

# *Transparency of the Romanian Local Public Administration*

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**Abstract:** *This paper addresses a broader issue related to transparency of decision-making and implementation of legislation in terms of public satisfaction in local government activity in some sectors from Bucharest. One of the most important objective of this paper is to see how much the public opinions are taken into account along the decision making process developed by the local public administration from Bucharest. Through the current research were primarily aimed to determine the degree of transparency in local government decision in Bucharest, on the example of a district mayors and barriers along the decision making process and how is working the communication process between local government and citizens. The first part of the paper provides information about the legislation about the transparency of the decision-making and access of the citizens to public information in the Romanian local public administration. The second part describes the hypotheses and research objectives. The third part contains information about the structure of the sample, followed by presentation of data obtained from the centralization of the questionnaire responses, which were processed and analyzed. The last part of the paper contains the main findings of research and the conclusions.*

**Keywords:** *transparency, local administration, decision-making process.*

**JEL:** *M1, R1.*

## **Introduction**

The interest in promoting citizen participation in decision-making is an objective of interest to decision makers in the administration. The development of this international interest held by the crisis of public institutions, lack of consensus between political parties and political leaders, weakening the state's capacity to solve all society's problems alone. Governments, but also private organizations initiated increasingly more formal consultation processes in various areas of public policy and assist the growth of dialogue between various social actors outside traditional political institutions.

Neither Romania is no exception to these trends of increasing interest in consultation and public participation. In the past decade there has been a development of institutional formulas and non-institutional social dialogue and public consultation. Since 2001 in Romania appear pieces of legislation to

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encourage public consultation. These elements are developed against the backdrop of the reform of governance and public administration reform, specific developments in the area of civil society. Specific legislative framework governing the transparency of public administration institutions is quite diversified. (Popescu, L.G., 2006) Some of the most important regulations related to transparency of the public institutions in Romania are:

- Law 52/2003 on decisional transparency in public administration;
- Law 544/2001 on free access to public information;
- GD 775/2005 for approving the regulation on procedures for drafting, monitoring and evaluation of public policies at central level.

Consultation and public participation occur when citizens and public authorities have identified needs for consultation and participation and the mechanisms are designed to support the consultation or participation. OECD distinguishes three types of involvement of citizens in decision making:

a. information - means that the decision making process is transparent enough for citizens to obtain information needed to see to what extent public authorities comply with their promises, to see what is happening in various sectors of public policy and to assess impact on them;

b. consultation - allows citizens to provide feedback on policy options, in various stages of decision making. Generally, invitations to public consultation priority groups are addressed very well organized.

c. Active participation - citizens become partners in making decisions.

Citizens can propose public policy implementation strategies, participate in setting public policy objectives (Popescu, L.G., 2005). Transparency is important because the most number of normative acts issued in Romania are made by the executives at the local level (Colesca, 2010).

According to the Romanian legislation, the transparency in local government means:

- a. ensuring citizens' access to public information;
- b. participation in the development of normative acts and public meetings.

The public consultation procedure involves performing a minimum of work:

- Publication of the draft regulatory;
- Announcement of intention to regulate;
- Discussion documents in open court.

As the Parliament of Romania stated, the law no. 52/2003 on decisional transparency in public administration was created in order to:

- enhance the accountability of government to the citizen, the beneficiary of the administrative decision
- increase the involvement of citizens in decision-making process of administrative and legislative drafting process
- enhance transparency across government.

Ways in which public authorities (Ciocoiu, 2011) are obliged to provide public information about the work which they carry out are:

- a. display at the headquarters of the operating;
- b. publication in the Official;
- c. publishing in mass media;
- d. own publications;
- e. through their website;
- f. by providing opportunities for a local consultation.

Scope of the Law no. 544/2001 has been extended by law no. 371/2006. (Burlacu, 2011) This resulted in inclusion in the category of public institutions not only to ensure transparency of institutions and public authorities using or administering public financial resources but also of the autonomous and national companies and companies subordinated to the central or local public authorities that Romanian state or territorial units (Popescu I.R. and Corbos, 2009).

## **1. Research methodology, analysis and the main results**

There are some research hypothesis considered from the very beginning like a starting points of this research

- in local government in Bucharest do not apply the law of transparency, as it is written and approved by the parliament;
- public institutions at local level in Bucharest don't have resources necessary for a more transparent decision making process;
- There are other mechanisms at community level decision making, which leads to failure in all of law no. 52/2003.
- most people do not know the Law no. 52/2003 "on decisional transparency in public administration" and 544/2001 "on free access to public information."
- most people do not given importance to the above-mentioned laws.

### ***1.1 Objectives and the research stages***

The objectives of this research were to:

- identify the differences between legal provisions and how local authorities in Bucharest apply Law 52/2003 and 544/2001.
- identifying the barriers in law enforcement;
- identification of measures to increase transparency and communication in public administration;
- determining the degree of transparency in decision making within the community setting and barriers to involvement in decision making;
- evaluation of transparency changes initiated after EU accession.

Exploratory research is an initial study with different levels of complexity, designed to clarify, define and identify the basic aspects of a problem or a marketing opportunity.

Investigation possible qualitative models are:

a) exploratory surveys among potential subjects, which are designed to obtain information about the services analyzed using the tools of data collection surveys.

b) the use of secondary data - is a method based on existing data stored in different forms. These data are usually in magazines, books, publications, etc.

c) case studies - in-depth analysis of one or more situations similar to the problem under consideration. It is a very useful method to learn from the experience of others, by adopting best practices.

• For questions contained in this questionnaire we used the following scales:

• Scale ratings, is a question consists of designing the questionnaire responses by listing several possible response alternatives or the most important of these.

• Scale dichotomous nominal, allowing two alternative response indicating existence or lack of features, behavior, opinion, etc.

• Ordinal scales that allow hierarchy or ranking of alternatives or subjects studied according to certain criteria.

### ***1.2 Determining sample size***

The sample of this research study contains 30 people, all of them living in Bucharest for more the 20 years. The error (E) will be:  $E = 1.96 \times 5.48 = 10.74$  Sampling unit is represented by an element or group of elements that can be selected to form the sample. We chose the sampling unit, the individual.

The sample units to obtain information on which they draw conclusions valid for the entire population under consideration. However, the sample is representative, because everyone has an equal chance of being included in the sample and because the error rate is not so high.

The structure of respondents was:

• Age: from 18 to 25 years - 4 people, 26-35 years - 10 people, 36-45 years - 7 people, 46-55 years - 7 people over 55 years - 2 people

• Education: high 23 persons, medium level – 7 persons

• Gender: 17 women, 13 men

A permissible error limit of 3% would be better ensure representativeness. Reducing the sample to 30 people will have a representative sample error  $\pm 10.74\%$  and a confidence level of 95%, which means an acceptable level of realism of the results.

### 1.3 Research methods

The questionnaire has a certain dynamic, a certain order of arrangement of questions.

The order of arrangement of questions in the questionnaire is very important because it influences the subjects' decision to participate in the investigation and answer all questions. The questionnaire begins with simple questions, general questions, questions that are then directly reach the issue of research and asking difficult questions intercalate more time thinking of questions easier.

At the end of the questionnaire were placed questions characterization of subjects, enabling their description in relation to a number of criteria such as age, education level, occupation, income, gender. The questionnaire applied consisted of a total of 17 questions. Users were asked to choose carefully considered choice closest to their point of view.

This questionnaire contains questions both closed and open questions. There are differences between the shape and length of responses. Closed questions permit only fixed choice of answers before, with the possibility of quantification using a scale responses. They have several advantages such as easier statistical analysis supports the memory of the investigation, allowing the application of questionnaires with several items, increasing anonymity and safety of the investigation.

The drawback of this type of question is that suggests an answer by presenting a sort of responses. Leaves open the questions of freedom of personal expression, bringing in extra people to know specifics. A disadvantage of this type of question is that are hard coded.

### 3.4 Main findings

This section of the paper is containing the questions and the main results obtained after the centralization of the answers provided by the citizens involved in this research.

Question 1: How do you assess the relationship between citizens and the district city hall you belong? The answers to this question is presented in Figure 1.

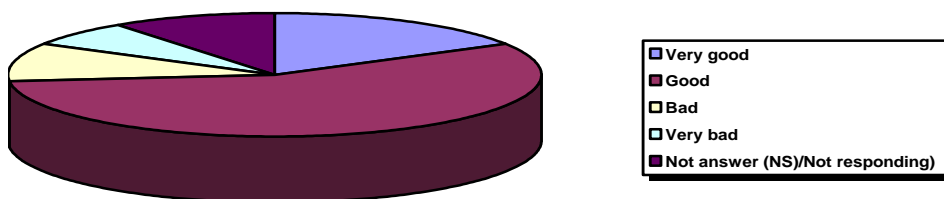
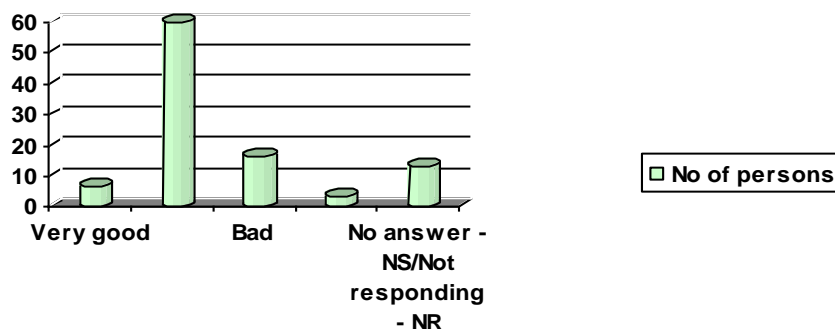


Figure 1. The opinion of the citizens about their relation with the city hall

As can be seen approximately 56.66% of citizens believe they have a good relationship with city hall, while only 16.66% believe that the relationship with City Hall is poor and very poor, which shows some deficiencies in how a hall understands to work with citizens.

Question 2: How do you work where you live in the District Municipality period from 2008 to present?

The answers of the subject to this question are presented in Figure 2.



**Figure 2. The assessment of the city hall activities after 2008**

As can be seen 60% of the industry people are satisfied with the work of the mayor in 2008-2011, which means a good level of recognition of the results obtained .

Question 3: To what extent are you informed (a) initiatives and District Hall?

The answers to this question are presented in Table 1.

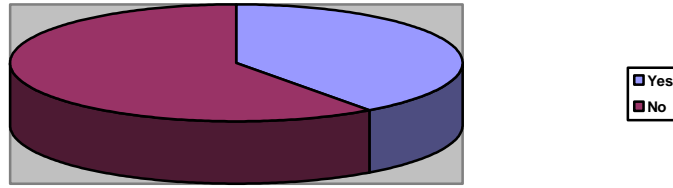
**Table 1. The degree of information about the city hall activities**

	Largely	In small extent	In large extent	In very small extent	I don't know/ I don't want to answer	Total
No of persons	3	4	15	3	5	30
Percent	10%	13.33%	50%	10%	16,66	100

As can be seen, approximately 50% of the citizens are informed about the initiatives and actions of the hall.

Question 4: Do you know the laws no. 52/2003 and 544/2001?

As can be seen in Figure 3, the degree of knowledge by citizens of specific legislation on transparency is very low, most do not know the regulations.



**Figure 3. The degree of knowledge of specific legislation**

As can be seen in Figure 3, approximately 60% of people in industry do not know the laws in decisional transparency and access to public information, which shows a weak interest both from the Mayor to inform citizens and of citizens to know their rights arising out from their status of members of a community.

Question 5: If your answer is yes, please assess on a scale from 1 to 10, the degree of implementation of these laws?

The answers are presented in Table 2.

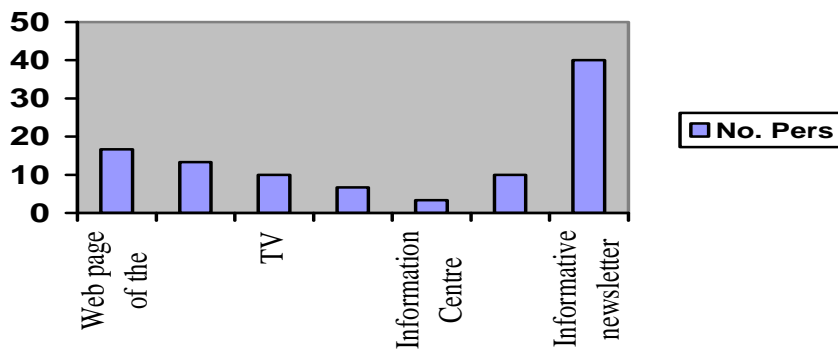
**Table 2. The assessment of the legislation implementation degree**

	1	2	3	4	5	6	7	8	9	10	Total
No.	0	0	0	0	1	1	6	1	1	2	12
Percent	0	0	0	0	8,33%	8,33%	50%	8,33%	8,33%	16,66%	100

As can be seen in the table above, approximately 50% of those who know legislation about decisional transparency and access to public information. This percent is not enough as soon as we wanted to know how many of these regulations are implemented. It can be seen that most part of the citizens consider that the legislation on transparency is not good implemented, even it exist for several years.

Question 6: Where did you find most information about City businesses?

On this question, subjects had different answers as we can see in Figure 4.



**Figure 4. The sources of the citizens information**

As we can see in the picture above, approximately 40% of those surveyed inform the work of the District Municipality of the City Newsletter that they receive even home addresses. But it can be seen as citizens accessing other information sources. Question 7: How often looking for information on the source specified above? The answers to this question are found in Figure 5.

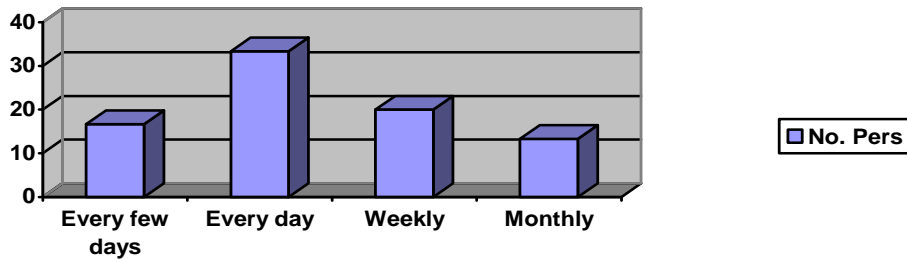


Figure 5. The frequency of accessing an information source

As can be seen from the figure above, approximately 33.33% of the respondents are interested about city hall projects and they are informing about that every day using different sources.

Question 8: Are you satisfied (a) the manner in which the civil servants are facilitating the access to public information?

While citizens show a special interest in the activity hall sector in which they live, we can see in Figure 6 that they are quite unhappy that the city halls are offering less access to information then they are expecting for.

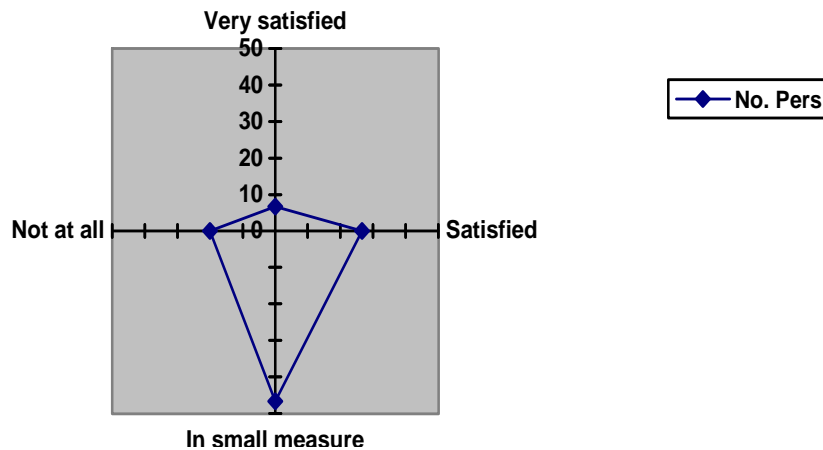


Figure 6. The degree of satisfaction concerning the public information accessibility



As we see in figure above, approximately 46.66% of the respondents are not satisfied with how the employees of public institutions facilitate access to public information, which shows major deficiencies of the local authorities on their communication process and relationships with citizens.

Question 9: Which of the options below you think are the best methods of communication?

The answers to this question are presented in Figure 7.

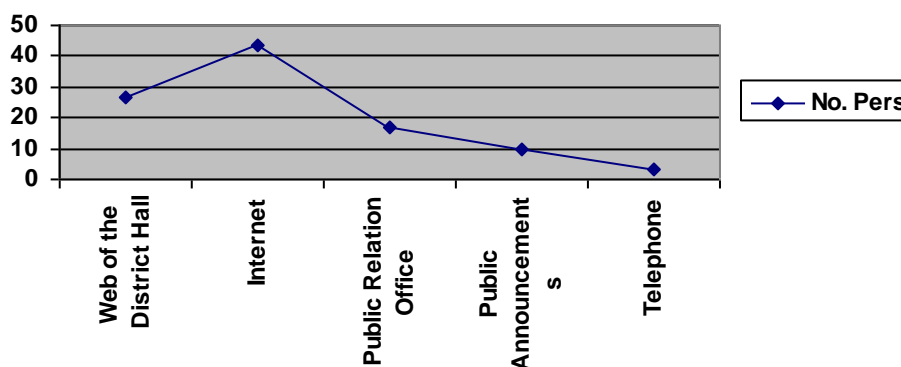


Figure 7. Preferred communication methods

As we can see in the picture above, approximately 43.33% of the polled say the best method of communication is the Internet, while only 3.33% appreciate the phone as the best method of communication.

Question 10: To what extent the information posted on the official channels of information are you think you help?

As we can see in Table 3, this question subjects appreciated the information provided is useful, at a rate of 30%, but are insufficient and 40%, which shows a series of limits on the mayor has the quality and usefulness of the information provided to citizens.

Table 3. The utility of the public information

	Very useful	Useful	Irrelevant	Insufficient	Unnecessary	Total
No.	5	9	3	12	1	30
Percent	16,66%	30%	10%	40%	3,33%	100

As a result, approximately 40% of citizens consider that the information sector posted on the official channels of information are insufficient, while only 16.66% believe that this information are very useful.

Question 11: How often it happened that the municipality of the district officials create you difficulties in order to obtain public information?

In Figure 8 we see the opinion of citizens on their opinions concerning the accessibility of public information. As can be seen, almost half of those surveyed consider that they had some difficulty in obtaining necessary information, while the other half said that there were some difficulties in communication with the district city hall when they requested information or services.

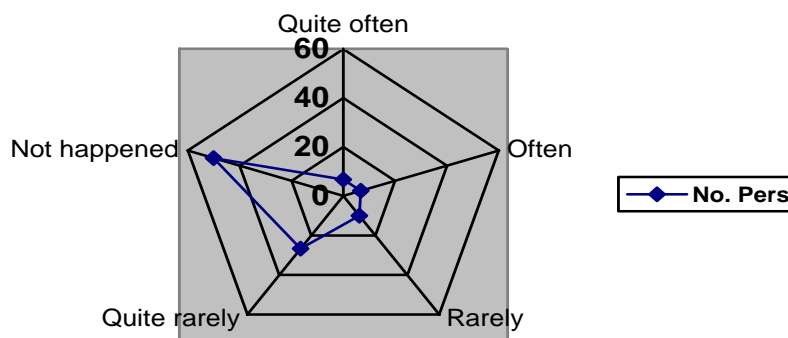


Figure 8. The frequency of citizens difficulties along the communication process with the city hall

As can be seen in the figure above, 50% of respondents have experienced difficulties in communicating with city hall officials when they asked for information or providing services.

Question 12: In your opinion, in the following year, the degree of transparency in the decision will change?

Expressed in response to this question we can see that most subjects estimated the degree of transparency of the hall will remain the same in 60%. This percentage is added another 13.33%, which considers that transparency will decrease. This makes the percentage to rise to 73% in real terms which is a negative situation. As can be seen in Table 4, to this figure is added at a rate of 26.66 people % which show that the people don't know or they don't think that something will be changed in terms of transparency of public institutions in the future.

Table 4. The evolution of the city hall's transparency degree

	Will increase	Will decrease	Will remain the same	I don't know	Total
No.	1	4	18	8	30
Percent	3,33%	13,33%	60%	26,66%	100%

Question 13: In your opinion, after joining the European Union decision-making level of transparency District Municipality has changed?

Figure no. 9 is showing us the fact that no significant changes occurred in terms of decisional transparency, after Romania's EU accession. That means that they don't feel any significant changes related to the transparency of the public institutions after the Romanian integration into the European Union.

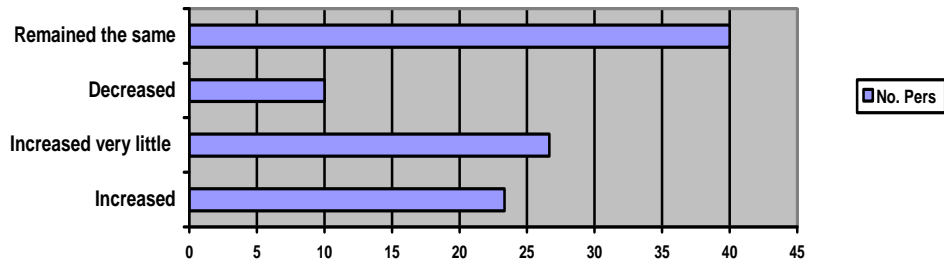


Figure 9. The institutional transparency degree after the Romania integration in the EU

Only 23.33% of the respondents consider that the degree of transparency in the decision of the District Municipality increased after Romania's EU integration, which is a very low level and is showing us not too much progress in the issue. Question 14: City District is currently developing a new strategy for development from 2011 to 2020. What do you think is the priority sector development?

As can be seen in Figure 10, the most citizens do not know exactly which are the priority areas of the city hall. It explains their diversified answers. It also means a lack of communication and an unclear vision of the local public administration concerning their priorities.

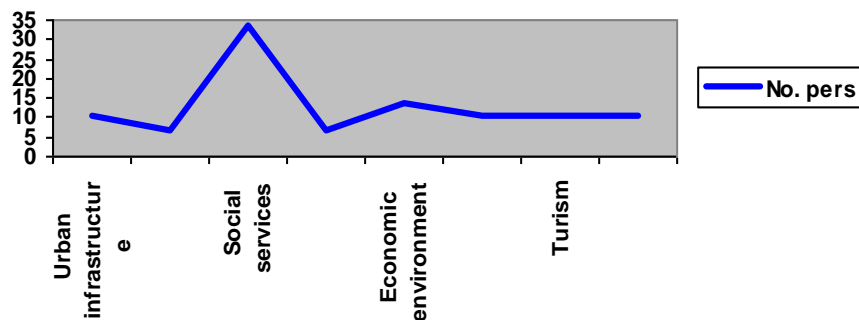


Figure 10. The citizens view concerning the strategic priorities of the city hall

Question 15: Please state the biggest advantage of the sector that can contribute to the development of it:

The answers to this question are represented in Figure 11. It can be seen that more than half of the subjects appreciate the existence of green space as a big advantage of the sector in which they live, because diversify their opportunities for recreation and relaxation.

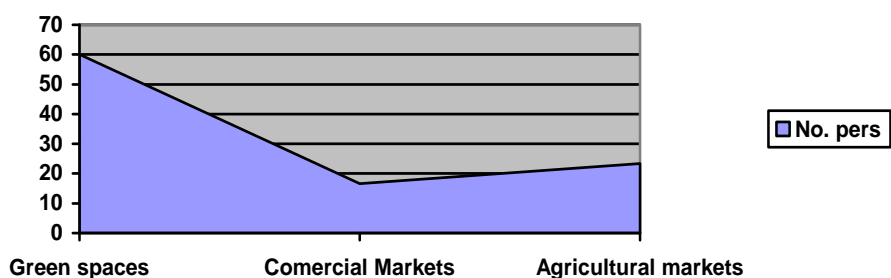


Figure 11. The main advantages of the district

As can be seen, approximately 60% of people who responded to this survey, believes that the sector's biggest advantage is the existence of green areas, many of them arranged in recent years. But they also appreciated the fact that they have diversified markets.

Question 16: Please specify the largest disadvantage of the sector, which may contribute to the development sector.

As can be seen in Table 5, in the opinion of the subjects, the greatest disadvantage of the sector in which they live is that not enough parking spaces (40%) and about 33.3% are considering that the district has a very poor road infrastructure.

Table 5. The main disadvantages of the district

	Lack of parking spaces	Insufficient kindergartens	Bad local infrastructure	Total
No	12	8	10	30
Percent	40%	26,66%	33,33%	100%

Question 17: Please specify the largest threat to the sector, which may prevent development of:

On this question, the answers subjects are presented in Figure 12. As can be seen, in the opinion of citizens the main threat is on the small number of places for children in kindergarten, because the number of public kindergartens is reduced. The second major threat is on projects that make it difficult for citizens to travel from certain areas of Bucharest to the others.

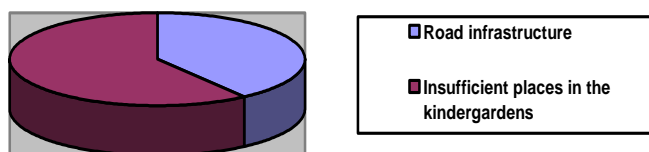


Figure 12. The main threats of the district

When asked which refers to serious problems of the sector, respondents were very different opinions, as can be seen in Table 6.

**Table 6. Assessment of the severity of problems**

	No.	Percent
The quality of the health services	0	0%
Public order and peace	0	0%
Need of houses	4	13,33%
Cleaning the streets	1	3,33%
Services of the citizens by the civil servants	1	3,33%
State of the agricultural markets	5	16,66%
Maintenance of schools, kindergartens and high schools	2	6,66%
Quality of the local transport	1	3,33%
Population of the environment	2	6,66%
Accessibility of the citizens to the health services	5	16,66%
Places for cars parking	8	26,66%
Street lighting	1	3,33%
Other problem	0	0%
I don't know/I don't want to answer	0	0%
Total	30	100%

### **Conclusions**

One of the important findings of this research is that the Law no. 544/2001 of free access to public information and that the law no. 52/2003 on decisional transparency demonstrates that the implementation of them by the local public administration in Bucharest is very problematic. Although exposed during work practice analysis confirms, in an argument that transparency and citizen participation in the decision-making are two essential prerequisites for increasing the quality of local governance, yet there are serious problems on the application, meaning that they, for various reasons fail to find its full implementation.

As a result of research, law no. 52/2003 transparency of decision is known and used almost exclusively by non-governmental organizations, but problems remain to be addressed for such a law as fundamental to improving the quality of local governance, to achieve the purpose for which it was initiated and adopted. This is because the number of people who use this law for the recovery of two fundamental rights are enshrined in the Constitution is still quite small. According to research, the reasons are many, some even taking the mentality of citizens and their lack of experience and democratic practice.

The research pointed out the fact that if local authorities in Bucharest in general and in particular want government to be a bureaucratic, formalistic and

much less effective, they must develop mechanisms to allocate resources and to encourage citizens to know and to consider their claims.

In principle, the transparency of decision-making is very well described by the Romanian legislation, but the local public administration is not very well prepared to deal with. Even the civil servants are very reluctant many times in offering the free access to the public information. Law no. 52/2003 is a general legal framework in relation to the requirement of insurance covering the legislative framework and institutional practice required the active participation of citizens in local government decisions, as reflected in the existing national regulations in some EU countries and in United States of America.

Citizens take part in the activities initiated by the local authority if they understand the essence of the problem and what is expected of them. Then they come up with initiatives, ideas and proposals that are sometimes unexpected, useful and practical, even for professionals from the local authority. That means that the local authorities should increase the cooperation with the citizens and the actors of the local business environment in the near future in order to be more effective in their work.

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