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Local and regional governments in the age of Europeanization and globalization: legal
and policy options in a multi-level polity

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Administrative autonomy and globalization

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Abstract
The new organization of Europe from the beginning of this millennium had suffered and
still suffers important changes, affecting the essence of many classical juridical institutes.
From the important problems which gained the contemporary scientific investigator's
attention can also be identified the ones referring to: the international forms of
cooperation, the development of cooperation and regional integration, the state's place
and its suzerainty, the necessity of democratic values, the development of some elements
of the administrative autonomy and problems referring to human rights.

The administrative autonomy (or bureaucracy) was a subject approached in many
administrative domains. The aspects regarding administrative autonomy are actual from
the moment in which the administrative entities are actively involved in the realization
and implementation of public politics. We measure the concept of administrative
autonomy applied to administrative entities on an empirical and systematic way utilizing
two components: the fragmentary and the functionalism. Each of the two autonomy
characteristics is subdivided in institutionalized dimensions and of perceptions. The first
is based on characteristics which are owned by organization and situation. The last
derives from the managerial attitude.
The administrative autonomy must be in connection with the governance principle in the
local authorities' interest near the community.
The administrative autonomy principle is the fundamental principle which governs the
local public administration and its activity, which consists in "the right of the territorial-
administrative units of satisfying its own interests without involving the central

authorities. This principle attracts over it the administrative decentralisation, the autonomy being a right and decentralisation a system which implies the autonomy.

As a result, the majority of the world states combine the centralisation principle with the one of decentralisation. In this way, is assured a decentralisation of the power through combining the distribution of some administrative prerogatives at local level with granting of an administrative and financial autonomy to some regions, departments, counties, with the condition that this autonomy will not affect the states' unitary character. Therefore, any touch of this is automatically qualified as unconstitutional.

The aim of this theme is the research of the institutes which are specific to the administrative autonomy concept in direct correlation with the concept of the state's suveranity and also with the relation created between the two concepts in the process of regional European integration. In the frame of this theme it will be analyzed the juridical frame and the doctrinaire concepts regarding the administrative autonomy, component elements of the administrative autonomy. The theme also imposes the achievement of a comparative study referring to the development of the autonomy notion in the context of different forms of state organization, the reports between the administrative autonomy, decentralization and regionalization.

The present project tries to answer to a series of questions such as:

- Which are the specific elements of the administrative autonomy and which are its benefices?
- What elements of the institutes declared autonomic gave permission to demonstrate their independency?
- What factors contributes at the brake of the existence of administrative autonomy concept?
- What factors have stopped the process of self-administration and decision in the frame of a specific territory?
- What types of groups of interests can affect the development of such a concept?

Preliminary Issues

Both popular and academic literature has amply addressed the scope and complexity of globalization, its assumptions, goals, strictures, and processes. Issues associated with human rights, labor conditions and compensation, environmental protection, national sovereignty, poverty, investment patterns and productivity are among the many concerns embedded in the broad theme of globalization. Analysts from a number of disciplines and political persuasions approach globalization from a variety of perspectives. Often they see globalization as either the inevitable next step in human progress or the evil free-trade juggernaut that threatens the future of most of humanity. What they tend to omit from these discussions, however, is an explicit concern for the underlying moral basis and justification for globalization and the particular role of public administrators across the planet.[1]

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[1] *Globalization, moral justification, and the public service*, Charles Garofalo, Department of Public Administration, Southwest Texas State University

Governance is the management of problems and not that of resources[2], said Sir Leo Pliatzky. And there are many issues that are generated by the lack or, on contrary, by the misuse of the concept of the autonomy.

The lyrics of a song by Danny Kaye say that "if the ants would be elephants and the elephants would be ants I could crush an elephant." It really does not matter if we use the word elephant in order to define ants or to refer to elephants, as long as we know what each represents. Changing the meaning of the word elephant or ant would not affect in a material way our ability, our faith towards that we should stay away from the elephant's path or to guard the pantry against the invasion of ants.

In contrast, the meaning that we associate to some key concepts in the frame of the conferences can have a special meaning. A good example would be, the case when on September 17 1978, was signed a historic agreement by the President of USA, Jimmy Carter, the President of Egypt, Anwar Sadat and The Prime Minister of Israel, Menachim Begin. It would have meant the end of the war between Egypt and Israel and it would have provided a solution to the Palestinian issue, which was the subject of the Middle East conflict since 1948. Sinai Peninsula was returned to Egyptian rule and the Israelis agreed to provide "autonomy" Arab Palestinians living in Gaza Region. It was no coincidence that the agreement was not defined as "the autonomy". Autonomy is something that apparently is of value; so that each of the part had hoped to have achieved what was expected to achieve.[3]

Some authors divide the approach of the autonomy into four categories: a group compares the autonomy with the right to act discretionary in some circumstances. The right is, in this case possessed by an individual or by administrative organization. Others use the term as a synonym for independence. According to a third position autonomy is synonymous with decentralization, and a fourth opinion specifies that autonomous entities are those which have exclusive powers: legislative, administrative and judicial proceedings in specific areas. The latter is called political autonomy and it is the opposite of administrative autonomy, which is limited to the power within the scope of the government. [4]

Studying different theories and a fairly extensive casuistry, the authors mentioned above suggest a well defined description of the autonomy. Must however be mentioned that in practice there is a great difference between different cases; however following definition does not claim to reflect in an identical way all these different cases. A political territorial autonomy is a way by means of which to a group is guaranteed the liberty to express their identity, although they differ from the majority population in a state but at the same time they represent the majority in a certain region. Autonomy is a way of distributing the powers in order to preserve the unity of the state, while the diversity of its population is respected: it was a success in some cases and failure in others. [5]

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[2] Quoted by Judith Marquand, *Autonomy and change: the sources of economic growth*, New York; London , Harvester Wheatsheaf, 1989, p.105
[3] Autonomy – Issues în political theory, Richard Lindley, Basingstoke : Macmillan, 1986, p.1
[4] Ruth Lapidoth*, Autonomy, Flexible solutions to ethnic conflicts*, United States Institute of Peace Press, Washington, D.C., 1997, p. 33
[5] Ruth Lapidoth*, Autonomy, Flexible solutions to ethnic conflicts*, United States Institute of Peace Press, Washington, D.C., 1997, p. 3

According to Dworkin,[6] autonomy acts as a moral aim, politically and socially. In all three cases there is an added value as things are seen through the prism of values, motivation and desires of the individual and how these elements are formed and polished.[7]

As a political ideal, autonomy is used as an argument against the form and the functioning of political institutions, which try to impose a set of values, attitudes and purposes to the citizens of the society. This can be imposed due to a theological or historical vision of a reliable society or by the accumulation of experience at the same time with human development. A government is required to treat its citizens in a neutral way, in the sense that they can not promote the interests of some or others. Moreover this idea was used by Dworkin in trying to sustain the idea of the existence of different rights.

An important point in determining the autonomy is the division of powers between central and autonomous entities. The powers which the autonomy has are usually in relation with cultural, economical and social aspects. However there are different degrees of autonomy and the expanding of powers transferred to the autonomous authorities vary from very restrictive to very extensive and towards a large concentration of power essential in the mentioned areas. Usually security and foreign affairs are reserved in a restrictive way to the state, the central government; however in some cases autonomous organization has limited powers, in order to conclude international agreements and join international organizations. In some cases the central authorities consult the autonomous organization when it comes to take a decision that may affect the latter.

To avoid disputes and misunderstandings, it is important that the powers of a self to be defined as clearly as possible when they are established. In fact, typically there are four different areas of power that can be taken into account: powers that are reserved to central powers, powers transferred to autonomous powers in an integral way, parallel powers and powers which can be exercised jointly.

In some cases[8], the central power determines the general policy in a number of areas in which the autonomous entity can develop and the local authority is authorized to be conducted within the limits of this general policy. In fact there is a need for a certain degree of cooperation, coordination and consultation between central authorities and the autonomous entity. This fact is crucial because it is understandable that there is a connection between the powers exercised by these entities. In addition certain powers may require a joint action.

Even if the transfer of powers is set out and described in meticulous way, when autonomy is established future difficulties can not be prevented. For example, there may be a discussion on what type of power can fit a certain function of one or other of the parties.

As I said the power of the autonomous entities usually include legislation, administrative and judicial powers in those spheres of responsibility transferred to it. However the power to judge often remains at the level of the central authority. The law of autonomous entities often requires confirmation from the central authorities, but this consent must be given (except where such legislation affects and undermines the security of the state or it

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[6] Gerald Dworkin, The theory and practice of autonomy, Cambridge; New York: Cambridge University Press, 1988, p. 10
[7] The author discusses throughout the book the two components of autonomy theoretical and practical and he approaches them from a philosophical point of view.
[8] For example, in southern Sudan

can be accused of excess of power). We can speak about a necessary agreement to be issued by the center in accordance with the agreement of both parties.

A scheme of the autonomy may be established by international treaties[9], by the Constitution, through statutes or subsequent regulations acts and, not least, by combining the aforementioned instruments. Perhaps even custom or habit may cover such situation.[10]

In an etymological word autonomy is derived from the Greek "auto", himself and "nomos" - a law or rule. Today the concept is used in three different branches of science: philosophy and its derivatives branches; 2. natural sciences and 3. law, political science and international relations. For philosophers autonomy is a characteristic of the person, who has the power to auto-manage through his own wit, through his own free will, "positive liberty" or "own master". In natural sciences the concept promotes the idea of organic independence or the condition of a phenomenon in accordance with its laws, without being the subject of certain regulations over himself.

In the domain of political science and legal autonomy there are more interpretations.

Georg Jellinek[11] describes an autonomous entity as being based solely on its laws, with all materials and functional attributes of power within a state: the authority to govern, to administer and to judge. Basically this can be synonymous with sovereignty.

In the view of Paul Laband[12] autonomy always includes the power of law but differs from sovereignty in the way that it can be exercised only within the limits established by its sovereign power.

An entity can be regarded as autonomy only when it has its own legislative, judiciary and administrative powers. Though it should be distinguished from the self (engl. self government) or administrative decentralization (administrative descentralization-fr.), a concept which implies the fact that the entity that auto-administrates is subordinate to a superior entity that could make this administration itself.

Though, there are some authors who talk about the two terms (self government and administrative descentralization) as being synonymous. [13]

Leon Duguit[14] defines autonomy as involving an area protected by the laws of the State, whereas Henry Berthlemy[15] uses the term as a synonym for decentralization while Maurice Hauriou[16] uses the idiom to describe the discretion that sometimes the law lives to the administration.

Jacob Robinson[17] examining the nature the autonomy values, by making a comparison with sovereignty, that autonomy exists only with respect to those powers that were conferred, while sovereignty is the supreme and unconditional authority the state.

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[9] Eritrean situation (by resolution of the United Nations General Assembly) or Memel territory (the Paris Convention - 1921), South Tyrol (Bruno de Gasperi Agreement 1946)

[10] Differences may be made by the nature of the legal system.

[11] Allgemeine Staatslehre, Bad Homburg, Germany, Herman Getner Verlag, 1928/1960, p.493

[12] Paul Laband, Das Staatsrecht des Deutsches Reiches, vol.1, Tubingen, Germania, Mohr, 1911, p.105-106

[13] Carre de Malberg, *Contribution a la theorie generale de l'etat specialment d'apres les donnes fournies par le Droit constitutionnel francais*, vol.1, Paris, Siery, 1920, p. 169-170

[14] Leon Duguit *, Traite de droit constitutionnel*, vol.2, Paris, Fontemoing Boccard, 1921, p.478

[15] Henry Berthlemy*, Traite elementaire de droit administratif*, Paris, Rousseau, 1926, pp.174-176

[16] Maurice Hauriou *,Precis de droit administratif et de droit public*, Paris, Siery, 1927, pp.345-346

[17] Kommentar der Konvention uber das Memelgebiet vom 8 Mai 1924, Kaunas, Lithunia, Verlag "Spaudos Fondas", 1934, pp.254-256

The shortest definition of autonomy that I have found in literature is given by Heinrich Oberreuter[18]: the possibility of free self-determination in the frame of a pre-existing regulation.

Research Methodology

The purpose of this theme is represented by the research of certain institutions specific to the concept of administrative autonomy in direct correlation with the concept of state sovereignty and the relationship created between the two concepts.

Within this theme there will be considered the legal and doctrinal concepts regarding the administrative autonomy and its components. The theme also requires a comparative study regarding the evolution of the concept of autonomy in the context of different forms of polity, the relationship between administrative autonomy, decentralization / deconcentration, regionalization.

The hereby project seeks to answer to several questions such as:

- What are the specific elements of administrative autonomy, and what are its benefits?
- What elements of the institutes declared autonomous allowed demonstrating their independence?
- What factors contribute to the brake down of the existence of the concept administrative autonomy?
- What factors have slowed down the process of self-governance and the decision within a certain area?
- What types of interest groups may affect the development of such a concept?

The assumptions from which we shall start this study can be framed - but not limited - into the following limits:

- The autonomy based on a budgetary independence is much more profitable in comparison with that which is based on financial authoritarian rules, centralized. This indicates that there is a greater inclination towards the creation of institutions that are financially independent a legal support basis of the autonomous bodies.
- There is a strong correlation between the degree of autonomy and accountability of institutions. This suggests an effort in order to achieve a balance between the benefits of autonomy and creating tools that compensate for lack of a centralized social control.
- Romania creates a balance between autonomy and social control in the majority of the institutions, which are subject of the research. However important imbalances and influences towards an autonomy in which the lack of accountability levels can be observed.
- In a comparative study it can be observed a series of historical and ethnic influences that may affect a development on autonomous principles of the region.

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[18] Heinrich Oberreuter , Autonomie, în Staatslexikon, vol.1, Freiburg, Basel,, Verlag Herder, 1985, pp.490-491

Research tools

The research methodology of the proposed topic involves the use of certain tools such as:

- Documentary analysis: quantitative and qualitative
- Direct observation (external or participatory) of the administrative phenomenon.
- Consultation the official sources

R.A.W. Rhodes[19] identifies two ways of existence of both central and local entities. On the one hand there is a way in which the entity is the local agent, implementing the decisions at the local level under the supervision of specialized departments at the central level. In this case the local staff has limited or no opportunity to decide. A second way is a model of partnership in which local authorities and the central authority are co-deciders under the authority of the Parliament. Local authorities have the opportunity to decide the design and implementation of their policies.

The trend that is felt at this time is that of transforming the local entities from partners into agents.

This centralization occurs because of two reasons: firstly, the central entity exercises an increasingly tight control over public spending ban while local entities are becoming more dependent on subsidies from the central level. Secondly, central departments have accumulated more control powers. This gives the entity a central supernatural role.

The content of administrative autonomy

In general terms bureaucratic autonomy is defined as a dispensation granted to an administrative entity by a superior authority under its total surveillance. Here are some components revealed by the doctrine[20]:

1. Structural autonomy by introducing an intermediate alternative of supervisory policy;
2. Financial autonomy – characterized by its independence towards financial resources of the central budget system;
3. Legal autonomy - which allows the entity to decide alone in its field of competence.

At the same time, other doctrinal[21] also take into account cultural or territorial autonomy, decision-making autonomy (which may be identical to that identified by legal Jørgen Christensen Grønnegaard) or personal autonomy (granted on ethnic, cultural, religious or linguistic criteria).

We can measure the degree of autonomy of an entity according to its placement on the grid below:

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[19] R.A.W. Rhodes, *Control and power în central-local government relations*, Aldershot and Brookfield, Vt. : Ashgate, 1999, p13

[20] Jørgen Grønnegaard Christensen, *Bureaucratic Autonomy as a Political Asset*, prezentat la Workshopul *Politicians, bureaucrats, and institutional reform*, ECPR Joint Sessions of Workshops, Mannheim, March 26-31, 1999

[21] Ruth Lapidoth*, Autonomy, Flexible solutions to ethnic conflicts*, United States Institute of Peace Press, Washington, D.C., 1997, p. 37

	Structural Autonomy	Financial autonomy	Decision-making autonomy (regulatory)
Low Autonomy	The management of the administrative entity communicates to the resort ministry on a hierarchical way; the Ministry appoints the management of the entity.	Regulations of the central authorities are applied;	The legislation does not allow to the administrative entity any option; authorization to regulate internal issues do not exist
	The Management reports to the ministry after consulting with the board, where the majority is made up of non-governmental actors; Ministry appoints the leadership.	The entity is funded from earnings. The deficit is covered from the center.	The legislation authorizes the ministry to regulate the general aspects of the public policy.
	The management agency reports to a collegial body in which most members are appointed by the Prime Minister who has the power to dismiss them in a discretionary way. The council appoints the agency's management.	Agencies are financed through sales and distribution of the budget from the center.	The legislation allows the management agency to decide in particular cases that can not reach the ministry.
Increased Autonomy	The entities management stuff reports to a board consisting of directors in which the majority are	The entities auto-finance themselves, not being dependent upon the central budget.	The legislation authorizes the agencies to cover general issues that are converging to the public policies

	appointed for a fixed term by non-governmental actors. This council appoints the agency's management.		defined by the law.

Table graphical representation of dependency types of autonomy

Public sector organizations should be forced to provide more information about their performance. The argument lies in the fact that this would move the power pole, in terms of control of information in the public sphere to other spheres: politicians, academics, pressure groups and civil society in general. [22]

Edward Elgar, taking one of Swyngedouw concept, makes a three-tier division of power that would help to rearrange the relations between states, civil society and market. This would require outsourcing come of the state's functions through privatization and decentralization. The lowest level of governance would be the local one, with its forms; while the upper level would involve a number of supranational bodies (The European Union, The World Trade Organization, etc.)... This structure would be reinforced by a series of structures that are formed by horizontal through the combination of private and public bodies.

In the past 20 years the classical hierarchical command system from the centre has been filled by a further delegation of these functions to autonomous agencies.[23] A hypothesis from which one could part is that the creation of autonomous entities would improve the performance and efficiency without adversely affecting other values such as democracy or political control.[24] We believe that this is a hypothesis and not a fact based on reality and as such there is a need to be examined through empirical studies. The causes and the effects of such policies are still unclear.

Political regime - a factor of influence of the autonomy

Within the Romanian political doctrine the political rule is defined as being all the methods and means of achieving power, of the existing relations between the elements that make up the social political system, especially the fundamental rights and freedoms of the citizens.[25] We can conclude that the political rule refers to the concrete conditions of operation of the administration in relation with politics.

Undoubtedly the existing political regime in a country significantly influences the state's administration and thus the major differences occur in the organization and functioning of the administrative system. These differentiations are influenced by both types of

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[22]Patricia Kennett, *Governance, globalization and public policy*, Cheltenham, U.K. ; Northampton, Mass. Edward Elgar, c2008, p.33

[23] Tom Christensen, Per Lægreid, *Autonomy and regulation : coping with agencies în the modern state,* Cheltenham, UK ; Northampton, MA : Edward Elgar, c2006, p.8

[24] Christopher Pollitt ... [et al.], *Agencies : how governments do things through semi-autonomous organizations*, Basingstoke, Hampshire ; New York : Palgrave Macmillan, 2004

[25] Vâlsan, C., *Politologie,* Editura Economică, București, 1997

political regimes, namely, democratic regimes and authoritarian or totalitarian regimes. In this paper we proposed to analyze the administrative autonomy from the perspective of democratic regimes, considering that is the most propitious environment for the development of such a concept.

It recognizes the existence of a professional administration in a democratic regime. Consequently, the officials[26] and in particular the senior officials (bureaucrats) can and should coexist with different political ideologies and will, more or less, interfere in the society under the ideology of the party in power.[27]

In a totalitarian or authoritarian regime the situation is exactly the opposite, the administration being identified, to a lesser or greater, with the leading political class, especially in its upper levels. Clearly, both regimes will always be influenced by concrete political, economical and social circumstances.

We can state a number of specific characteristics of the democratic regime such as:

- Administration is under the direct authority of the government, but is organized and operates under the general lines set by the Parliament.
- There will always exist a direct correlation between the will of the majority of electoral and the administration conduct.
- The democracy trains in a necessarily way the decentralization which tends to entrust the management of local bodies to some local elected bodies.
- The Parliament, independent of the action it exercises in the legislative and budgetary matters, exercises some influence over the administration.
- In the democratic field the administration is subdue not only to the control of the Parliament but also to the surveillance of the civil society, organized or not (the media, NGOs, trade unions, employers associations, etc...), which is free to judge ministers and officials.
- The whole public freedoms allow citizens to express wishes and to be protected from abuse.
- The administration is subdued to some internal controls resulting from the hierarchy and guardianship.[28]

Local authorities can not be left entirely free in order to conduct business because otherwise it could turn into rival governments, challenging the power and authority of the central government. Central government should therefore share power so that, although it may differ from a political point of view from the central authority, the local authority should not exceed its limits. [29]

Apart from the judiciary control which we see as an "ultra vires" control, there are three main types of control that can be used by the central authorities on local ones: financial, legislative and administrative control. [30]

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[26] Alina Profiroiu, Irina Popescu, *Introducere în Ştiinţa administrativă*, Editura ASE, Bucureşti, 2003

[27] Alina Profiroiu, *Ştiinţa administrativă*, Editura Economică, Bucureşti, 2007

[28] A se vedea în acest sens şi opiniile exprimate de Alina Profiroiu, Irina Popescu, *Introducere în Ştiinţa administrativă*, Editura ASE, Bucureşti, 2003

[29] J.H. Price, *Comparative government, four modern constitution*, , second edition, Hutchinson, London, 1975, p. 167

[30] J.H. Price, *Comparative government, four modern constitution*, second edition, Hutchinson, London, 1975, p. 168

Control is considered to be one achieved by the state but at the same time a private control over public sector, exists – external control - as well as an internal control made by a large variety of public agencies which establish standards and use different forms of performance measurement of the management and establish measures of governmental auditing.[31]

The introduction of a democracy requires the adoption of a double limitation of the power: an organic and functional separation of powers between legislative, executive and judiciary accompanied by a territorial division that shall temperate the central power through counterbalance by the local. The local history collectiveness is that of their autonomy. Centralism and authoritarianism shapes the state during the nineteenth century. Local entities were only administrative constituencies being subordinate to the state's power. Hélène Pauliat tries to find the answer, in Part 1 of her book, to the question whether the autonomy and free management of the entities are a conflicting exercise of jurisdiction, stating that at the present stage of the development of human society one must take into account the two antagonistic phenomena: globalization and autonomy. As such, two phenomena occur: on one hand a phenomenon of the centralization of powers (indifferent to what level we discus - global community, regional, national) and on the other hand, a phenomenon of decentralization, recognition of diversity. [32]

Types of administrative arrangements

The administrative arrangements appoint all the relationships which are established between the state, the local and intermediate collectivity, on both functions, and administrative bodies. We can thus distinguish within a democratic system several types of administrative arrangements each being characterized by a certain relation between the idea of authority and freedom: centralization, decentralization, deconcentration, and autonomy.

In extreme limits, centralization represents the preference given to the idea of authority, and autonomy represents the preference given to the liberty in the administrative organization of a State. [33] Bureaucracy is indispensable nowadays but tilts to lead to failures. There are several strategies for strong, competent, credible and efficient bureaucracy building, each being able to help rewriting the new state formed after failure: the development of contracts, the selection and evaluation, institutional control, creating competition and decentralization.[34]

Administrative Decentralization

Decentralization is the delegation of responsibilities and resources of some of the authorities within a state, relatively independent and autonomous being responsible in

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[31] Tom Christensen, Per Lægreid, *Autonomy and regulation: coping with agencies în the modern state*, Cheltenham, UK ; Northampton, MA : Edward Elgar, c2006, p. 10

[32] Hélène Pauliat, L'autonomie des collectivités territoriales en Europe : une source potentielle de conflits, EUROPA; textes réunis par ; [textes de Nadine Poulet, Joël Andriantsimbazovina, Yves Cousquer ... et al.], Limoges : PULIM. Presses universitaires de Limoges, 2004, p.15

[33] .C.Filitti, I.V. Gruia, *Administraţia centrală a României*, în Enciclopedia României, Vol.I, Dimitrie Gusti, Asociaţia Ştiinţifică pentru Enciclopedia României, 1938, p. 271

[34] When states fail. Causes and consequences, Robert I. Rotberg, Princeton University Press, 2004, p.158

front of the citizens or towards the community, but it is not responsible in front of the central power.

John Loughlin[35] refers to the intermediate level of public administration (meso-level) trying to bring the pros and cons, historical, sociological, legal and administrative arguments relating to the two existing administrative institutions: region and department. While the majority of the unitary states have an intermediary or a "meso-government" level, France has two: the department created during the French Revolution and its greatest rival, the region, which was born from the shadows of French institutional labyrinth with great difficulty... Each institution has its own partisans: the department or the region ones, each having their own conceptions about how the state and the territory should be organized. The department ones are determined Jacobin's, and believe in the unity and indivisibility of the Republic, while the regional ones are rather Girondini and consider that it is necessary to recognize diversity in France.

An important element of the decentralization movement was strengthening; even the establishment of interim governance (regions, provinces, states) and in this sense a tendency to grind the authority may be felt. Either simultaneously or shortly thereafter, many countries were interested in fiscal decentralization in particular with regard to revenue sharing, the different types of subsidies and privatization.

This motion was accompanied by encouraging the citizens and different groups to participate in taking public decisions and community development in urban and rural areas. Decentralization involves on the one hand, transferring the management of settlements to local authorities elected by local communities; on the other hand it means reducing the powers belonging to the central authorities. Thus, the state may grant to administrative-territorial entities some powers like: organizing the police, the right to set taxes, to resort to the expropriation measure, to hold property and public domain.

Decentralized regime has the following characteristics:
1. The fact that it should be part of a distinct body in the administrative hierarchy corresponding for each category of interest depending on the nature of the entity
2. Each body of administrative hierarchy should have juridical personality, the capacity to be subjective, active and passive towards rights and obligations recognized by the laws of organization.
3. The state must grant certain public power rights to these entities, which is not a concession of a self-governance right, the central authorities of executive power reserving the right to oversee their activities, exercising over them a certain type of control. Therefore we can characterize these rights as derived rights.
4. The entities should have the right a patrimony necessary to achieve administrative tasks determined by the laws of organization.
5. The right to choose themselves managers (agencies charged with managing the interests of citizens in the area of competence) should be given. The essential difference between centralization and decentralization lies precisely in this feature: the decentralized administration is led by elected bodies, while the chosen

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[35] Subnational democracy in the European Union: challenges and opportunities / by John Loughlin with the collaboration of Eliseo Aja... [et al.], Oxford : Oxford University Press, 2001, p.110-137

centralized administration represents the administration led by the local bodies appointed by the central government.[36]

6. The existence of a purely territorial and organic power, of a distinct sphere of interest, of some administrative functions determined by the laws of organization.

7. These entities must have sufficient income insurance that will provide them the independence, the necessary liberty and the possibility to choose their financial paths. An important principle of decentralization says that the transfer of powers from central level to an intermediate level must be accompanied by a concomitant transfer of corresponding financial resources. No doubt that without the financial means there is a real decentralization, some authors go even further sustaining that local freedom – communal- is a matter of budget availability.[37]

Centralization and decentralization, autonomy and de-concentration are administrative realizations revealing outstanding and pure issues, of the eternal social antagonism, which can be found between freedom and authority. Proudhon observed that in any society, even the most authoritarian, one part is necessarily reserved to freedom, and the other part is left for the authority.

Authority prevents the freedom to fall into anarchy; the liberty hinders the authority to turn into tyranny. In the administrative organization of a State, different administrative regimes represent the relationship established between authority and freedom, between life and discipline of life itself.

Freedom and authority have a psychological basis. Authority represents the relationship of subordination and over-ordination, transforming the human need to be subject to higher powers in a rule of law. Freedom does not mean lack of law or lack of authority; it means the need of a human being to work, after his inner impulses, according to the laws of life and the laws of society.

In the modern state a new content of freedom and authority and at the same time a new relationship between these forces, is appointed. Thus instead of the formal authority a real one is shaped, with a psychological substrate, pushed up until idea of faith; the personified authority in the will of a chosen man, expression of the popular legal sense, whose limits will be purely subjective .

One can investigate whether this real authority, personal, original and independent, does not tend to become another dictatorship and an ideological dictatorship, insofar as the former host must be the spirit of freedom.

Similarly instead of formal freedom, understood as a right, not as a gift, not as a concession, not as a duty, in the modern state in a continuous transformation, one tries to achieve a real and positive freedom, subject to order, within the State's limits, whose superiority of purposes is necessary for all. In terms of political decentralization is an expression of democracy applied to the administration, guaranteeing a system in which citizens participate in shaping and managing the local agenda through representatives.[38]

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[36] See C. Argetoianu, *Descentralizarea administrativă şi organizarea regională a ţării* în Revista de Drept public, anul I, Ion V Gruia, *Descentralizarea administrativă şi organizarea regională a ţării* în Revista de Drept public, anul I

[37] Alina Profiroiu, Irina Popescu, *Introducere în Ştiinţa administrativă*, Editura ASE, Bucureşti, 2003

[38] *Aspects regarding descentralization process în Romania. The administrative-territorial reform*, Institutul de Politici Publice, Open Society Foundation – Romania

The basic components of administrative autonomy

William Safran[39] presents spatial and functional dimension of the autonomy from a national and theoretical perspective.

In many writings in reference to ethnic minorities and especially those who deal with the problem of protecting their cultural rights, a distinction is made between territorial and non-territorial autonomy. The first concerns the granting of a judicial authority within a broader political entity defined as a state; the latter one the author calls it "functional autonomy", but which in theory appears as "personal autonomy" or institutional autonomy.[40]

Territorial autonomy

In the nineteenth century, the nations have accused the regions as being obstacles in the path of building a modern nation state identity. Of course Germany was a federation but while we can talk about some administrative autonomy for federal States, there was no real unbalance from a territorial point of view due to the prevailing of Prussia within the frame of the federation. In France, Italy and Spain, governments have tried with varying degrees of success to leave the regional or provincial particularities while Britain retained from this administrative aspects, but without great autonomy. After the Second World War and particularly after 1960, the regions were considered to be an important element in the modernization of states. Federalism in Germany was imposed due to allies' pressure while Germany wanted to avoid excessive nationalist-socialist centralization. If federalist form in Germany has been primary influenced by a historical tradition in other states the federalist form has emerged as a functional and necessary alternative for the management of the territory.

In many states, and in particular in France, Italy and the UK, regions have converged in the '60s towards an action space of the state .

Territorial disparities have been recognized as a problem in the way of successful macroeconomic policies of the Keynes era and the regions were chosen as being the space towards which they can address.

Instead of talking about regional autonomy it would be preferable to introduce the notion of government capacity or in other words the ability to plan and execute development projects[41] .

The nature of such projects differ from one region to another depending on the balance created by the project targeting the international market or with a broader social content that tries to adapt to the market's impact at the region. The project sometimes converges to a cultural development as an instrument of collective action. In regions with strong regional governments, political forces may lead development projects. In other cases the

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[39] Identity and territorial autotonomy în plural societies, William Safran, Ramon Maiz, London, Frank Can, 2000

[40] Ruth Lapidoth, Autonomy: Flexible solutions to ethnic conflicts, Washington DC, US, Institute of Peace Press, 1996; Evelyn Kallen, Ethnicity and self determination: a paradigm, în Donald Clark and Rupert Williamson, Self determination: International perspective, London, Macmillan, 1996, pp.113-123

[41] Miodrag A. Jovanović, *Territorial Autonomy în Eastern Europe – Legacies of the Past,* Journal on Ethnopolitics and Minority Issues în Europe Issue 4/2002

leadership is determined by combining the internal pressure exerted by firms, unions, social movements, political forces and external circumstances.

In some cases external circumstances are decisive and regions do not have the capacity to impose its priorities.

The power of regions can be analyzed by means of seven dimensions:

1. Institutions
2. The ability to achieve public policy
3. Powers
4. The power of integration
5. Financial resources
6. Intergovernmental system
7. Relations with market

In terms of institutions, these include not only political and administrative institutions but also those belonging to civil society or to the economy.[42]

There is a dialectical relation between regions and state in this way one can explain the dynamics of regional policies. Each movement contains a particular mix of elements. Each state provides a range of simulative elements as well as a constraining option. Some of these movements may be qualified as integrators due to their proprieties to integrate themselves into the state dismissing the obstacles that prevent their participation in the state. Others disintegrate or require an increased autonomy towards the state .

There is a wide variety of views on which autonomy can prevent or lead to secession and which has to be avoided; then, another dilemma relates to which autonomy can satisfy the requirements of cultural minorities, and not least which minority is entitled to what type of autonomy and for what reason.

A clear distinction between territorial autonomy and other forms of autonomy can not be made because all types of autonomy have a spatial dimension. The territoriality idea is suggested by the existence of some institutional networks - cultural, educational, social, commercial and/ or religious – which serve the private interests of ethnic minorities. Where ethnic groups are scattered, autonomy can only be "functional" or "personal." Such autonomy requires a selective auto-management in the educational sector as in the other fields mentioned above.

Political autonomy. The relationship political-administration in the democratic model of public administration

Agency autonomy is a multidimensional concept that is not tied to legal status in an indissoluble form. Agencies with the same formal status may differ substantially in respect of autonomy being at the same time distinct from the administrative authority in which regards the duties. Some differences exist between organizational autonomy, self-regulatory and the facto autonomy.

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[42] Patrick Le Galès, Christian Lequesne *Regions în Europe: The Paradox of Power*, Publicată de Routledge, 1998, pp.-12-26

There are three conditions of autonomy: a political difference towards political executive, independent organizational capacity, and political legitimacy generated by a strong reputation dressed in a mantle of independent power. [43]

Instrumentalism or the administration's autonomy, unity or diversity administrative structures, rationality is absolute or limited. All these issues that classical models deal with: liberal, weberian, authoritarian or neo-classical (neo-liberal), refer to different types of relationships between public administration, on one hand, and the political, economic, society, and even the administrative themselves, on the other.

Some authors have emphasized the so-called paradoxes of the state, such as: the paradox of unity and diversity of the state; the paradox of dominating the one of order or disorder, etc...

Talcott Parsons outlines four features that would be required to meet basic needs of an action:[44]

- the adaptation function, i.e. all acts and phenomena by means of which a system adapts to the environmental constraints or where to get the resources he needs, providing in exchange the system's products, etc..: this is the function that is ensured by the economic subsystem;
- the tracking of targets function that link all actions which serve to define the goals of the system to mobilize and manage resources and energies in order to achieve the purpose - function performed by political subsystem;
- the stabilization of the model all actions necessary to ensure the motivation of the system's actors which is included to the cultural subsystem;
- The integration function, within a differentiated system, consists in the adjustment of the subsystem's units that it is, with the aim of assuring their effective contribution to the functioning of the system considered as a whole, the normative system being responsible for this function. This is what is called the size of stabilizing the system, in which it is found the actions designed to protect the system against the spontaneous changes and major disturbances and to maintain the coherence and solidarity necessary to its functioning and survival.

If we are willing to understand the concept of integration as the adaptation of the system's elements, in order to maintain consistency, one should first analyze the nature of the elements, components of the system.

It has to be specified the code of a relationship through which the notion of integration is recognized and which designates if a court is subordinated to another (under institutional domain or not). Thus conceived, the notion of integration, allows decipher three types of models of the state's administration: [45]

- Absolute integration model, a model which corresponds to the state's administration with an authoritarian regime. The feature of this governments I represented by a very strong integration of the whole administrative apparatus. It is notable, a strong dominance of the political courts towards the administrative

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[43] Autonomy and regulation : coping with agencies în the modern state / edited by Tom Christensen, Per Lægreid, Cheltenham, UK ; Northampton, MA : Edward Elgar, c2006, p.13

[44] T. Parson, *An ontline of the social system*, Editura The Free Press, New York, 1965, p.36 citat de Ioan Alexandru în *Politică, Administrație, Justiție,* Editura All Beck, București, 2004 p. 87

[45] Ioan Alexandru, Ioan Alexandru, *Adiministrația Publică, terorii, realitati, perspective,* Editura Lumina-Lex, București, 2007, p.577

instances over the economical administrations. It has to be added the fact that the degree of integration is sometimes such that in some countries there is a confusion of the courts and the absorption of state's apparatus of some courts that are considered in democratic countries people simply particular, remaining in principles foreigners and outside the state, such as, for example, businesses, NGOs, trade unions etc…

Moreover, relations between the administrative authorities are strongly articulated by a series of mechanisms that reveal more hierarchical principle than coordination techniques ensuring a close subordination, in the shape of a pyramid, with the courts that are inferior to the superior administrative courts.

- The relative integration model - is the second largest model of administration, and generally corresponds with the countries that have a general democratic regime. Degree of integration is a bit weaker than in the countries with an existing authoritarian regime… Also, through the existence of mechanisms aiming in particular a separation between the courts, a total subordination of the administrative and political courts is prevented. Thus, they are mechanisms of subordination and separation, which are essential principles to the functioning of an administration within a democratic state, of which joint defines the different modes of administration of the Western democratic countries, thus ensuring a balanced model.
- The third big model seems to be a model of non-administration is that of many countries being involved in a developing or transition path. It is sometimes a model of disintegration. We do not generalize that the governments of all countries at the stage of development or transition falls into this third category. Some tend toward this category very much. For countries that are found in a developing stage, will have, in fact, more than the other, to distinguish between formal structures and actual structures.

Western model is generally a model of relative integration, being known as the democratic model.

Therefore, the Western model is a mix between the liberal tradition and the weberian construction. It is, therefore, on the one hand, a model for absolute integration as any other state construction, as any other political construction, but on the other hand, also a model of relative integration, as it is demanded by its liberal tradition. Western model of administration is a model, in which the hierarchical and liberal needs are disputed, a model which sometimes inclines over its weberian side - hierarchy, subordination – and sometimes inclines towards its liberal part – the safeguarding of the liberty.

The democratic model is essentially European (continental Europe, and Britain), but at the same time American, because the United States should be in line with the Western model of administration, although in several ways, and especially because of the historical causes, seem to depart. In fact, a single model does not exist; it is better not forget that the model is based on principles that factual reality can contradict.

We should also know that the Western model variants of administration, or we can name it democratic model, it is organized around some constant weberian and liberal models which define the democratic model.

Democratic model constants are those fundamental principles which are found in the liberal model, as in the weberian, i.e. subordination, ensuring the cohesion and separation of the model that ensures functional autonomy, the relative autonomy of the system elements, and variables are the sense of subordination in the mentioned relations, as well as the magnitude, the intensity of these relationships. Variables finally determine the degree of integration of the system.

Subordination is the first constant of the Western model of public administration and we shall analyze it in terms of the subordination of the administration towards politics. We point out that this principle is consistently mentioned in constitutional texts. [46] It is reflected, as we saw, also in the institutional organization of the relation between the political and administrative power, organization built so as to ensure, to ensure the necessary passage from political will to administration, and therefore, the subordination of political administration power.

Two types of organization ensures this passage, this transmission of power from one to the other, and hence the subordination of the administrative structures to the political ones.

The first type of organization that is encountered in the UK consists in the juxtaposition within the administrative organs of whose recruitment is either purely political or purely administrative and which have the function to inform the political power regarding the administration deliberates and the control of the political power towards administration.

For example, among the administrative bodies, we have the private Prime Minister's cabinet, consisting only of career officials who play an important role regarding the Prime Minister and all of the administration: a private secretary attends at all meetings with the Prime Minister, including the Cabinet's meetings, but is involved in discussions. On the opposite side of such administrative bodies, are situated the political bodies. Personal political adviser of the Prime Minister is mandated to examine, under the angle of party politics, all the problems that the Prime Minister has to deal with. At his demands, the personal political adviser attends at international meetings and committees and provides a "political" presence in administrative meetings. The roles are therefore, in the UK, carefully distributed and the subordination of the administration to the political power results from the existence of contact points, less numerous, but mandatory, through which communication passes institutionally, between political and administrative courts.

The second type of institutional organization of the relationship between political power and administration is found in Germany and France, where the bodies that ensure the subordination of the administrative to politics are less marked by this worry of the absolute dichotomy between political and administrative bodies. Thus, in Germany, without Bundeskanzleramt, (Office of the Federal Chancellery), which constitute essential instruments of coordination, of directing and forming governmental projects we also have meetings of the state's secretaries, clerks that ensure the transmission of the political will to the administration. So, unlike the UK, Federal Chancellery is a joint body, linking politicians and officials. Although it is composed by officers, the Chancellery is headed by the politicians of the Minister's Federal Chancellery and a state secretary, to which a secretary of state (official) is added.

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[46] Ioan Alexandru, *Drept administrativ comparat,* Editura Lumina-Lex, Bucureşti, 2003 p. 577
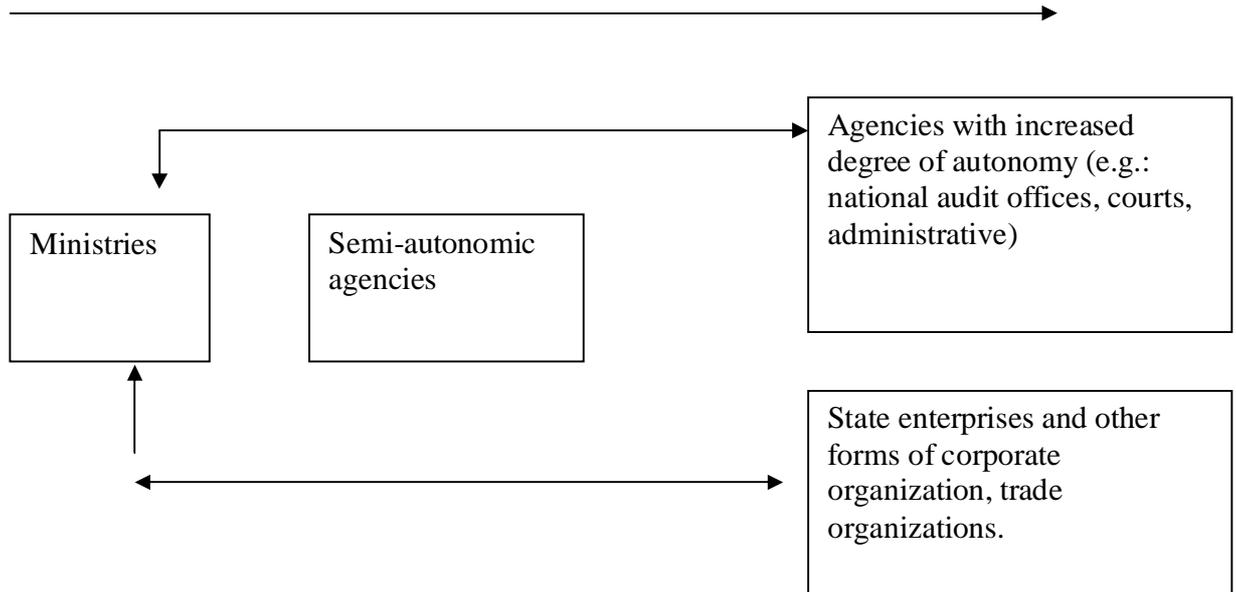
In addition, in Germany, there is a practice similar to the French system of the ministerial cabinets, but with a smaller scale, namely: most of the ministries have formed, "Ministerburo" that exists near the ministers and which at first was simply made up of a personal assistant and a press attaché. The number of personal collaborators increased gradually and the mechanisms and conditions for their selection remain quite unclear. The essential criterion for the selection of these officers who are elected from the inside of the ministry apparently is their loyalty to the ruling party. Thus, it has been arranged an institutional organization, aiming to ensure the subordination of politics administrative and which is characterized by the existence of these bodies – individual and collegiate with mixed political-administrative recruitment. This type of subordination is also met in France, being characterized by the existence of these political-administrative bodies responsible for the point setting connection between political power and administration. Such ministerial offices of which practice exists since the time of the Third Republic, but whose momentum dates mainly from 1958, and which interpose between the Minister and its services a team whose longevity is the same as that of the minister.

One other characteristically institution of this type of political-administrative interposition adopted in France is that of "higher functions", named at the government's decision. It's about those functions whose list - unlimited - is fixed by a decree from 24.07.1985 - prefect, president, ambassadors, directors of central administration, etc... – Where the appointments and the removals are made at the discretion of the Government. [47]The appointed staffs do not necessarily change when changing the government. At the same time they are neither ensured that will remain in position, because the government may at any time put an end to their operation. The withdrawal of this status it is possible at any time without motivation. The existence of such functions involves the loyalties of those who occupy them and their owners can therefore be revoked on grounds of mere political convenience. Thus, these important officials are placed under direct dependence of a political and administrative power; it aggregates them with the double political and administrative courts quality and by providing the link between political power and administration, it ensures the subordination of one other.

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[47] Valentin Prisecaru, *Funcţionarii publici,* Editura Lumina Lex, Bucureşti, 2005, p.213

Removal from political control

Ministries

Semi-autonomic agencies

Agencies with increased degree of autonomy (e.g.: national audit offices, courts, administrative)

State enterprises and other forms of corporate organization, trade organizations.

After Christopher Pollitt[48]

Conclusions

Member nations will cease to exist when they are consumed by internal conflict and do not provide anymore the certainty a common good.[49]

The development of administrative institutions is a minimal requirement for training and development of the state. Weak administrative institutions are a key factor in the state's failure. In the absence of administrative capacity, strengthening the state of any kind is as nonexistent.[50]

The principle of autonomy has in view the organization and functioning of public administration starting from the "right and effective ability of the public authority's administration, to resolve and manage under their responsibility, an important part of the public matters, for the mass that is ", the central administration authorities, according to the principle of subsidiary, intervening if and insofar as the action can not be achieved by local authorities.

The autonomy of administrative entities manifests itself on several levels. On its legal capacity, local authorities are subjects on separate issues having their own public

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[48] Agencies : how governments do things through semi-autonomous organizations / Christopher Pollitt ... [et al.], Basingstoke, Hampshire ; New York : Palgrave Macmillan, 2004, p.11

[49] Robert I. Rotberg, *When states fail. Causes and consequences*, Princeton University Press, 2004, p.3

[50] Robert I. Rotberg, *When states fail. Causes and consequences*, Princeton University Press, 2004, p.157

interests, and on an institutional plan, they have their own administrative authorities. On its decision-making autonomy, these authorities have their own skills and make decisions in the interest of mass that it is managing. Also, autonomy can not be real, effective, without the presence of autonomy in the frame of human, material and financial entities, having their own public officials, its own area (public and private), domain (public and private) and its own financial autonomy (budget line). These entities are autonomous but not sovereign. Local autonomy in Romania is exclusively only at an administrative level and not at a legislative one, of governance or judicial.

Reality shows that for almost 10 years we try to adapt to the transformation of administrative, political and legal nature that take place in the developed countries. An analysis of the legislative and institutional framework shows that they have found the best tools to reform the administration:

- It was not able to optimize decision-making project, autonomy was not fully assumed by local authorities;
- responsibilities and relationships between different institutions was not identified, and as such this weak regulatory leads to the ignorance of this type of report that is established between these entities;
- Decentralization is incomplete; the approach to the interest of the citizen with a set of attributes and decisions being led to failure. It was not able to complete the transfer of material and financial resources which ensure the close decision towards an economical reality and which gives a better recovery of resources.
- The budgets of autonomous entities are dependent largely on the resources of the state budget, own revenues of local budgets exceeding 25% of local resources, the finance reform covering after the European model, a rate of approximately 50%.
- An insufficient communication between the public and the citizen which leads on one way towards the non-recognition of the authorities by the citizen, and the other hand it leads to rejection of any form of regulatory authority that it could generate;
- A success, in implementing an informational system in all branches of government, was not made, resulting in a reliance on other means or entities that would like to be autonomous;

An increase in the administrative autonomy leads to:	Planned consequences	Unplanned consequences
Accumulation of power	Cooperation strategies Solutions to problems to take on public policy	bureaucracy exploits information asymmetry bureaucratic politics
Institutional isolation towards politics	Rule of law implies the possibility of anticipation and safety	Resistance to change
Changes in performance	Bureaucracy promotes efficiency and effectiveness	Maximize the budget

Table: Consequences of administrative autonomy

Without doubt, many laws adopted during the post-December period – starting from constitutional recognition of local autonomy - have endorsed the creation of a legal framework necessary to implement this principle. With all these efforts, there are still necessary some legislative and administrative set of rules which should offer efficiency to this purpose.

The Develop a decentralization law represents a starting point for an administrative reform in the sense of implementing the principles that lead to institutional autonomy.

In human society a social change takes place as a permanent phenomenon only if a cultural change is made. A revolution is a revolution only if an ethical revolution takes place.

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