Non-Governmental Organizations as Agents of Modernization: A Romanian Perspective

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Abstract

It is currently contended that the economic adjustment programmes being implemented by Romania should be accompanied by reforms that lead to concrete modernization. The current economic difficulties demonstrate the limits of the state in terms of leading and guaranteeing constant social and economic development by itself, and have attracted new interest in the role of non-governmental organizations (NGOs). Being part of civil society, NGOs are expected to play an important role in fostering the changes that many would argue are now needed. This article examines the theoretical grounds for assuming that NGOs will function as agents of modernization, and considers some issues of the role of NGOs as part of the administrative reform and modernization process. It concludes with some remarks concerning the future development of the legal framework and the necessity for networking between public administration institutions and civil society institutions involved in the modernization process. Our general research approach for this paper is to recollect the historical and descriptive experience. We use cross-sectional and correlational analysis methods as part of the empirical analysis.

Keywords: Non-Governmental Organizations, Civil Society, State Government, Modernization;

1. Introduction

1.1. Typology and size of the NGO sector in Romania

The dynamic development of societies has slowed down a little with the rapid growth of state intervention in the economy and the development of the welfare state. But economic difficulties, which have demonstrated the limits of state when it comes to leading and guaranteeing constant social and economic development by itself, have attracted new interest in the role of NGOs (Mikulowski, W. (2001). Multiple studies have shown the important role that NGOs play in increasing good governance (Matei & Matei, 2011) and combating social phenomena such as corruption (Matei & Matei, 2009).
In Romania there is some degree of confusion as to how we actually define the term “NGO.” This is increased by the fact that NGOs are grouped under various names such as the “non-governmental”, “non-profit” sector or “civil society” or, more recently, “social entrepreneurship” and “social economy”. Due to the variety of objectives and instruments they use in order to perform their mission, the NGOs form a somewhat disorderly assembly of entities in the form of organizations with very diverse preoccupations. The legislative framework which regulates the NGOs (in this case, associations, foundations and federations) has experienced an evolution which, on the one hand, contributed to defining the non-governmental sector and to institutionalizing it (without however settling important issues such as regulating the statute of public utility or the legal and fiscal treatment of donations, sponsorships and contributions for the non-governmental sector) yet, on the other hand, maintained another series of excessive procedures (especially related to their registration) (Civil Society Development Foundation, 2010).

One of the most important objectives of this legal framework has been to facilitate the development of civic society in both developing and post-communist countries.

1.2. Development of the civic society after the fall of communism.

After 1989, the nature of the relationship between government and citizens, and between the state and the non-governmental sector, was systematically and incrementally modified. The easiest way to definitively change the relationship is to look at it from the perspective of governance reform. The relationship between the state and the non-governmental sector is subsumed through complex issues of governance reform and is an integral part of the modernization of the State. The State modernization effort requires not only the introduction of some elements of performance management and an increase in the efficient use of public funds, but also elements of good governance. In Romania, the interest in developing the relationship between the government and the non-governmental sector has increased appreciably in the last two decades, quickly introducing partnership models to address issues developed at the international level. Analysing the NGO sector in the last 20 years, we cannot ignore the major influence which various governments have had on its development. A minimum condition for the development of the NGO sector in any society is the existence of a democratic political framework. To have a non-governmental sector requires a strong political vision conducive to the development of this sector, a positive attitude aimed at encouraging and supporting a public-private partnership with the NGO sector. To a certain extent, the history of the development of the NGO sector is closely linked to the history of the relationship with the government sector.

In terms of the dynamics of the relationship between the state and the NGO sector in Romania, we can distinguish several stages of development since 1989 (Civil society development foundation).

The NGO sector is in street and is absent from governmental programs. This first stage of development of the NGO sector is characterized by a democratic enthusiasm manifested as an expression of freedom of association. It was a period of political effervescence, marked by the discovery of democratic rights and freedoms, with many street demonstrations and protests. During this period we remember demonstrations in University Square, and the coalminers coming to Bucharest. There was also the appearance on the political scene of the National Salvation Front, and the reconstruction of historical political parties. It was a time when all processes and political institutions underwent an accelerated process of redefinition, the NGO sector began to shape its identity, there was a respect for democratic values and the emergence of anti-communism.

The NGO sector in opposition. The next period of development of the NGO sector can be characterized as the opposition period. NGOs, through their speeches, often with the support of actions initiated by foreign assistance programs for democracy, based on recently reborn political parties, appeared as elements of opposition, albeit fragile ones. Hence there were tensions between the government and the NGOs, and a lack of dialogue and cooperation between the government sector and the NGOs.

The NGO sector is consolidating and there is the emergence of a model partnership relationship between the state and the non-governmental sector.

Massive and systematic support for the non-governmental sector in four years of international assistance programs, led to results that showed the existence of an sector with increased capacity and interest in internal and external regulations. Opposition parties which were close ideologically, in particular the Democratic Convention of Romania, which won the 1996 elections, reflected the changing political discourse and need for policy action. The Ciorbea Government Program (predominantly) and the Radu Vasile Government Program reflected this changed attitude towards the NGO sector.
NGOs as promoters of good governance and of accession to the European Union. The number of NGOs with an advocacy capacity have increased in recent years through programs of technical assistance and specialized training courses supported by different international organizations with strong experience of successful approaches. These influenced the public agenda of the last government which focused its efforts primarily on developing the legislative and institutional framework, enabling better non-governmental sector participation in the public policy process.

Since 2004, a large proportion of the international donors (public and private) that supported the development of the NGO sector in Romania have started closing procedures with regard to development assistance programs. The main reason was represented by the predictable evolution of Romania towards EU integration, this leading to conflict with the status of international assistance needs. Although in itself a positive thing, the imminent withdrawal of major international funds from Romania generated deep concern in the NGO sector, which were heavily dependent on these international funds. This situation has created an effect of strengthening efforts to influence policy makers to ensure access to public and private resources to support the activities of NGOs.

European integration - a chance to move from social dialogue to civil dialogue in Romania. Corporate Social Responsibility practices are in their infancy and the possibilities of raising funds from individuals are said to be poorly regulated by law and therefore difficult to achieve. These concerns have been at least partially addressed through the government Tariceanu program (Program of country governance published in the Official Gazette, 2004). Through its representatives, the civil society has always sought elements of good governance such as strengthening participatory democracy, supporting social economy, supporting the subsidiarity and the decentralization of public services which are for the general interest, prioritising educational policies and sustainable development, adopting coherent legislation in terms of public-financing the NGO sector, and amending the criteria for granting public utility status.

2. State of Knowledge

2.1. Legal and institutional framework of the NGOs and of their collaboration with the Government.

It is important to distinguish between tasks that the state is forced to execute and those that it decides to outsource. These options are reflected in the policies the state adopts towards NGOs. In terms of common practices in EU countries in which the state works with private providers to supply essential services which it had to finance, these options are particularly efficient and effective. These policies cover a set of principles and mechanisms for financing those services that the state wishes to subcontract to the NGO sector.

The direct funding mechanism is a set of procedures applied by a central public authority under laws which include rules, principles and criteria with regard to the funding of NGOs and public institutions. The main legislation governing direct government funding for NGOs in Romania are (Olteanu, Preda, & Presadá, 2007).

- O.G. no. 68/2003 on social services which deals with service contracts and partnership agreements;
- Law 34/1998 on associations and foundations which provides grants Romanian for legal persons, that establishes and administers social assistance units, establishes social service funding on a monthly cost to the beneficiary;
- Law 350/2005 on the regime of grants from public funds allocated to non-profit activities of general interest. This is a framework law that promotes a procedure applicable to all forms of financing from public funds for non-profit entities;
- O.G. no. 34/2006 regarding the award of public procurement contracts, public works concession contracts and services concessions.

2.2. Role and forms of NGO's involvement in the development and modernization of public administration. NGO participation in the public decision making process.

In the last few years, NGOs have shown a growing interest on participation in public policy decision making by participating in public consultations and offering comments in public debates with regard to normative acts (EFC Research Task Force, Foundations in the European Union – Facts and Figures, 2008).

In practice, we often encounter two types of participation. There is "light participation" when to participate is to inform the public about decisions already taken with the intention of blocking any complaints, or to manipulate
public opinion. Genuine participation occurs when the public is involved in public policy decisions, when the expression is free and responsible. The Government involves them in the production of services such as in establishing contracting mechanisms in setting service standards or in creating assessment activities (Salamon, Sokolowski, & Wojciech, 2003). In the study conducted by the Resource Center for Public Participation (Lambru, 2006) which analyzed public consultation practice in Romania, the researchers paid particular attention to the way in which the public consultation process management is undertaken. Decision makers and NGO representatives have said in interviews that in Romania there is not legislation governing public consultation which is the problem, but how to implement this legislation. In other words, the problem is the management of the public consultation process. The participation should be seen as part of the decision making policy, not as a fringe element, possibly "just in case". For participants taking part in deliberative processes, it must be clear that their effort is not formal, and therefore they are not participating in discussions on decisions already taken. If such a suspicion exists, deliberative processes are likely to be counterproductive, producing frustration and mistrust.

Deliberative processes involving various classes of stakeholders do not diminish the responsibility of the government when it comes to making decisions. NGOs are not "draining" fully public policy agenda and the political agenda does not change. It only provides public input on key points where consultation is needed. By contrast, we have a participation framework that strengthens democracy by providing additional stability to the political system by adding representativeness and transparency.

3. Conclusions

From a fair understanding of the role of advocacy activities carried out by NGOs, the government must ensure that there is a coherent and correct framework for such activities for the general benefit. More specifically, this coherent and fair framework means:
- Ensuring the optimal functioning of transparency legislation, namely Law 544/2001 and 52/2003. There should be no exceptions or deviations in terms of the implementation of constitutional rights related to freedom of expression and encouraging a coherent legal framework on the right to association;
- Facilitating access to information with regard to NGOs budgetary policies and establishing legal and institutional mechanisms to support accountability and responsibility;
- Supporting public funds associated with NGO participation in policy process monitoring in various fields;
- Supporting the development of mechanisms for social dialog forums in which organizations are included. It should be recalled that in Romania, including representatives of the NGO sector in CES is much delayed, although Romanian organizations participated in the European CES 2007;
- Encouraging the use of public consultation and participation mechanisms at central and local levels;
- Increasing the capacity of government representatives to organize consultative processes. This capacity increase can be achieved, not only through legislation, but also through specific training programs;
- Involving NGOs in various court decision, government and parliamentary activities;
- Promoting civic education activities.

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