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# **Analysis of mobility related aspects and politicizing the civil service within Romanian public administration**

**Abstract.** This paper presents a number of issues related to the mobility of civil servants and to the politicizing the civil service in Romania in the period 2000-2010. Analysis of the politicization phenomenon has allowed identification of three stages: 2000-2004, 2005-2008 and 2009-present. Application of legislation within the civil service has allowed a considerable increase of the stability level. Professionalization of the prefect function did not generate a considerable increase in its level of stability. Lately it is noted an increased dependency of the public function to the political system, through legislative changes initiated at the government level. In this paper, using qualitative and quantitative methods, a number of issues related to mobility of civil servants and to the politicization of civil service are highlighted. For this study, there were used data sets from a sample of civil servants from the public administration. Civil servants' opinion is totally unfavorable to the process of politicizing the public administration.

**Key words:** politicizing civil service, public administration reform, mobility, civil service

## **1. Introduction**

It should be noted at the outset that there is no *acquis communautaire* regarding public administration or civil service. European Union Treaty (Art. 39, para. 4) states that freedom of movement of persons does not apply to "public service employment", which means that Member States are free to decide the applicable law in this area. The same provision is repeated also in the Treaty that established the Constitution for Europe (article III - 133, para. 4). However, the EU insists on strengthening the administrative capacity to lead to a better administrative system in Member States and especially in the new Member States, correlated with a better absorption of EU funds. Strengthening this capacity cannot be completed without an efficient, effective and depoliticized civil

service, which will determine an effective functioning of the public administration at national level. Such an operation requires continuous adaptation of the sector, by adopting and implementing long-term strategies and improving the legislative framework. For this reason, within the accession and then integration process in the EU, Romania has had and will have to take steps to reform its public administration. To ensure consistency of the reform process, in 2004, it was adopted the updated Strategy of Romanian Government for accelerating public administration reform. This document came as in response to the recommendations made by the European Commission in 2003. Preparations of this document were done with the direct assistance of the European Commission, the Phare 2001 programming that provided Romania financial and technical support through the project "*Support for creating a public administration reform strategy*".

Modernizing public administration in countries that joined the EU is an extensive process. In the literature there are some studies that refer to this topic (Nunberg 1999), and to the differences between the administration of these countries and those of the Western continent (Goetz, 2001, Meyer 2008). One of the major issues that governments of the countries that joined the EU in the last two waves need to resolve reduction of the politicizing and creation of clear demarcations between political system and technical apparatus from the institutions of the public administration. „Moreover, *defective administrations*, characterized by such features as high levels of politicization, instability and weakness of the rule of law could become permanently institutionalized, which would undermine the governance capacity of the CEECs and their ability to effectively participate in the EU” (Goetz, 2001). Also, (SIGMA, 2009) states: „When comparing the eight countries, we have to therefore conclude that the principles of

professionalism, political neutrality and fairness in the selection process are met, by and large, in the three Baltic States”.

From this perspective, carrying out studies and presenting the results of the politicization of public administration, represents a mean of awareness about the negative effects induced by this phenomenon and, ultimately, could lead to reducing the effects of politicization. For countries which acceded EU in 2004 an OECD study was carried out through Sigma which aimed to highlight the magnitude of the politicization (SIGMA, 2009). According to this study, “civil servants’ attitudes towards the politicization of personnel management are very critical and stand in stark contrast to the prevailing practices of personnel management”.

In the following there are presented some aspects of the politicization of the Romanian administration. In this study there were used results obtained from application of a statistical survey, during 2006-2009, at the level of representative samples of civil servants in the public administration.

The paper is organized into three parts. In the part one there are some general features of public administration reform process in Romania. In the part two there are highlighted a number of issues related to mobility in the civil service. In part three are highlighted the most important aspects of the relationship between technical and the political apparatus of the public administration. In this study are presented three stages and their characteristics related to "politicization" of public administration in Romania in the last decade. At the end of the paper there are formulated some conclusions on two important aspects of civil service, mobility and politicizing the civil service.

In the analysis of two important aspects of civil service, we start from the premises that a real reform of public administration must seek the most important aspects which define it: recruitment, selection and hiring, motivation, improvement, performance

evaluation, conduit, stability and relation with the political system, communication, leading style and creativity, clear defining of the responsibilities in the civil service reform process.

## **2. General framework of public administration reform process**

According to the Strategy adopted in 2004, civil service reform was a process of transformation of central and local public administration to respond more effectively to the needs of citizens and other "clients" of services, and to the demands of Romania' integration into European Union structures. To meet these requirements there have been identified three components of the reform process:

- a) civil service reform, improving public service management and improving the training of civil servants;
- b) reform of local public administration, by continuing the process of deconcentration and decentralization;
- c) improving public policy formulation.

To be implemented and have a practical application, the reform strategy has been accompanied by a plan of action that was set deliberately: costs of each action, funding sources, responsible at institutional level and expected results.

It should be noted that elaboration of the strategy was preceded by concrete actions to strengthen administrative capacity. Among the most important actions carried out during 2001-2003 it is mentioned (Profiroiu, 2006):

- a) creation of Central Unit for Public Administration Reform (CUPAR), National Institute of Administration (NIA) and National Agency of Civil Servants (NACS), structures within the Ministry of Administration and Interior (MAI) responsible to deal directly with the components of the public administration

process reform. The country report of 2003 showed a positive approach to their establishment, as well as to their activities. Equally there were highlighted the limits of their performing, induced by material and financial status;

- b) creating a national network of *modernizers* at the level of ministries, prefectures and county councils;
- c) developing a diagnostic analysis at the local and central public administration. The study "Analysis of current status of the modernization of public administration" was conducted through a PHARE project "Strengthening the institutional capacity of the Ministry of Public Administration." The civil service of diagnostic analysis performed presented the need to implement a modern human resource management;
- d) contracting through a 2001 programming Phare of technical assistance project needed to elaborate the strategy of reform ,with support from EU experts.
- e) The action plan that accompanied the Strategy contains measures which are grouped into three specific objectives, namely: (i) in actions in civil service domain which aimed, on short term, development of change management in the civil service and on long term stabilization and strengthening public administration, (ii) the local public administration reform aimed to improve management actions under local public services and increase their quality, responsibility, allocation of financial resources and services related rights ( iii) measures to improve the quality of national public policy formulation and local management capacity building to support the Government, Conty Councils and Local Councils needed to achieve requirements of objectives for national and local development.

There are a number of studies that shows relevant issues related to conduct of public administration reform process in Romania. Profiroiu (2006) emphasizes the role of implementation of reform measures to strengthen administrative capacity in order to attract structural funds. Implementing the civil service young professionals scheme (YPS) a quick change can be make in the civil service (RL). An important component of civil service reform process is implementing a new pay system in the public administration. Continued employment practices of a large number of employees and payroll administration in the period 2005-2008 are no longer possible in the next period (Andrei, 2009b).

Using a qualitative approach (Dragos, 2007) presented a number of trends and barriers to local public administration reform in Romania. Are highlighted a number of issues related to the implications of decentralization of administrative capacity of local communities. Andrei (2009), used a simultaneous equations econometric model for estimating the negative effects of corruption on the performance of the decentralization process and to implement public administration reform process in general. The instruments used for the politicization of public administration were to some extent different from one government period to another. Purpose of the studies conducted by Gradinaru (2009) dispute the unconstitutionality of laws issued by the government which allows hiring of management of decentralized services based on political criteria. Hinteá (2007) discusses the need for reform of university education in public administration to support the creation of a public function in Romania, powerful and politically neutral. Diagnostic tests and pertinent conclusions on the state of public administration reform in Romania are presented in the Country Reports made by the European Commission.



To reform the civil service there were stipulated 17 actions aimed at: creating and implementing a system of recruitment, evaluation and promotion in civil service based on merit, creating and implementing a wage of civil servants, develop a corps of public managers and professional skills necessary to support the reform process and EU integration, capacity building of the National Institute of Administration to ensure continued implementation of strategic components of the training of civil servants.

For local public administration reform were stipulated 25 activities relating to: defining mechanisms and structures for managing development process, education sector reform, health and social assistance in terms of decentralization of competencies and activities in these areas, improving local budget process, increased local income and clarify issues related to public propriety; improving transfers, establishing a new framework for Prefect activity and development of specialized training programs for training of Prefects, developing capacity of local authorities to implement reforms through training of human resources development and management of new standards decentralized services.

To support improvements in public policy formulation process have been stipulated 11 actions aimed at: strengthening capacity at central and local public administration to support public policy formulation process, developing the role of senior civil servants in public policy formulation process, improving process formulation of public policies, strengthening inter-institutional coordination at central and local level within the public policy formulation process.

All these actions were covered in the proposed funding from the state budget and external funding mainly through European projects included in the Phare multi-annual programming for 2004-2006 or the World Bank's PAL program. Financial resources allocated to the three priorities are presented in the following: (i) for Public Service

were implemented projects worth 7.2 M EUR. To this will be added 13.9 M EUR / year for training during the three years the following staff: 100 senior civil servants through specialized programs for one year, 150 young professionals through specialized programs lasting one or two years, 3,000 to the current public officials (senior management) through one year specialized programs and 9,000 present civil servants (middle management) within three months specialized programs, (ii) to support local public administration reform projects were funded through Phare and through World Bank's PAL Unit program amounting to 8.1 M EUR (iii) for the third component of the reform process projects were funded in value of 8.1 M EUR. The financial support by the European Union for public administration, from 1992 to the begin of multi-annual Phare Programme 2004-2006, amounts to 42 M EUR. The value of multi-annual programming of Phare projects that support the implementation strategy amounts 35.8 M EUR.

### **3. Staff mobility in public administration**

#### **General aspects**

Neutrality and impartiality are fundamental principles of the public administration; therefore civil servants are obliged to be impartial in their service. The legislation created an appropriate framework for ensuring stability regardless of political related changes. Unfortunately regardless of legal provisions, political changes might lead to many changes among civil servants, especially for managerial positions in the civil service. Although stability it is theoretically ensured in the civil service, after each major policy shift after parliamentary or local elections we can witness massive change of civil servants in managerial positions.

In 2000-2004, due to low salaries of civil servants in relation to the private sector, has been a massive migration of civil servants to the private sector. Since 2005, it was noted a considerable growth of wages in this sector, but also a significant increase in employment in local and central public administration. For the period 2005-2008 average annual growth of number of employees in public administration and defense sector has been over 9% (Andrei, 2009).

Under these circumstances, there was a significant increase of the managerial civil servants. Moreover, in the year 2009 was adopted a new law that encourages hiring managerial civil servants from ruling political parties belonging.

According to the study conducted by Sigma (OECD, 2009) for countries that joined the EU in 2004, in most cases are found a number of issues related to the politicization of public administration. However, as a general feature in all countries, was seen as a general rule of hiring civil servants for unlimited period and linking the state secretaries mandate to the governing period. These rules correspond to European principles of administration for ensuring a high level of protection for civil servants and political neutrality in relation with the political system.

The results presented in these two sections will show two slightly paradoxical situations in the civil service in Romania. First is the increased stability of executive positions following the implementation of the primary and secondary legislation in the civil service domain over the past ten years. Second is the growing influence on the political system over the management functions from the public administration. The methods used for staff replacement were different from one government period to another. In all cases, there is a noticeable increase in the number of competitions organized by NACS in the period that have followed local or national elections. Since 2008 there is a noticeable the "formalization" of the practice by changing the legislation. For example,

through new legislation passed in the last two years, the duration of a management position of decentralized services is maximum of four years, and the managerial position could not be exercised exclusively only by civil servants.

### **Results obtained at the sample level**

For the analysis of important issues related to the continuous training within public administration a statistical survey was applied to a representative sample at the local and central public administration. The sample size was 460 people, and the maximum permissible error was 1.3%. In this questionnaire, along with questions strictly related to aspects of continuous training, there were inserted a number of questions for the study of some particular issues, such as government employees belonging to political parties, unions and professional organizations, the average years of work experience in public administration, average years of work experience of people in the same institutions, the average years of work experience of people in central government position held now, the average years of work experience of a person under the authority of the same people.

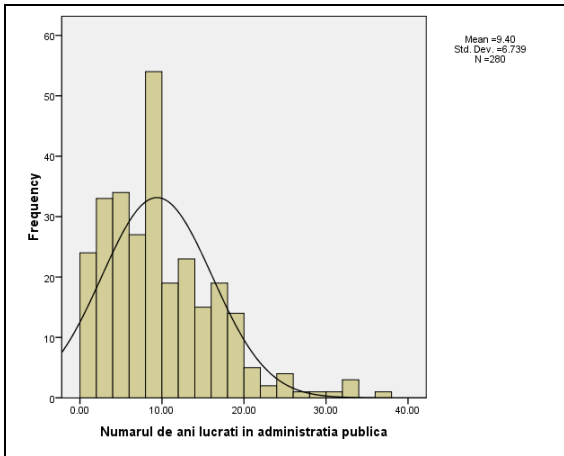
Based on data sets obtained for the four characteristics we can conclude the following:

- Horizontal mobility level 1, which characterizes the frequency of changes in employment by employees through the transition from one institution to another within the public administration;
- Horizontal mobility level 2, which characterizes the practice of employees to change work by switching from one department to another within the same institutions in public administration;
- Vertical mobility, characterizing aspects related to the promotion of managerial positions in public administration.

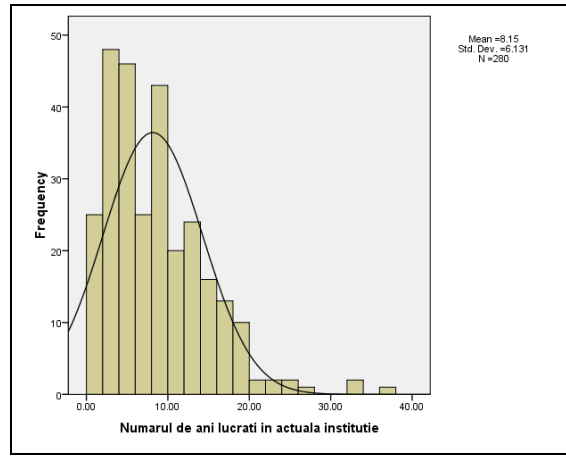
The descriptive indicators calculated to characterize the four dimensions of mobility of employees of central and local administration are presented in Table 1. The graphs in Figures 1 and 2 shows the distribution of age groups compared with the four indicators used to analyze the mobility of employees from central and local administration. Based on the results obtained in the sample it was calculated the average years of work experience of a person in public administration, within the same institution, to the same job and within the same supervisor.

**Table1.** Descriptive indicators to characterize employees' mobility

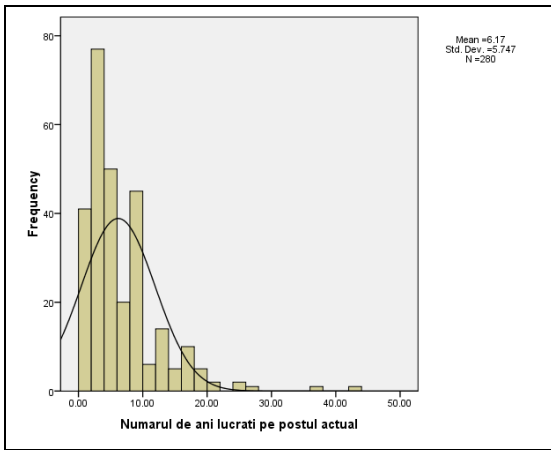
Indicator (years)	Work in public administration	Work in the same institution	Work in the current job	Work under the same supervisor
	Central public administration			
Average	9,40	8,15	6,17	4,46
Minimum value	0	0	0	0
Maximum value	36	36	22	20
Standard deviation	6,739	6,131	5,747	3,813
	Local public administration			
Average	8,66	7,15	4,21	2,86
Minimum value	0	0	0	0
Maximum value	35	33	16	15
Standard deviation	6,977	5,604	3,714	3,118



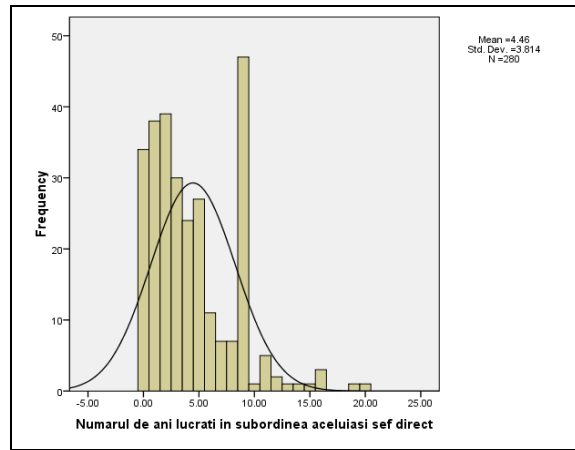
a



b

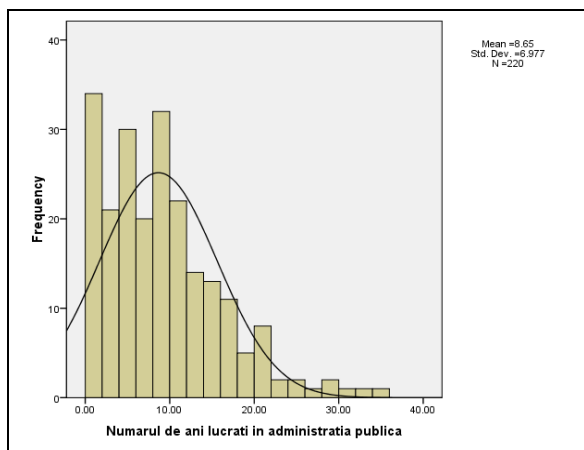


c

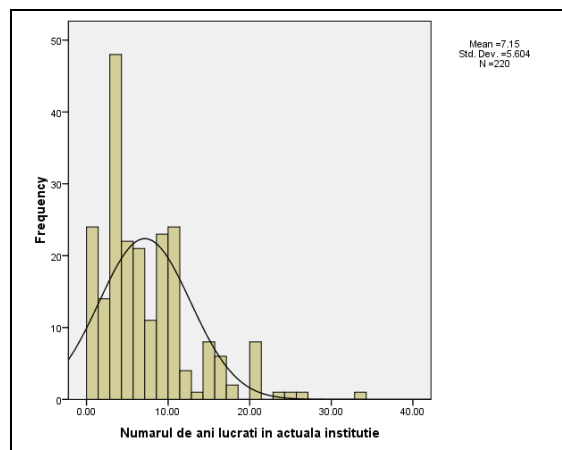


d

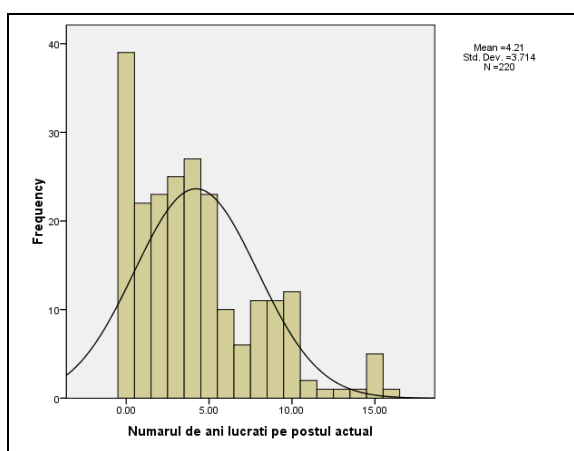
**Figure 1.** Distribution of staff from Central public administration based on the average years of work experience of a person in public administration (a), within the same institution (b), to the same job (c) and with the same supervisor (d)



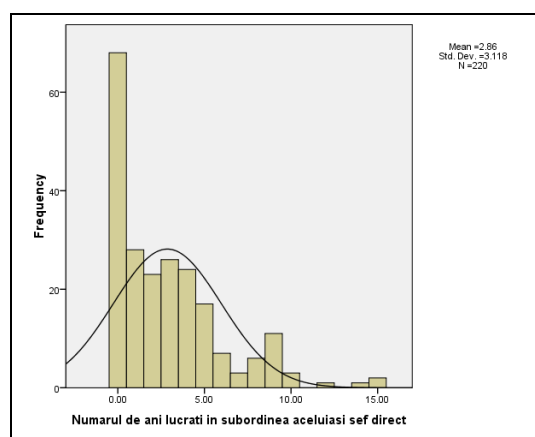
a



b



c



d

**Figure 2.** Distribution of staff from Local public administration based on the average years of work experience of a person in public administration (a), within the same institution (b), to the same job (c) and with the same supervisor (d)

To assess the mobility degree of central government following three statistics indicators are calculated.

- 1. Horizontal mobility index of level 1** is an indicator used to characterize the mobility of civil servants from public administration institutions:

$$k_1 = \frac{VM_2}{VM_1} \cdot 100$$

where  $VM_1$  – average years of work experience in public administration and  $VM_2$  – average years of work experience within a public institution.

**2. Horizontal mobility index of level 2** is an indicator used to characterize the mobility of civil servants on positions within the same institution:

$$k_2 = \frac{VM_3}{VM_2} \cdot 100$$

where  $VM_3$  – average years of work experience within a position.

**3. Vertical mobility index** is an indicator used to characterize the degree in which a management civil servant is promoted within the civil service:

$$k_3 = \frac{VM_4}{VM_3} \cdot 100$$

where  $VM_4$  – average years of work experience with the same supervisor.

Values calculated for the three indicators in the two administrations are presented in Table 2.

**Table 2.** Parameter values used to analyze civil service mobility (%)

	$k_1$	$k_2$	$k_3$
Central Public Administration	87	76	72
Local Public Administration	83	58	69

In another study carried out in December 2009 at the level of the public administration in (Andrei, 2009c) there were obtained the following values for the three indicators:  $85\% = k_1$ ,  $k_2 = k_3 = 61\%$  and  $70\%$ . The results obtained here are comparable to those in the table above. High values of the indicators show a low mobile of the civil servants



in central government in relation to three criteria. Thus, about 90% of a certain employment in central public administration is spent in the same institution; on average, more than 70% of a certain employment in an institution is spent on the same position; on average about 60% of a certain employment is spent on the same hierarchical level. This situation is explained by the legislative provisions which assure a high level protection of civil servant positions. Often, job security is an important criterion in choosing a public function, thus compensating to some extent lower wages in this sector.

#### **4. Civil servants belonging to various organizations and political parties**

##### *General aspects of the politicizing of civil service*

In the analysis of the process of politicization of the civil service we start from clear provisions on this issue, stipulated in Law 188/1999 on the status of civil servants. Thus, under Article 44 are set clear conditions for membership in political parties and on expressing political opinion for the civil servants. According to this article, civil servants "are forbidden to occupy leading positions in the structures or governing bodies, elected or appointed of the political parties, as defined in their statutes, as well as in organization who applies the same legal regime as political parties or foundations or associations that are affiliated to political parties". Moreover, for senior civil servants there are more restrictive terms such as "it is forbidden to join political parties, organizations which applies the same legal status as political parties or foundations or associations that are affiliated to political parties". Under this legislation, civil servants must not express or show their political beliefs or preferences to favor any political party in the exercising the civil service position which they hold.

Problem of politicizing of public administration in the countries that joined the EU in the last two waves is a general one. Thus, analyzing the implementation of reform

measures in countries that joined the EU in 2004, after accession date, there are highlighted some shortcomings mainly related to the stability of the political framework, incomplete implementation of legislation and politicizing of public administration. The study (OECD, 2009) noted: „At first sight, the CEE countries demonstrate a good fit with European principles of administration in this area of civil service governance. Seven of the eight countries (with the exception of the Czech Republic) have a civil service law in place. However, the legal basis is subject to several flaws and the trend since accession has been negative in several countries. First, civil service laws are not always fully implemented or there are gaps that are not covered by the legal basis. Second, the legal basis has been subject to a high degree of instability, in that all civil service laws have been amended often or even very often. Third, countries such as Hungary, Poland, and Slovakia have revised their laws to exclude the top layers of the bureaucracy from the civil service and to turn these positions into political appointments. The legal accountability, legal predictability and political neutrality of the civil service must therefore often be called into question 13. Only Latvia and Lithuania have been able to prevent this post-accession decline and have largely maintained a high fit with European principles of administration in this area”.

In the following it is described a number of issues related to civil servants replacement based on political criteria. The intervention methods of the political system on public management functions are different from one government period to another.

Compared with the ways used by the political system for politicizing in a higher or less degree the public function identifies three major phase for the past ten years.

**Phase 1.** The first phase, covering the period 2001-2004, correspondes to social democratic governance. During this period has been continued improvement of primary and secondary legislation in the civil service. It should be noted the change of the law

on the status of civil servants through a public anti-corruption law package in 2003. "The new version includes real improvements to the law, but requires implementation and uniform application across the public administration"<sup>1</sup>.

The new version of the law includes real improvements but requires uniform implementation and application across the public administration. In this period, in late 2004, it was adopted the Law of Prefect Institution which statuated the professionalization of the position held by the prefect. However, in the 2004 Country Summary Report it is mentioned that „the Romanian civil service remains characterized by cumbersome procedures, limited transparency and a limited capacity for policy execution"<sup>2</sup>. On the positive side, within the process of depoliticization of public office should be noted that in 2004 new legislation was passed which provided the professionalization of prefect function. This new law ensures the prefect political independence began to be implemented in 2005. However, most times, changing political structure of the government caused a massive change in the prefects of the counties.

According to a study carried out in 2003 at the level of public administration, it is stated that neutrality and impartiality are fundamental principles of public office. Unfortunately, political changes, regardless of legal safeguards, lead to many changes among civil servants, particularly the occupants of public management functions. Although public function stability is ensured, each every four years, or whenever the political structure of government is changed, the civil servants are massive migratin due to political level pressure. In this research a study was conducted on a statistical sample amongst mayors (the sample representing 9% of the population, the error admitted was 1.2%). When asked "*How much changes at political level have led to management changes at the technical level?*" 10% chose the answer "to mostly" and 26.5% "a

significant extent" (Profiroiu, 2003). These results show relatively moderate changes in management technical apparatus as result to the political influence.

**Phase 2.** In the second period, between 2005-2008, it has been continued the implementation of legislation adopted for the civil service and the legislation in this field was improved (especially with the help of technical assistance offered World Bank PAL 2 program). Thus, Country Summary Report adopted by the European Commission in 2006 stated in this respect that "the adoption of the Law on Civil Servants statuts was pending for Parliament approval, in May. It clarifies the status, the rights and the obligations of the civil servants and local authorities and individual ministries. Also it contributes to depoliticizing of the civil service by creating a panel which is responsible for the appointment of high-level civil servants"<sup>3</sup>. However the replacement of the civil servants has continued from along with the change of the government.

**Phase 3.** The third period began in 2009 and continues to this day. During this period, we believe that there was a decline in the politicization of public office. In this period, a number of laws that guaranteed, even if only theoretical, political neutrality of civil servants was changed. Throught the new legislation adopted by the government, the legal framework on change of management staff in public institutions is based on political criteria. This period was adopted Emergency Ordinance no. 37/2009 regardign some measures to improve public administration. This is a legal document which reopens, after nearly ten years, the possibility that a deconcentrated services manager to be appointed on political criteria. This is a document that has initiated a process of rapid and spread change of the decentralized services managers with the changing structure of government. Therefore, at article IV, paragraph 1 in this legislative act is stipulated that Evaluation of the *Managerial knowledge and skills based on management projects*

*is organized by the principal ordonators of budget, in the subordination, or under the coordination for which which the certain decentralized public services is operating, in maximum 32 days from the effective date of this Emergency Ordinance”<sup>4</sup>. This legislative act has virtually legalized the occupation of management positions based on political preferences. In the following we present several reasons: The normative act sets a maximum period of 32 days after entry into force for organizing competitions for filling management positions of all deconcentrated services. We believe that the time limit is too low for candidates to prepare the management project and the simultaneous national competitions are not possible; the Constitutional Court, which was notified on some aspects of this legislation, rulled this piece of legislation as unconstitutional. The reasoning made by the Court presents that this legislative act expresses a "tendency of politicizing" and "makes debatable current legal and constitutional system of public civil service”.*

It should be noted that while the Constitutional Court was hearing on the unconstitutionality of legislative acts approving Ordinance 37, the Government adopted a new ordinance no. 105/2009, which took full rules contained in the Government Ordinance no. 37/2009. This strategy of “legally” politicizing civil service created confusion and additional charges. Under these circumstances, in many instances, a leadership post in decentralized services is occupied at the same time by two different people: one who led the service before the appearance of that legislation and prevailed in court and another which occupied the position after applying the provisions of that legislation. After application of judicial decisions favorable to civil servants, the state was obliged to pay wages or compensation for people who were abusively replaced.

A high instability is found at the level of functions of the prefect and vice-prefect of the counties. If in the period 2001-2004 the prefect position was only political 2005, this

become politically neutral, at least theoretically (starting 2006, prefects and vice-prefects were nominated as high civil servants, respecting all the provisions stipulated in the Statute of civil servants, for this category). Although since 2005 new law regarding prefects was implemented, there was a great instability in the functions of prefect and vice-prefect of the counties. Thus, during 2006-2010 there were 140 persons that occupied the position of Prefect of the 42 counties. This situation presents a frequency of 3.3 people in the prefecture for a period of five years. It results that the average term of a prefect was only 18 months. In the same period, the 85 vice-prefect positions were occupied by 200 people. In this case we obtain an average duration of 25.5 months per person occupying the position of vice-prefect. The results for the two categories of features that characterize their mobility is clearly distinguishable from those of civil servants, which are presented in Table 1. Moreover, for 2006-2010 (Munteanu, 2010), the prefect and vice-prefect positions with temporary exercise predominates over those permanent nomination<sup>5</sup>. The statistical data presented above shows a high fluctuation of staff who served as prefect and vice-prefect.

### **Some examples regarding politicizing civil service**

According to public administration reform, *civil service reform will assure creating of a professional corps of civil servants, stable and neutral from the political point of view, through the implementation of a unitary and coherent legislative framework and development of cohesion strategies on human resources management, professional training, through a definitive commitment of the ministries, agencies and other governmental bodies*<sup>6</sup>. In the following it will be discussed the extent that political neutrality of civil servants was encouraged at the level of civil service. In this respect it will be brought to attention a series of arguments resulting from the analysis of

legislation, and also the results after processing the data sets obtained from the measurement sample regarding the opinion of civil servants on issues of politicization. There will be put into question the neutrality of civil service issues in relation to the political level in the last two governments in the period of 2008-2010, and also a number of practices from other governing periods. Analysis highlights a number of relevant issues related to the politicizing of civil service: this phenomenon was seen in a form more or less evident in all periods of government; the ways of politicizing the civil service were different.

Regarding the period 2001-2004 government, we mention in the following the 2004 Country Summary Report issued by the European Commission. Thus, this document mentions "*major deficiencies in the civil service management system, which does not encourages civil development based on modern methods of recruitment, promotion and evaluation of the civil servants. Often in recruitment and promotion of civil servants was not observed the principle of political neutrality and increased transparency in this process*"<sup>7</sup>.

The mentioned document specifies a number of major shortcomings in the system of recruitment and promotion of civil servants. The most important are: the lack of an annual national competition to be held to fill vacancies that may allow an increased transparency and a more effective campaign to promote civil service, poor organization of competitions, insufficient staff specializing in recruitment, promotion and evaluation of civil servants, aso.

According to comments from daily publications in Romania, massive changes are perceived in the managerial position of civil servants right after the changes occurring at the governmental level. According to these sources<sup>8</sup>, most changes in the structure of government have generated changes at the technical level within ministries. This is a

practice found in all governments that have succeeded in the past 20 years of transition. We present below only two examples. It should be clear that may be offered many more such examples in all governments that have succeeded in governing Romania after the events that took place in 1989. The first example is from the Ministry of Transport. Thus, the change of Minister at the Ministry of Transport which took place in 2007, led, within two months, the change of not less than 11 managers who are directly subordinate to the Minister. The replaced directors belong to companies with high volume of investment: Company of Highways, Railway Transport, Motor Transport, Road Authority, Railway Tourism Society, Constanta Maritime Port Administration, Administration of Navigable Canals, Naval Authority, Civil Aviation Authority, Tarom, Railway Authority, etc. During that period, there were changed to 50% the Administration and Shareholder structure to the main companies subordinated to the Ministry. Regarding the general direction of the ministry, the state is more difficult because most of their staff is hired as civil servants. In such conditions, for not transgressing the legal provisions, there was used another strategy: dissolution and then reconstituting these administrative structures under other names.

A second example is from Ministry of Economy and Finance. Therefore, *“a document sent to the Prime Minister Calin Popescu Tariceanu by the Sibiu branch of the National Liberal Party shows a tragic reality: in Romania in 2007, public functions are offered only on political basis. Minister of Economy and Finance, Varujan Vosganian, is denounced in the act in question, for the reason that he gave the post of Director Transgaz SA Medias without taking into account the agreements made at the party. According to the algorithm, the function was supposed to head back the Liberals in Sibiu”*<sup>9</sup>. Similar articles can be cited regularly during all governments that were in power in Romania after 1990.



These are only some examples of politicizing the management civil service positions. In the following are some interesting results that arise from the view of civil servants in relation to the politicizing of the public administration. It should be noted that this research took place before the government issued the Government Emergency Ordinance no. 37.

### Results obtained at the sample level

In the survey sample it was inserted the question “*In which of these organizations are you member?*” Respondents had to choose between YES, NO and is No answer for the following: political party, union, professional organization and other organizations. After processing the recorded data sets from the sample there were obtained the results presented in Table 3 for the employees of the two administrations.

**Table 3.** Status of civil servants on belonging to political parties, unions or organizations

	Yes	No	Non response
	Central public administration		
Political party	5,0	90,7	4,3
Union	71,4	24,6	3,9
Professional organization	16,8	78,2	5,0
Other types of organizations	8,9	84,3	6,8
	Local public administration		
Political party	3,2	82,7	14,1
Union	59,1	31,4	9,5
Professional organization	19,1	68,2	12,7
Other types of organizations	6,4	75,9	6,4

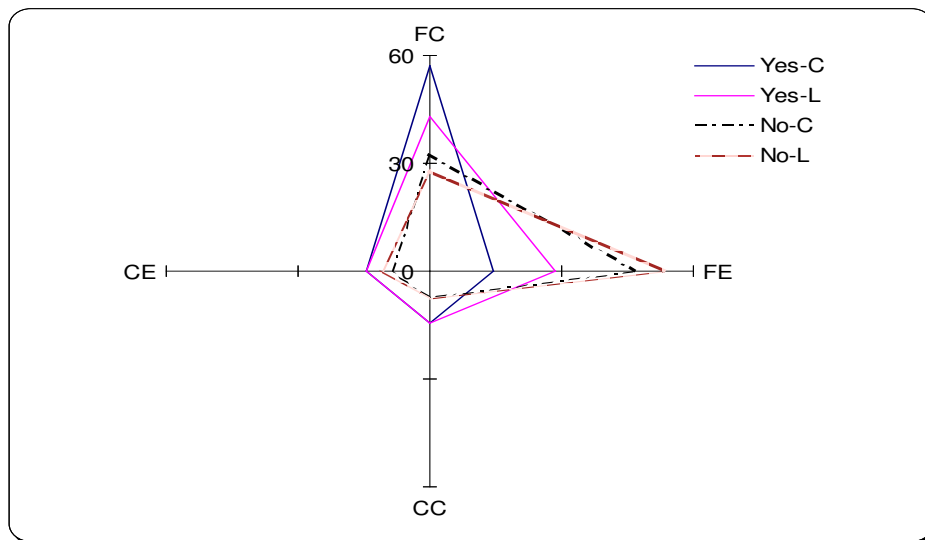
The results obtained reveal the following: a small part of civil servants are belonging to a political party; there is a large part of personnel belonging to a union; there is a significant part of civil servants from central administration who are not members of professional organizations other type of organization.

A more detailed analysis of membership of civil servants from central administration to a political party is presented in Table 4, by the distribution of civil servants from central and local public administration by belonging to a political party and by staff category.

**Table 4.** Distribution of the civil servants by a political party membership and staff

Member of a political party	Staff category					Total
	Managerial civil servant (FC)	Execution civil servant (FE)	Contractual managerial staff (CC)	Execution contractual staff (CE)	Other categories	
	Central public administration					
No	32.4	46.7	7.1	8.8	4.9	100.0
Yes	57.1	14.3	14.3	14.3	0,0	100.0
	Local public administration					
No	28.0	53.5	7.5	11.0	0.0	100.0
Yes	42.9	28.6	14.3	14.3	0.0	100.0

category



**Figure 3.** Distribution of the civil servants by a political party membership and staff category

The obtained results reveal a higher proportion of party members within the category of managerial personnel (managerial civil servants and contractual management personnel) in relation to the execution personnel. For example, in central public administration 71.4% of people who said they were members of a political party are in a position of leadership, while 28.6% are from the personnel executive. The situation is more balanced across local government. In this case, 57.2% of people who said that are members of a political party are in a position of leadership, while 42.8% occupy executive positions.

## 5. Conclusions and final comments

Over the past ten years, Romania has crossed important milestones for development of the civil service. In 1999, the Law no 188 was adopted regarding the statute of civil service which has suffered successive amends and the reform strategy adopted in 2004 which set clear directions to be followed to strengthen the civil service. Due to the implementation of primary and secondary legislation on the civil service in Romania

there has been a significant increase in its level of stability. For the civil service, this feature was an important advantage in competition with the private sector in attracting the staff. In 2004 a new law was passed which established the professionalization function of prefect and vice-prefect institution. This law was implemented starting 2005. However, six years after application of this law, there is a high fluctuation of people who served as prefect and vice-prefect. The average duration of a mandate by the prefect is 18 months and vice-prefect little more than two years (25 months).

However, a number of issues especially the relationship between the political and technical level, have been encountered during this period.

To avoid a split between the technical and political level at the level of OECD and EU countries it was opted to create political advisers. This practice is met also at the Romanian level. According to a Sigma study "*Relations between political advisers and civil servants tend to create problems*" (SIGMA, 2007). Even if such a practice raises a number of problems, yet reduce the risk politicizing state institutions of governance offered by the levers of political parties. The major risks in this case are related to the number of advisers and the competencies granted to them.

In Romania, the problem of reducing the size of politicization is not a recent issue. Each party which was in power has developed its own tools for politicizing in a more or less degree the state institutions.

During the EU accession phase, in Romania there were adopted the primary and secondary legislation to ensure stability of civil service, but equally an important phenomenon was noted of replacing managerial civil servants. The year 2009 marked a new form of politicizing of state institutions. A Governmental Emergency Ordinance was adopted which created the position of director within the decentralized public services which are in coordination of ministries and in other bodies of central

administration that replaced civil servants position, as well as regulating the jobs in contractual basis.

This legislative amendment causes a serious politicizing of the civil service. By applying this ordinance a paradoxical situation was created: the same function to be occupied simultaneously by two people, one by the managerial civil servant based on the ordinance and another that was but prevailed the case in court. Implementing the new legislation creates mainly the following negative effects: weakening civil service, increase the operating costs of public institutions, creating a negative impact to the society on the political class activity, reduced performance of deconcentrated services, increase the level of corruption, aso.

Situations of politicization, but at a smaller scale can be found in other countries that recently joined the EU. According to the above quoted SIGMA study “*The politicisation in five of the Central and East European Countries (the three Baltic States excepted) is high when compared to Western European civil services.*” The same study reveals hostility from civil servants on the process of politicization of the civil service.

#### **Notes**

1. EU programs for Romania – the public administration reform, Delegation of the European Commission in Romania, Bucharest, 2004.
2. Regular Report on Romania’s progress towards accession, Brussels, 2004
3. Country Summary Report, 2006
4. OUG nr. 37/2009
5. Munteanu, C. D., Teritorial Public Administration, Doctoral thesis, Bucharest, 2010, pp. 225.
6. Government strategy for accelerating public administration reform, 2004.
7. Country Report of the European Union Commission, 2004.

8. Cotidianul Newspaper from 28 of May 2007, „Orban champion of purges: 11 executives in 40 days”, pp. 1.

9. Gardianul Newspaper from 28 of May 2007, „Liberals are disputing the prey”.

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