such those of the EU, but the implementation of the new management principles and mechanisms in PA was finally based on specific laws and programs launched at a national level. These changes have led to a positive impact on the PA performances, but also created new problems in coordination of public institutions, networks and other types of structures involving social actors in governing (Peters, 2010, p.40; Van de Walle and Hammerschmid, 2011). The increasing complexity of the PA systems, given the number of actors involved, the networks and the links that define them, has forced the reconsideration of the role of the management at central level and the tools used. The globalization and Europeanization are also factors that have influenced the PA complexity and the emergence of new ideas and practices in PA management, focused on a global approach (Jaansoo, 2016, pp.37-49). In this new context, the NPG concept has been introduced by Osborne (2006). Besides NPG, other similar concepts addressing to the new generation of reforms in public governance have been indicated, such as metagovernance, the “Whole-of-Government” approach, collaborative governance, and so on (Jessop, 2003; Christensen and Lægreid, 2007; Meuleman, 2008; Emerson et al., 2012).

Etymologically, the concept of governance comes from the government and, in a direct sense, refers to the actions performed by the government. The term is used in the public sector, but also within large companies, namely the corporate governance (Osborne, 2010, p.6; Hughes, 2010, pp.87-89). Referring to the public sector, the OECD associates public governance to “the formal and informal arrangements that determine how public decisions are made and how public actions are carried out, from the perspective of maintaining a country’s constitutional values when facing changing problems and environments” (OECD, 2005, p.16). It is noteworthy that at present the public governance is not limited to the nation's affairs, it is about solving societal problems at national, regional and international level. In connection with this broader connotation, new structural forms of interactive steering, controlling and guiding in certain public sectors have appeared.

As many authors state, the NPG model is an extinction of the NPM, hence the alternative name of “post-New Public Management” (Osborne, 2010; Christensen and Laegreid, 2011). The emergence of the NPG is an answer to the need for a better coordination of public activities in the wider global environment. In essence, this new doctrine focuses on the management of complex networks, consisting of many different actors implied in policy making and services’ delivery (Pierre and Peters, 2005; Osborne, 2006; Hughes, 2010; Kjin, 2012). According to Xu et al. (2015), the NPG is a new way of managing in PA, which is not just the responsibility of the government. The power is distributed between government, market, and other organizations in the society that participate in solving public problems. The idea of ‘multilevel governance’ is brought into discussion, while considering the multiple linkages between governance processes at national, sub-national and transnational levels.

The publications addressing to NPG describe their main features, summarized below:

- the NPG defines a major reform in PA management and governance, starting from the role of government, which has changed from a coordinator of public services to policy

catalyst and promoter of open and multilevel governance. In this new approach, the general goal of the public governance is to promote the larger common good.

- the post-NPM reforms imply an increased focus on integration, an enhanced political control and recentralization in order to ensure the cohesion of the actions and the satisfaction of the general good. In this regard, important changes in public services system must be operated, materializing in: new integrative methods and tools for strategic management (stronger emphasis on effectiveness considering broader long-term stakeholders' interests and outcomes; prioritizing actions and promoting project and program approach; good information at all levels and integrated control systems); new mechanisms for joined-up governance efforts and the use of networks and partnerships; human resources and culturally oriented efforts, aiming to develop a strong and unified sense of values, the involvement of participating organizations, trust and collaboration.

In conclusion, the reforms in PA include radical changes in the governance system, from the highest level to the base line processes. Both doctrines associated to these changes, namely NPM and NPG, are about re-defining the governance framework, but their focus is different. The first approach meant a paradigm shift in governance through marketing, decentralization and managerialism. These changes refer to principles, structures, and regulations regarding the governance system and its components, and aim to improve the quality and efficiency in PA sector. The NPG concentrates mainly on the PA management at the highest level, these changes being especially macro and supraorganizational oriented. The key element of this doctrine is the focus on management tools deployed to connect the networks of actors operating across the PA area. They aim to improve the coordination of governmental organizations and also to enhance the coordination between the government and other actors involved in governance. It should be noted that the two doctrines are not excluded. According to Osborne, the NPM has been a transitory stage in the evolution from TPA to NPG (Osborne, 2010, p.1).

### **3. Current State of the Reforms in PA in Romania**

As already mentioned, initially the efforts to reform the PA existed in a few developed states, but they have spread at many OECD countries. In Europe, in the last twenty years the PA reforms represented a continuous challenge both for west European, central and eastern European countries (Van de Walle, 2016; Ongaro and Thiel, 2018). The unitary coordination within the EU and the integration of new states have caused concern for the convergence of national public reforms, but the high heterogeneity among the EU member states has substantial implications on the outcomes of PA reform (Heichlinger et al., 2018, p.9). Some reports regarding the PA reform in Europe have been published in the last decade (Pollitt and Dan, 2011; Thijs et al., 2017; Hammerschmid et al., 2018).

The elements discussed in this section of the paper are associated to the main transformations in the PA field in Romania, during the pre-accession period and after joining the EU (2007). The following aspects are analysed: privatization and decentralization within PA, outsourcing of services, and modernization of management

within administrative institutions. The recent changes regarding new tools for central management, issues associated with the NPG, are also presented. The analysis is based mainly on laws and official documents elaborated by Romanian Government, the Strategy for Consolidating the Public Administration (SCPA) 2014-2020 and the National Reform Program (NRP), (Government of Romania, 2018) being essential. In addition, the paper features information from European reports and from other publications on PA reform in Romania.

#### • **Privatization**

In Romania, the process of privatization has been achieved after 1989, in the context of transition to the market economy, being regulated by Privatization Law of Commercial Societies, no.58/1991 and other specific orders. The privatization covers all economy sectors, including public services (education, health, transport and utilities etc.). According to the data published by the Competition Council (2015, pp. 117-118), the presence of the state in the Romanian economy, with a value of about 14% of the gross domestic product (GDP), is well above the weighted average of the other EU member countries that are part of the OECD. The analysis from the qualitative perspective reveals examples of failed or inefficient privatizations, but a comprehensive public analysis does not exist.

The privatization process is still ongoing, this being one of the attributions of the Authority for the Administration of State Assets (AASA, 2018). But, in our opinion, the accomplishment of the privatizations must take into account, in a greater extent, the improvement of this process in terms of transparency, substantiation and results, but also in terms of Romania's general interests.

#### • **Decentralization**

The PA decentralization was promoted by the Framework Law of decentralization no. 195/2006, and the Law on community services of public utilities no. 51/2006. According to the law, providing public services is mainly under the responsibility of the local PA authorities - local councils, county councils, community development associations. The public services can be managed directly through the structures of the local PA authorities, or can be delegated to other organizations. National regulatory authorities in the field of public services (e.g. National Regulatory Authority for Community Utilities, National Energy Regulatory Authority, etc.) were also created. As an official OECD report states, in 2013 the level of Romanian sub-national government spending in GDP and public expenditure was below the EU average, respectively 15.9% and 32.8% (UCLG&OECD, 2016). Another report notes that the autonomy of subnational units is often curtailed by fiscal measures adopted at central level (Wagner et al., 2018, p.24).

Continuing, the decentralization process is one of the directions of action in the SCPA 2014-2020 and NRP (Government of Romania, 2018, 2019). Some consolidation measures are envisaged to increase the quality of decentralized public services, e.g: elaboration of quality standards and, where appropriate, of cost, related to decentralized public services; assessment of quality in providing public services and

administrative capacity of territorial administrative units based on the IT platform 'Local administration services for you'.

- **Delegation of public services**

The delegation of public services to public or private operators is based on delegation contracts attributed directly or by auction, in accordance with the Law on community services of public utilities no.51/2006, Law no. 98/2016 regarding public procurement or, as the case may be, Law no. 99/2016 on sectorial acquisitions. The action procedures were continuously improved, one of the important changes being the launch of the electronic system of public procurement (SEAP: e-licitatie.ro). But the confidence in this system is still low, being affected by the frequent cases of corruption in the field of public procurement (Sava, 2014). Another major deficiency is the postponement/ delay of the completion of procurement due to the appeals addressed to the courts or to the National Council for Solving Complaints. Several solutions with impact on the public procurement effectiveness were proposed in the last years (e.g.: Law no. 101/2016 regarding the obligation to set up a guarantee), a new legislative framework on public-private partnership being completed at the end of 2018.

Some measures to improve the transparency and efficiency of public procurement are also included in the NRP (Government of Romania, 2019): the development of the interactive online operational guide with standard award documentation (works, goods, services), good practices, methodological guidance; the professionalization of the persons responsible for carrying out the public procurement; operationalization of the National Office for Centralized Procurement and development of centralized procurement units at local level, etc.

- **Management of public institutions**

The analysis refers to the improvements of the management system in public institutions aiming to promote modern management tools related to human resources, quality and computerization, planning and controlling activities and performances.

- a) **Human Resource**

The management of human resource (HRM) is fundamental to the efficient functioning of any organization. In the PA domain, the processes and instruments associated to HRM functions are unitary defined at national level. The activity of civil servants is regulated by Law no.188/1999 regarding the Statute of Civil Servants, a law that has undergone several modifications in order to adapt the Romanian legislation to the EU acquis. Subsequently, other normative acts were adopted, such as: Code of conduct for civil servants (Law no. 7/2004), the Norms regarding the organization and development of the career of civil servants (GD no. 611/2008), and so on.

The changes in HRM occupy an important place in the SCPA 2014-2020, which includes as directions of action: adapting the organizational structures to ensure a better flexibility of staff allocation in various programs and projects, beside current tasks; adapting the recruitment, selection and evaluation procedures to the requirements of performance management in order to increase the degree of professionalization and

stability in the civil service; reviewing the motivational policies; redefining the system of professional training and skills development of the civil servants, etc.

Complementary with the HRM improvement, the actions aimed at the prevention and combat of corruption are equally important within the PA reform. Two structures were created - the National Anticorruption Directorate (in 2002) - for combating high-level corruption, and the National Integrity Agency (in 2007) - for the verification of assets, conflicts of interest and incompatibilities. Reports of the two structures show hundreds of cases investigated, although there are serious problems regarding the results and quality of investigations: disrespect of procedures, large number of unfinished files, low damage recovery etc. (Mendelski, 2020).

The emphasis should be placed on prevention, this philosophy being at the basis of recent actions registered in the NRP (Government of Romania, 2018, 2019) which include: measures to monitor the implementation of the objectives of the National Anticorruption Strategy 2016-2020; organizing training sessions, awareness campaigns, studies on the perception of civil servants, and thematic missions of evaluation at the level of the local PA on topics of integrity and prevention of corruption.

#### **b) Quality and Computerization**

The increase of the quality of public services aims to better satisfy the demands of citizens and other interested parties. The use of quality management tools in the PA institutions (Common Assessment Framework or ISO 9000) and other models applicable at administration level (Internal Managerial Control, cost efficiency standards, etc.) has been regulated at national level since the pre-accession of Romania to the EU. Currently, in many public institutions there are formalized quality systems, especially according to ISO 9001, but there is no information regarding the state of implementation and the efficacy of these systems. Achieving a global assessment of quality systems is an objective included in SCPA 2014-2020, which presents as objective, implementing quality management at central and local PA in a coherent and coordinated manner (SCPA 2014-2020, p.52).

The computerization of administrative processes is in close connection with the quality approach. Mechanisms/ information systems were implemented with the role of facilitating both the access of citizens and the business environment to the services provided by administrative institutions, as well as to simplify their own internal processes. The IT applications cover all AP services, locally and centrally, but the degree of sophistication is lower compared to the average level in the EU (European Commission, 2016). In the latest EU statistical data, it appears that Romania occupies the penultimate place after the Digital Economy and Society Index, being among the worst performing states in progressing to the provision of online government services (Eurostat, 2019).

The efficiency of the exploitation of e-government solutions is an objective included in SCPA 2014-2020 and PNR. In this respect, the project "Establishing the framework for developing e-government tools" was developed, having as term of completion the second semester/ 2020 (Government of Romania, 2018, p.24). The Covid 19 pandemic of 2020, which has accelerated the process of computerization of many processes in the

local and central PA, increased the digitalization of PA, but there is still no global assessment of these actions.

**c) It is worth noting that lately,** besides consolidating the marketing, decentralization and management system of public institutions, the reform in the PA has focused on aspects related to the overall management of the PA at central level. In this regard, new governance mechanisms and tools have been defined, related to: strategic planning and prioritization of government policies; planning based on programs and projects and measures to increase the budgetary discipline; development of structures with responsibilities in the elaboration and implementation of the PA strategy, including the framework for the involvement of non-governmental organizations and civil society in governance; adequate control mechanisms developed in the governance system, both at the level of each project and program, as well as the PA system. At the global level, systematic control of the PA system is achieved by governmental structures, but also through European and international structures. In this regard, the systematic analyses carried out by the European Commission, finalized through annual reports and recommendations must be mentioned. These documents have become important tools of the reform process in the public governance.

The comments below summarize the major deficiencies resulting from the last analyses on the PA in Romania, carried out by the Romanian government, respectively by the European Commission.

According to SCPA 2014-2020, the PA continues to present a series of deficiencies in terms of effectiveness, efficiency and image, which is mainly reflected in a conservative organizational culture, more concentrated on the formal side of the administration's activity. The low interest in the real impact of its results on the society and the insufficient involvement of the partners (academic, business, civil society, relevant social partners) in the decision-making process generate a certain degree of mistrust between officials and citizens, on the one hand, and between civil servants and policy makers on the other hand.

According to the last Country Report Romania (2017), the PA reform accelerated in 2016, but is not yet complete. It is specified that, "Overall, Romania has made limited progress in addressing the country-specific recommendations". Among the deficiencies in PA are mentioned: social dialogue is largely formalistic, stakeholders' engagement in policymaking remaining limited; deficiencies in public investment project preparation and prioritization, while the take-up of EU funds is slow; the decision-making process highly unpredictable, many legislation documents being adopted through emergency decrees, without impact assessment or stakeholder consultation. The progress is also slowly in the decentralization of public services and implementation of e-governance measures. Syncope in the fight against corruption is also reported.

In conclusion of the previous comments, it should be emphasized that the analysis performed in this section is not complete, the purpose of the study being to reveal the connection between the reforms conducted in Romania with the two doctrines regarding the PA, namely NPM and NPG. From this perspective, it is worth pointing out the next three ideas:

1. The reform of the Romanian PA, carried out mainly during the period of preparation for entry into the EU and after integration, includes the defining elements of the two streams of change. Initially, the focus was on the development of markets-type mechanisms and business style management, specific to the NPM, aspects revealed by some Romanian authors (Matei, 2009; Matei & Chesaru, 2014). Additionally, in recent years there are macro and supra organizational oriented changes, aiming to develop integrative tools for PA governance.
2. The PA reforms are carried out with the significant support of the European Commission. The support is manifested in various forms: establishing strategies and directions of change through documents regulating the unique European framework of PA; financial support for change projects through the Structural and Cohesion Funds, and respectively the European Structural and Investment Funds; systematic monitoring and control actions, completed by country reports and recommendations. The mechanisms created at EU level, of type “plan-do-check-act” (PDCA), ensure the continuous improvement of the PA from the member countries, both by eliminating some detected deficiencies/ irregularities, as well as by innovative projects.
3. At the national level, the determining role in the reform of the PA has the government, which has the responsibility to coordinate the public policies and ensure the coherence and efficiency of the governmental actions. Currently, the focus is on strengthening the institutional capacity of the government for policy making, communication, inter-ministerial coordination, respectively a greater transparency in the act of government. At this level PDCA mechanisms have been developed, making possible to correct some deviations, but as a general note there are relatively many deficiencies. The problems are multiple causes, political, managerial and cultural. A major shortcoming with effects on PA is the instability caused by the fact that from one electoral cycle to another, the structure and mandate of public institutions change, affecting both current activity and projects of change. From a managerial point of view, as major problems can be remembered the non-prioritization of public projects and the defective way of accomplishing them. In many cases, the inadvertences in implementing projects of change and poor communication had the effect of reducing the level of trust in government. Citizens' perceptions and reactions to change are also determined by cultural factors. As Shedler and Proeller stress, the application of unique solutions, appreciated as good practices, can have disastrous effects if the cross-cultural differences are neglected (Shedler and Proeller, 2007).

#### **4. Conclusion**

Everywhere in the world, the PA is undergoing extensive reforms, aiming to adapt the sector to the new context in terms of functions and costs. These transformations are supported by new theories regarding the management and governance in PA, more important being those entitled NPM and NPG. The comments in the first part of this paper clarify the significance of the two doctrines, based on the information from the reference publications. In the authors' opinion, both doctrines are about re-defining the governance framework, although their focus is different. Their defining elements are synthesized in original schematic representations, in figure 1.

The second part of the paper reviews the application of the new theories in PA in Romania. The study shows that PA in Romania has undergone major changes since 1989 and especially after EU integration (2007), which sought to harmonize with the European systems of government. The reforms are coordinated by the Romanian Government, but the changes are set out and controlled by European structures. This situation can be considered as positive, favourable for the necessary changes, but the results depend to a large extent on the government's ability to adapt the general European requirements to the particularities of Romania and to carry out the projects of change. The analysis developed in the paper reveals relatively many shortcomings, the most important being the following:

- reduced ability to elaborate strategies and especially deficiencies in implementing change projects;
- low degree of predictability of the legislation, the large number of laws and deficiencies regarding the quality of the regulations;
- poor communication of the government with other non-governmental organizations and with citizens, and also their low participation in governance;
- the instability of the PA structure and the reduced flexibility of public institutions;
- relatively low level of computerization of governance;
- low efficiency of quality management in PA and of other systems that require a global and systematic approach, such as: environmental management, social responsibility, sustainable development;
- management of human resources – the leadership and training of civil servants, a priority being the realization of the cultural changes necessary so that the reform in PA, the new implemented working principles and rules to be effective.

These issues are in the government's attention, a number of measures being found in the national reform plans. They will also be the subject of future studies of the authors, which will be focused primarily on quality management in PA and other aspects that require a global and systematic approach, such as environmental management, social responsibility, entrepreneurship, and sustainable development.

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