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Cornea, Valentina

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THE SOURCES OF DISTORTION OF LOCAL PUBLIC INTEREST

Valentina CORNEA

Valentina CORNEA

Lecturer, PhD, Department of Administrative Sciences and Regional Studies, Faculty of Legal, Social and Political Science „Dunarea de Jos” University of Galați, Romania
Tel: 0040-236.493.370
E-mail: valentina.cornea@ugal.ro

Abstract. The public interest is a syntagm frequently used to account for the projects and actions of local government authorities. The current study analyses the way local elected officials relate to the content and the meaning of this concept. The quality of the social dialogue, the duality of the public life, the referential models of public policies are some sources of the gap between the administrative agenda and the citizens' agenda.

Accepting public interest as a guiding rule in designing public sectors activities for community welfare involves adjusting both the ambitions of the politicians and the social and economic pressures. The representation of the public interest requires temporary compromise and transparent decisions, based on evidence, innovation and creativity.

Keywords: public interest, representation, decisions.

1. Rhetoric of the public interest

In spite of the absence of a clear definition, labeled as 'a childish myth', 'a fable' (Bozeman, 2007, p. 84), or a 'ghost' (Lucy, 1988, p. 148), ambiguous and abstract, the public interest is still a fundamental concept for a democratic system and a good administration. The existence of public administration as a formal structure is motivated by the serving of the public interest. The political decision makers have the mission to choose the best alternatives in order to ensure the well-being. Most attempts to describe what is meant by 'public interest' refer to 'community', 'common welfare', 'general welfare', 'society', 'public' or 'nation'. Nevertheless, the question of what means 'public' in 'public interest' was largely left unexplained (Wheeler, 2016a, p. 6). The few attempts to measure the public interest were also unsuccessful. Bozeman sees that the idea of the philosopher Brian Barry to take a large number of examples of real situations – from cases, newspapers, books, speeches and conversations to see what can be done from them, considered as 'the only satisfactory way to address the public interest' was not taken over by the researchers (Bozeman, 2007, p. 84). The concept is criticized for the artificiality of the ideas and because it has 'fundamentally undemocratic' implications for the individuals. It is anti-liberal because the individual preferences can be subject to the preferences of an erroneously built majority. The answers to the questions about the essence and the measure of the public interest have been found in theories that put the individual interests within a larger collectivity and emphasize the normative value of the public interest (Anthony, 2013, p. 127). Bozeman considers this to be an unfounded criticism. In the public interest theory, problems are real (for example, schools that are not working), but ideals (for example, quality education) are unstable, therefore, the public interest, considered as public value, should have multiple meanings (Bozeman, 2007, p. 101)

The ambiguity and the abstract characteristic of the word have deep implications in the decision-making processes that can serve the interests of the members of a community. Considering these features of the notion of 'public interest', the existence of differences between the citizen's agenda and the agenda of the local public authorities is inevitable. Moreover, for an ambiguously formulated common welfare, either there will be an equally ambiguous path or strategy to provide it, either an artificial 'extension' of the real direction, but especially a waste of effort, initiative and opportunities (Şandor, 1999, p. 9). Chris Wheeler, (Deputy Ombudsman, Sydney, Australia), with more than 30 years of experience in management and public administration, believes that there are at least three major obstacles for public servants that act on the public interest:

- first of all, although it is one of the most used words in the vocabulary of the public administration, it is probably the least defined and the least understood

- few public servants would have a clear idea of what the term actually means and what ramifications are in practice;
- secondly, the identification or the assessment of the adequate public interest for any special case is not often an easy task;
- Third, while some have stated that it is quite easy to do what they need when they have already identified what is adequate, in practice, people often do not have the will or the courage to do what is necessary (Wheeler, 2013, p. 34).

The ambiguity of the public interest is not an adequate justification for abandoning it: the public interest is a normative standard and raises the whole range of issues related to standards in general (Bozeman, 2007, p. 89). It is necessary to mention that the lack of a definition is not due to any omission but to the fluidity of the social interest networks (Iorga, 2006, p. 6). In the real social life there are many situations when a group can win only if the other one loses. In such a situation, whatever the decision may be, some interests seem favored and some others disadvantaged. For example, both the promotion and the restriction of tourism in the Danube Delta express desiderata of the public interest. The definition of the public interest in the Law no. 7/2004 concerning the Code of conduct for public servants, according to which public interest means ‘the totality of the rights, liberties and legitimate interests of the citizens, recognized by the Constitution, the internal legislation and the international treaties to which Romania is a party, guaranteed and respected by the public institutions and authorities’ can serve as an argument for both situations. Neither the definition by which the public interest is considered a ‘system of defining values a for a better life, such as the chances of self-development, the participation in social decisions, the equal chances or justice and social equity’ (Zamfir and Stanescu, 2007, p. 342) does not provide sufficient help to support a policy of promoting or restricting tourism. There are voices stating that the design of a system of values is almost impossible (Piccorelli, 2014, p. 12), proposing an aesthetic judgement of the decision as an alternative.

Considering the complexity and the pluralism of the contemporary society, it would not seem unusual to affirm, as some territorial planning theorists have said, that ‘public interest does not exist’. Rather, there is a number of different and competing interests. The interests of different persons and groups are nowadays too manifold to have similar points in common. The statement ‘the public interest does not exist’ has been interpreted in at least three ways: 1. The public interest does not exist as a fact; 2. The public interest does not exist as an extra-individual (holistic) value; 3. The public interest does not exist as an overriding value, always imperative.

Moroni (2004, p. 152) considers that there are no convincing reasons to give up the concept of public interest, on the contrary, that there are ways to re-con-

struct this concept that can prove relevant even in modern societies characterized by complexity and pluralism.

In Romania, the concerns about public interest research are modest. A study – ‘The public interest: A current subject or outdated rhetoric?’ – conducted under the coordination of the Institute for Public Policies analyses two actual problems (case studies): a) the membership of the Romanian high officials to a series of structures such as board of directors and the shareholders’ general assembly, to state owned or private companies, privatization committees, etc., by way of exception to the rule of incompatibilities appointed in the Anti-Corruption Law; b) the offering of company housing and/or corporate housing to Romanian high officials in central areas of the capital (Iorga, 2006). The study reflects major shortcomings in the interpretation of public interest.

Even if no consensus on the definition has been reached, the authors of the study argue that the pursuit of the public interest implies some necessary, though not sufficient, conditions: (1) the correct use of public resources; (2) the harmonization of personal interests and values with the public interests pursued at the workplace; (3) professionalism in the pursuit of the public interests and in the use of public resources, which includes many conditions, such as: the effort to understand the problems faced and to find legitimate solutions; compliance with moral norms and laws, with possible exceptions solely justified on moral grounds (in the case of rules or laws considered incorrect); the identification and the correction of past mistakes (Iorga, 2006, p. 69).

‘The encyclopedia of social development’ (Zamfir and Stănescu, 2007) inserts some theoretical and practical explanations regarding the definition of the public interest, even in the development programs, which become criteria for evaluating public policies from the perspective of the public interest, etc.

‘The Public Interest’ is a relatively recent work (2014) in which the author Madalina Tomescu draws attention to what really means the public interest, the way it is formed and what is the relation between the achievement of the public interest and the right to a good governance of the citizens. In this paper we discuss about the local public interest, without opposing it to the national or general public interest. Professor Paul Negulescu said that in each country there are two categories of interest: some that have a completely general character regarding all the citizens, the whole community, and some other interests that are special to a certain city (Manda, 1999, p. 40). In order to put together these categories of interest, the state has created legal regulations or special institutions, each of them providing a solution more or less appropriate to actual situations.

The working hypothesis taken into account in this analysis is that in Romania, the formulation and/or distortion of the public interest represents the cumulative effect of the activity of local decision-makers, of the scarce, often oscillating and contradictory intervention of the citizens and of the interest groups.

2. Methodology

The definition taken into account for the local public interest is 'the amount of decisions that can serve the interests of the community members'. Because defining the public interest is not only a deliberative process but also a negotiating process, we will analyze the way the public interest is 'calculated' and 'approximated'. The documented aspects in terms of sources of formation or/and distortion of the public interest are the analysis of the level of representation of the local public interest, the limitations of representation and of main forms of participation that allow deliberation/negotiation of the local public interest.

3. Theoretical considerations regarding the public interest: formulation and representation

The concept of the public interest arises from two major lines of liberal philosophical and historical thought, utilitarianism and contractarianism (Córdoba, 2010, p. 382). Subsequently, other theories assume new dimensions. Habermas introduces the theory of communicative action. As a matter of fact, it is built either by examining the results (consensualism), as in the case of utilitarianism and contractarianism, either by examining the procedure, as in the theory of communicative action. The theories have in common the fact that they consider the public interest as a means of creating a fairer society and legitimize the political and administrative decision. The utilitarianism proposes that the public interest should be the increase of social welfare. However, the utilitarian approach does not refer to the way the increased social welfare is shared between individuals and social groups. The utilitarianism uses an unifying principle and the issue of fairness is seen only as a matter of maximizing the collective utility. Such an aggregation can still hide the high and unacceptable inequalities that, ethically, should be banned. The communicative action replaces the instrumental reason with communicative reason. Through rational communication it is possible to reach understanding and agreement. The public interest emerges from the best argumentation, accepted by everyone. These theoretical concepts lead to the idea that public interest is an ethical, non-subjective concept that serves the entire community. This involves the fact that it contains regulatory elements that determine the social conditions that allow people to develop their own life projects (Córdoba, 2010, p. 382).

The right of representation of the public interest belongs to the democratic institutions. Although the representation is suspected of introducing a systematic distortion between the expectations of some people and the decisions of others and is closer to a political bargain than to an ideal of rational legitimation (Dicționar, 2002, p. 204), it has deep sociological meanings that justify its necessity. The action for a common purpose, for the local decisions and for administrative measures

requires the invitation of the members of the local territorial community. Actually, this is impossible, for at least two points of view: physically and as an union in minds and in feeling. It is difficult to summon all citizens from the first to the last member. Moreover, there are problems 'that would be too difficult to solve for an entire community' (Simmel, 2000, p. 404). Individually, the citizens are often not able to collect, process and articulate information about the public interests. They often don't have the necessary resources, the expertise and the political networks and therefore, they rely on the intermediary actors for this (De Bruycker, 2016, p. 7). In this case, the choice of the most capable persons in the community, that promise to accomplish what the entire community has to do, has the advantage of a wider mobility, of the possibility to gather faster, to take more precise decisions. The qualitative advantage, meaning the performance of the representatives that overruns the direct action of the community, is exclusively based on the quantitative minus of the representatives. Then, in a large group, the counter-trends are inevitable. Each of them has, *a priori*, the same importance and lack the decision power. The suitable expression of this situation is created when even the majority does not decide, when any decision-maker obstructs the decision or at least is not personally bound to it. The formation of social bodies opposes to this danger. A commission, a delegation, etc. will have greater competence than all the others; therefore, those divergences and oppositions that arise from the simple incompetence will be reduced from the beginning. And, finally, the general action of the total group will always be intellectually at a relatively low level, which is why the representation of a common interest is delegated to the most proficient and worthy people in the group (Simmel, 2000, p. 400).

The quality of the representation of the public interest can be analyzed on the basis of the concept of demographic representativity and the concept of politic representativity. The concept of demographic representativity assumes that the ability of an observer to actively represent the interests of some other person is even greater as the observer is more similar to him in terms of social position. According to this principle, it is essential that the different social categories be represented by their members in the decision-maker bodies and not by persons outside them. Thus, this theory implies that the interests of women will generally be better represented by women than by men, the interests of ethnic minorities by the members of those minorities, etc.

The concept of politic representativity stresses not the similarity of social characteristics, but the sharing of common beliefs about the world and the communication and mutual knowledge. Thus, the key for efficient representation of interests is to identify some persons with similar values (who may or may not be members of the same social and demographic categories) and who have the competence allowing them to know and convey the life situation of those they represent as well

as the political skill necessary to negotiate their interests in the political environment (Zamfir, Stănescu, 2003, p. 346).

The conditions for the appropriate representation of interests have been analyzed by theories such as 'The iron law of oligarchy', developed by Michels, that states that any leader tends to depart from the concerns and interests of those he represents due to his functional specialization as a political man (Vlăsceanu, 1993, p. 124). His competence makes him indispensable for the effective organization of collectivity, but at the same time it changes his way of thinking so that he becomes increasingly different from those who have chosen him.

4. The inconsistency of deliberation and of negotiation of the public interest

The local public interest is defined and/or established through deliberation and negotiation processes, in which the more powerful social actors contribute more to defining the directions of action. The consistency of deliberation and of negotiation of the public interest is determined by two factors: the participation of the public and the decision-makers' degree of expertise and values.

A broad concept, identified in the theory of collective action and of share capital, the participation has an important role in the production of public or collective goods, whether they are defined in terms of democracy or of welfare increase (Săveanu, 2014, p. 11). Most studies start from the premise that the participation is a good thing and go directly to the explanation of the factors that determine different forms through which citizens get involved in the life of their community. Contextuality is the preferred theory to account for the effects of participation. Under favorable conditions, the effects of the participation are primarily related to social inclusion, development, efficient government, solving collective dilemmas, producing collective goods (Săveanu, 2014, p. 8). Therefore, a favorable context for participation will lead to the desired effects, and the multiplication of the same participation mechanism may not come to the same result in another context. From another perspective, it is denied the idea that a political process can effectively express the popular will and the decision-makers look for their own ways to determine the public interest. The public servants and the local officials have their own representation of what is the people's interest and put this variable in a formula that negotiates a 'public interest' in relation with some other individual interests. In other words, even if they accept that the popular will has to lead to the administrative action, the decision-makers trust none but their introspection as a means to identify the desire of the public. A public librarian who decides which books will be purchased for the library collection, a social worker who recommends a home for children, a rental manager who decides to suspend the rent – all of them pass a judgement within the limits of administrative and legal regulations which

are often vague and have a general character. As far as these people identify with certain social values, they will extract from these values a concept concerning the public interest that they will be able to apply when taking their decisions (Simon, 2003, p. 706). The receptivity to the public interest means receptivity to its own values and attitude to social issues. On the other hand, this receptivity provides an important channel through which general values adopted in society (or those sections from where the administrators come from) are introduced in the administrative decision (Simon, 2003, p. 707). In Romania, there are enough mechanisms that allow the citizens' participation to the local public life. Suffice it to recall Law no. 3/2000 on the organization and conduct of the referendum, the Law no. 52/2003 regarding the decisional transparency in the public administration, the Law on Local Government, no. 215/2001 republished and the applicable laws – in the field of environment, urban planning, etc. In the name of these laws, the local public authorities have the obligation to organize the access of the citizens interested in the decision-making processes, in order to increase coherence of the administrative action. Thus, by participating in the meeting of the deliberative bodies of the local collectivities, through local popular initiative or referendum, the citizens are “negotiators” of the local interest.

Despite the existence of a legal framework that regulates the participation, the Reports of the European Commission indicate a poor capacity to develop bottom-up policies and the lack of an active civil society at the regional level (Stănescu, 2015, p. 249). The way in which the Romanian public institutions manage the public involvement in the decision-making process is considered at least faulty. The administration is open, at least at the declarative level, but does not have enough resources and cannot organize the process. It does not know who to call for negotiations and what to do with the input (CeRe, 2007, p. 28).

This happens when there are guidelines regarding the organization of public debates. They explicitly require to the public servants to record, to publish and to archive the following information on the site of the institution: records of public debate, the received written recommendations, improved versions of the draft legislative act at various stages of elaboration, endorsement reports and the final version of the legislative act.

The consultations organized by the public authorities do not seem to be outcome-oriented, but rather to apply the procedures, to comply with some European models, or for fears of protest from non-governmental organizations – these are motivations not accompanied by a real interest in consulting the public in decision-making processes. Besides the difference in language, there is also a difference of expectations as both actors expect the ‘other’ to be more interested and more proactive and to put more resources into the process. The examples of public consultation in Romania are more often focused on an alternative or on a public

policy solution – the one proposed by the administration. This is also one of the reasons for divergence between the dialogue partners and for the difficulty of the consultative process – because the stakeholders often tend to look beyond the alternative proposed by the administration, insisting on the issue underlying the decision, or on various other solutions. With few exceptions, the data on public debates are limited to absolutely formal statistics – such as ‘X representatives were present’. Who has participated, the content of the debates, the eventual changes in the projects under discussion are not known (CeRe, 2007, pp. 28-29).

The referendum is a democratic instrument used when the deliberation of the local public interest becomes necessary. The law imposes several conditions for the organization of the referendum: the obligation to have a referendum in certain situations (modification of the limits of the territorial and administrative divisions, dismissal of the mayor, dissolution of the deliberative authority) or if there is a problem of particular interest. Neither the law of the referendum nor the Law of the local government enumerate in their contents what issues might be considered of special interest. The domain of these issues is quite extended, and their description as a matter of particular interest is subject to debate. It is only very clear that the issues of particular interest may be of an administrative nature, never of a political nature (Gîrleşteanu, 2009, p. 57).

The major difficulty in formulating an issue of particular interest is the aggregation of preferences. In classical political theories, ‘the public interest’ seems to be something that can activate all types of voters, but it is actually ignored that ‘the public interest’ is different for different individuals. The problems are real and the ideals are unstable (Bozeman, 2007, pp. 88-89). May’s theorem, which states that the simple majority is only rule that is minimally effective and has the property of formal political equality, does not help us to overcome this difficulty. For the social processes, the representation of the collective action through the contribution of some representatives has a high purpose. If a real majority will act together, then this will only happen in those directions that make it possible for a highly-placed person to descend to the level of a person placed below. The experience proves that the popular meetings often take the most foolish and most damaging decisions. This is not only the result of that fatal downward alignment, which condition the co-operation of a mass, but it is also important the aspect that in a crowd gathered together the leadership will take by the most temperamental, radical, loudest elements, not by the most representative one from an intellectual point of view, who often lack the passionate subjectivity, the suggestion of conquest (Simmel, 2000, p. 404). Marshall uses the example that freedom of expression has no value if, by lack of education, someone has little to say (Lister, 2007, p. 23).

Coming back to the realities in Romania, we find that at local level, the main actors involved in the deliberation of the local interest are the local government

authorities. The issue of special interest is decided in two successive and compulsory stages: the first stage involves proposing a problem as being of public interest; in the second stage it is decided whether this problem is of local public interest. The proposals may come from the executive authorities or from a third of the number of representatives of the deliberative authorities. In these two stages, the citizens are indirectly involved, only to the extent that third of counsellors or the executive authority has received their initiative and represent it. The local counsellors' vote decides whether the issue is of particular interest and will be subject to consultation by referendum. The existent data suggest that in Romania, the use of the referendum as an instrument for negotiation and deliberation of the public interest is still poor (Marinescu, 2016, p. 74). From the 26 local and county referenda held between January 2009 and May 2011, only 11 were validated. 9 of them were organized for the modification of the limits of the territorial and administrative divisions of some communes or towns, 3 of them for dissolution of the Local Council. The remaining 14 referendums had the aim to change the name of some towns or the passing of some localities from the commune rank to the town rank or vice versa. From the three referendums for the dissolution of the Local Council, although all answers were favorable to the dissolution, only one was materialized and led to the dissolution of the Council. It is the case of the referendum from Cornățelu commune (Dâmbovița county), from October, the 11th 2009. The voter turnout was 60%, with 666 'YES' votes and 40 'NO' votes. Nine of the referendums from that time took place in cities. Among them, only three were validated, because the low turnout. Four out of the nine referendums held in the cities during this period focused on the consultation regarding issues of special local interest for the purpose of the Referendum Law no. 5/2000. These four referendums had a consultative character. Five out of the nine local referendums were compulsory and focused on the modification of the limits of the territorial and administrative divisions. The higher voter turnout was registered at the consultative referendum in Năvodari (Constanța county) city held on the 23th of May 2010. The citizens have been called to express their opinion about the 'creation of a Center for Industrial and General Waste Management in the city of Năvodari'. The referendum was validated (with a 72% voter turnout), with 23,431 votes against and only 131 votes for. The other two referendums, that have been organized in towns and municipalities and have been validated, were mandatory and aimed at changing the territorial boundaries: Voluntari (Ilfov) and Ovidiu (Constanța). As for the referendum in the town of Voluntari, it took place on 22th of November 2009 and aimed at modifying the territorial delimitation of the city, while preserving the autonomy of the territorial and administrative division. With a voter turnout of 55%, the local citizens voted mostly 'YES': 12,034 'YES' votes and 3,480 'NO' votes.

The invalidated referendums have been organized in the following towns: Avrig (Sibiu county – 18% voter turnout), Buftea (Ilfov county – 40% voter turnout), Căzănești (Ialomița county – 28,56% voter turnout), Baia-Mare (Maramureș county – 12,67% voter turnout), Cajvana (Suceava county – 36,69% voter turnout), Milășăuți (Suceava county – 34,20% voter turnout). (Gavril, 2011).

The state change and the modification of the limits of the territorial and administrative divisions through mandatory referendum and consultative referendums concerning the use of natural resources are eloquent examples for the study of the public interest. As one of the conditions for joining the European Union was a certain level of urbanization, more communes were turned to this rank. 50 communes have been transformed into cities so that Romania is able to join the European Union (Florea, 2016). Over time, in some cases, it turned out that this change has brought people only higher taxes. The European funds on which the city-ranked localities relied were soon unavailable, because the status of a city didn't allow the access to funds for sewerage, potable water supply and road asphaltting, since all of these were sine qua non conditions for the status of a city. Therefore, many localities in Romania have become urban places only on paper, as they didn't have sewerage, potable water and asphalted roads. While in 2004 the local elections were won with the slogan 'We want a city, not a commune!', in 2016 the election campaign is totally different, this year witnessing the most initiatives to return to the original status. Legally, all localities that have got the status of a city can return, by referendum, to the original status. Only one locality that became a town after 2004 was demoted (Dragomirești, Maramureș).

According to data of the National Statistics Institute (INS), during the last 25 years, 131 villages have been erased from the territorial structure of the country. From the 13.088 existent villages existing in 1990, only 12.957 were left at the end of 2014. However, the process of creation of towns and city municipalities after the year 1989 – with a peak in 2004 – doesn't seem to be a result of an objective necessity to create urban territorial and administrative divisions (either for the development of a certain territory, or as a result of a finding of an actual situation. The same remark can be made in the case of newly founded communes (by the division of larger sized communes), a rather active process until 2007. The increasing number of urban localities by declaring new cities and municipalities was not an effective solution to solve the problems of isolated areas and to create urban units with the status of development pole at the local level (Strategia de Dezvoltare teritorială, 2014, p. 23). 'Although there are some criteria regarding the minimum population, the decision to turn a commune into a city, or to turn a city into a municipality, usually has a political nuance' (Raport Banca Mondială, 2013, p. 66). Roșia Montană is a special case. The locals from 35 towns in Alba County are called to a consultative referendum to rule on the re-launch of mining in the Apuseni Mountains.

The local authorities representing the citizens of the towns ratify the organization of the referendum, the Romanian Academy is against the restarting of mining, arguing that the exploitation designed for a period of 17-20 years is not a solution for sustainable development and does not solve the social and economic problems of the area, which will worsen after the completion of the works (Declarația Academiei Române, 2007), and the representatives of the civil society strongly oppose the project. The referendum was invalidated for lack of quorum.

At least in this case, the 'organizational hypocrisy' of the public authorities is evident. Nils Brunsson noticed that the organizations that have the intention to reflect and represent the social environment – such as political parties, public administration, or the organizations with an assumed mission to pursue the public interest – inevitably suffer from 'organizational hypocrisy.' In order to cope with the contradictory demands of different interest groups, the organization separates its discourse from its decisions and actions. Thus, the discourse can be oriented towards a social group, the decisions can satisfy another social group, and the actions will favor some other categories. The employees of such organizations are always caught up in solving insoluble problems, torn between the incompatible demands of different aspects of the problem (Iorga, 2006, p. 75). Moreover, the local authorities involved in the deliberation process had a superior position towards the citizens in terms of the amount of information, in terms of the legal relevance of the referendum, as well as of what mean the restarting of the mining project. Even if the referendum had been validated and the citizens had voted in favor, some other procedures, including the environmental permit, would have been required for the effective implementation of the project.

5. Conclusions

The appeal to the public interest generally implies persuasion and justification and this justification influences the public's level of trust. Most times, the public does not trust the authorities. Based on the analysis, the data lead to the idea that the local public interest does not exist, or if it exists and where it exists, its formation and distortion depend on the same type of sources. In the deliberation and the negotiation prior to the deliberation of interest, citizens and local public authorities are involved. In most cases, the local authorities have resources and a greater power of persuasion in taking the final decision.

All forms of public consultation are organized on the initiative of the administration, some are purely formal, others have a planned outcome, and the decision to consider an issue of public interest belongs exclusively to the local public administration. While for the case of Roșia Montană the local councils approved the referendum regarding the mining, the local council from Craiova rejected the ref-

erendum against the projects from Kozlodui, in ordinary session, despite the fact that it was requested against signatures of over 15,000 citizens of the municipality. Moreover, in this case 15 counsellors out of 27 (25 attended the meeting) abstained from voting (Grosoreanu, 2015).

The acceptance of the public interest as a guiding rule in the organization of the activities for the benefit of the community involves adjusting the ambitions of politicians as well as the social and economic pressures. The representation of the public interest requires temporary compromises, transparent decisions, based on evidence, innovation and creativity.

References:

1. 'Strategia de dezvoltare teritorială a României, România policentrică 2035' (The strategy for the territorial development of Romania, Polycentric Romania 2035), 2014, [Online] available at http://sdtr.ro/upload/STUDII/15.%20Raport_Reteaua%20de%20localitati%20dupa%20rang%20si%20importanta.pdf, accessed on October 10, 2017.
2. Anthony, G., 'Public Interest and the Three Dimensions of Judicial Review', 2013, *Northern Ireland Legal Quarterly*, vol. 64, no. 2, pp. 125-142.
3. Bozeman, B., *Public Values and Public Interest: Counterbalancing Economic Individualism*, Washington, D.C: Georgetown University Press, 2007.
4. CeRe, 'Există participare publică în România? Participarea publică între legislație și eficiență' (Is there public participation in Romania? Public participation between legislation and efficiency), București: Centrul de Resurse pentru participare, 2007.
5. Csaba, B., 'Este necesară o nouă abordare a referendumului' (Is a new approach of the referendum necessary), [Online] available at <http://www.contributors.ro/dezbateri/este-necesara-o-noua-abordare-a-referendumului/>, accessed on October 1, 2017.
6. De Bruycker, I., 'Representing the Public Interest: When Do Elites in Brussels', 2016, Access Europe Research Paper, [Online] available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2802662, accessed on October 1, 2017.
7. De Córdoba, M.B.F., 'Public Interest in Political Philosophy. A Necessary Ethical and Regulatory Concept for Territorial Planning', 2010, *Boletín de la Asociación de Geógrafos Españoles*, vol. 53, pp. 381-386.
8. Declarația Academiei Române privind proiectul de exploatare minieră de la Roșia Montana, [Online] available at <http://www.acad.ro/forumuri/doc2013/d0619-ProiectulRosiaMontana-AnalizaAR.pdf>, accessed on September 28, 2017.
9. *Dictionar de probleme politice: 60 de mize ale Franței contemporane* (Dictionary of political problems: 60 goals of contemporary France), Chișinău: Museum, 2002.
10. Florea, C., 'De la oraș la comună – de ce vor oamenii schimbarea' (From city to commune – Why people want change), [Online] available at <http://radiocluj.ro/2016/02/16/de-la-oras-la-comuna-de-ce-vor-oamenii-schimbarea/>, accessed on September 28, 2017.

11. Gavril, I., 'Referendumurile locale și efectul lor în perioada 2009-2011' (Local referendums and their effects in 2009-2011), 2011, [Online] available at <https://xml.agerpres.ro/referendum-documentare/2011/06/09/referendumurile-locale-si-obiect-ul-lor-in-perioada-2009-2011-15-50-42>, accessed on September 28, 2017.
12. Gîrleşteanu, G., 'Instituția referendumului local și principiul consultării cetățenilor asupra unor probleme de interes deosebit pentru unitățile administrativ-teritoriale' (The institution of local referendum and the principle of citizen consultation on the crucial problems of territorial administrative units), 2009, *Revista de Științe Juridice*, vol. 1, pp. 46-59.
13. Green Report 2012, 'Mineritul cu cianura a fost aprobat la un referendum mort' (Mining using cyanide was approved during a dead referendum), [Online] available at <https://www.green-report.ro/mineritul-cu-cianura-fost-aprobat-la-un-referendum-mort/>, accessed on September 26, 2017.
14. Grosoreanu, B., 'Bravo, Craiova civică!. *România curată*', [Online] available at <http://www.romaniacurata.ro/bravo-craiova-civica-petitie-cu-numar-record-de-semnatura-pentru-declansarea-unui-referendum-local-cine-sunt-cei-care-demonstreaza-ca-cetateanul-roman-nu-este-o-masa-amorfa/>, accessed on September 28, 2017.
15. Iorga, E., *Interesul public: tema actuală sau retorică demodată?* (The public interest: A current subject or outdated rhetoric), București: Institutul pentru Politici Publice (IPP), 2006.
16. Lister, M., 'Institutions, Inequality and Social Norms: Explaining Variations in Participation', 2007, *British Journal of Politics and International Relation*, vol. 9, no. 1, pp. 20-35.
17. Lucy, W., 'APA's Ethical Principles Include Simplistic Planning Theories', 1988, *Journal of the American Planning Association*, vol. 54, no. 2, pp. 147-149.
18. Manda, C., *Administrația publică locală din România* (Romanian local public administration), București: Lumina Lex, 1999.
19. Marinescu, V., 'Direct Democracy in Romania after 1989: Particularities of the Formal-Legal and Practical Aspects', 2016, *Revista de Științe Politice*, vol. 50, pp. 66-76.
20. Moroni, S., 'Towards a Reconstruction of the Public Interest Criterion', 2004, *Planning Theory*, vol. 3, no. 2, pp. 151-171.
21. Piccorelli, J.T., 'The Aesthetic Experience and Artful Public Administration', 2014, ETD Archive, 242, [Online] available at <https://engagedscholarship.csuohio.edu/cgi/viewcontent.cve>, accessed on September 1, 2017.
22. Raportul 'Orașe competitive. Remodelarea geografiei economice a României' (Competitive cities: The transformation of Romania's economic geography), București: Banca Mondială, 2013 [Online] available at http://www.fonduri-ue.ro/images/files/studii-analize/43814/Orașe_competitive_-_raport_final.pdf, accessed on September 1, 2017.
23. Șandor, D., 'Ambivalența factorilor politici în susținerea politicilor reformei în România' (The ambivalence of political factors regarding Romanian reform policies),

- 1999, CPRE, 17, București: Societatea Academică din România, [Online] available at <http://sar.org.ro/biblioteca/ambivalenta-factorilor-politici-in-sustinerea-politicilor-reformei-in-romania/>, accessed on October 1, 2017.
24. Săveanu, T., *Forme de participare la viața comunității. Complementaritate sau opoziție* (Forms of participating in community life. Complementarity or opposition), Cluj-Napoca: Presa Universitară Clujeană, 2014.
25. Simmel, G., *Sociologie. Studii privind formele socializării* (Sociology. Studies regarding the forms of sociology), București: Sigma IG, 2000.
26. Simon, H., *Administrația publică* (Public Administration), Chișinău: Cartier, 2000.
27. Stănescu, I., *România la răscruce: opțiuni pentru viitor* (Romania at the crossroad: Options for the future), București: Pro Universitaria, 2015.
28. Vlasceanu, L., *Psihosociologia organizațiilor și conducerii* (The psycho-sociology of organizations and leadership), București: Paideia, 1993.
29. Wheeler, C., 'The Public Interest Revisited – We Know It's Important but Do We Know What It Means?', 2013, *AIAL Forum*, vol. 72, pp. 34-49.
30. Wheeler, C., 'What is the Public Interest?', 2016, Sydney: Government Solicitors Conference, NSW Ombudsman, [Online] available at <https://www.ombo.nsw.gov.au/...publications/publications/>, accessed on October 1, 2017.
31. Zamfir, C. and Stănescu, S., *Enciclopedia problemelor sociale* (The Encyclopedia of social problem), Iași: Polirom, 2007.