Exploring inter-territorial cooperation: On joined-up government in Romania

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- work in progress, comments welcomed -

Abstract

Addressing the case of Romania, a country with recent governance – related practices, otherwise excluded from the target countries of joined-up government relevant literature, this paper aims at identifying institutional evidence of inter-territorial cooperation through joining-up arrangements. To this end, the paper includes: 1) a conceptual explorative part, necessary to the refinement of the ideas of governance, coordination, joined-up arrangements and inter-territorial cooperation (following, in some respect, the line of argument used by Christensen and Laegreid 2007); and 2) an analysis part, which uses the empirical data gathered from strategic documents of the Romanian governance-related reforms and interviews with high representatives of the Romanian territorial communities involved in the reform process and inter-territorial cooperation, in order to identify indicators for "joining-up" practices.

As it unravels, the argument suggests that Romania exhibits two out of three possible forms of joining-up arrangements, and a rather interesting organization of local authorities into inter-territorial cooperation forms.

Key words: joined-up government, inter-territorial cooperation, local associations, New Public Management

1. When Government needs to do more and better – On Governance

This section of the paper briefly introduces the concept of "Government", to further elaborate on "Governance" while placing it in the context of the New Public Management agenda.

Read in English, "Government" usually refers to both policy making (parliamentary) bodies and executive / administrative structures, and as of the 19th century is employed when referring to central as well as to local authorities. For most of the continental Europe however, "Government" (*Regierung* in German, *Gouvernement* in French or *Guvern* in Romanian) equates

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with the exercise of sovereign power, seen to be wielded solely at the central level, and has rather profound administrative and hierarchical nuances (Wollmann, 2006:1420-1421). Be it as it is, Europe comes in agreement when considering the similar challenges set before its different governments in the past few decades: The emergence of the so called wicked problems (Rittel and Weber, 1973), which fail to be resolved with traditional analytical approaches due to difficulty in definition, multiple causality and a lack of well described potential solutions (Humpage, 2005:50; Johnson, 2005:19-20) next to (amongst others) the (new) market logic, placing the knowledge, procedures and institutional memory of bureaucracies in the dark corner (Hess, 2003:3) led into considering that Government died, and Governance was set in place (Osborne and Gaebler, 1992; Rhodes, 1996).

Focusing upon the wider processes through which public policy is shaped at central and local levels, governance embraces the democratic policymaking[2] and generically refers to the development and implementation of public policies through a broader range of public and private agencies than those traditionally associated with the governmental organization (Wilson, 2000:44; Alberti and Bertucci, 2006:1-4). J. Rosenau (1992:4) notes in this regard that while the classical governmental activities implied the existence of a formal authority, governance focuses on mutually shared objectives and activities not necessarily derived from the legally prescribed responsibilities, nor based on coercive power when being implemented. World Bank acknowledges also that accountability, political instability and violence, governmental efficacy, quality of regulations, and the rule of law and corruption control are basic indicators for assessing the practice of governance (Kaufmann, Kraay and Mastruzzi 2005:4). At its turn, but again rather normative, the European Union defines governance as a set of regulations, processes and attitudes which influences the exercise of power at European level, especially in what concerns the openness, participation, accountability, efficacy and coherence [COM 2001 (428)].

It may be therefore argued that four key principles - accountability, participation, predictability, and transparency ground the Governance structures. The former would have been required for a sound management of public resources, an enabling environment for the private sector and a productive partnership between the public and private sectors which did not degrade into closed circles of influence and privilege (Ahrens 2001:58-59). These variables and several others, represent in fact significant parts of the New Public Management (NPM) argument, one the author sees connected to the topic of Governance[3].

Reference point in the world's public management reform, NPM advocates[4] in favor of restructuring the Government following private sector patterns. The focus on: efficiency; output and performance assessment; private ownership and alternative forms of delivering the public services; management decentralization; and enhanced mechanisms for reporting and monitoring, become pillars of the theoretical argument developed by the NPM literature (Kaboolian, 1998; Gaster, 1999:36; Hope, 2001:120; Gruening, 2001). As commented by T. Bovaird (2003:38-39), adherents of the NPM school of thought tend to include belief in: the supremacy of market-based procurement approaches to traditional in-house provision; and the "business methods" for organizing services; and wish for: redesigning ("re-engineering")

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[2] The argument here relies heavily on Robert Dahl's interpretation of what a democracy stands for: a system giving its citizens the rights to freely formulate and express their preferences, while waiting for a governmental, non-discriminatory answer to them. For reasons otherwise described by Dahl himself, the concept of *citizen* seems fairly debatable today (Dahl, 1971 and 1989): in an open society such Europe or the world has developed, *stakeholder* seems more suitable for naming those interacting, to some point, to the governmental bodies of a state (Rosenau, 1992). It is with this view that this article continues. Further on the issue however may be seen also in Iancu and Klimovsky (2008).
[3] For the purpose of this paper, New Public Management is to be seen more as a provider of "how-s" when dealing with serving public interest in a democratic policymaking context. However, the author does not support here a causality between New Public Management practices and achievement / consolidation of democracy.
[4] *Inter alia,* Hood (1991); Osborne and Gaebler (1992); Pollitt (1993); Rhodes (1996); Peters and Pierre (1998); Cope and Goodship (1999); Pollitt and Bouckaert (2000); Denhardt and Denhardt (2000:549); Kettl (2000); Lane (2000); Hope (2001:120).

organizational processes around the needs of service users and other stakeholders; while being concerned with the inefficiencies produced by political interference in managerial decisions.

The "shopping basket for those who wish to modernize the public sectors of Western industrial societies" (Pollitt, 1995:133), the NPM agenda generated different national experiences with subsequent different consequences. And as generous as NPM reforms might have been in terms of determining the public sector into generating clearer visions and goals, more professional autonomy, more easily measurable performance and results and clearer accountability, the vertical specialization or devolution and horizontal differentiation, they also led researchers into believing that they were partly responsible for the fragmentation of public apparatus in many countries (including the United Kingdom, Canada, Australia and New Zealand, NPM trail-blazers) (Christensen and Lægreid, 2001; Pollitt and Bouckaert, 2004; Perry 6, 2005; Christensen and Lægreid, 2007).

And as NPM proved its slight inadequacy and "Governance" met the wicked issues of today, requiring: a holistic, not partial or linear thinking; a capacity to think outside and work across organizational boundaries; ways of involving the public in developing responses; embracing a willingness to think and work in completely new ways, entertaining the unconventional and pursue the radical; a new style of governing for a learning society (Clarke and Stewart, 1997:3, in Ling, 2002:622), the issue of coordination was raised (Eggars and Goldsmith 2004:8).

2. Governing by "Joined-up Government"

If coordination is to be considered the end state in which policies and programmes of the government are characterized by minimal redundancy, incoherence and lacunae (Peters, 1998:296), and "joined-up government" is a phrase which denotes the aspiration to achieve horizontally and vertically co-ordinated thinking and action (Pollitt, 2003:35), then "Joined-up government" is being practiced before it was so named (Richards and Kavanagh, 2000; Ling, 2002:639; Pollitt, 2003:36-37; Humpage, 2005:49; Christensen et al. 2007:390).

Exploring the joined-up government's "business card" is what follows: What does the concept stand for; What are its advantages once experienced in practice; and How can one identify a joined-up arrangement - are the key questions to be addressed in the short section that follows.

As an umbrella term describing various ways of aligning formally distinct organizations in pursuit of the objectives of the government of the day (Ling, 2002:616), joined-up government implies working across organizational boundaries (be it between portfolios or departments within a tier of government, different tiers of government, government and other sectors or the community etc.) without removing the boundaries themselves. This *modus operandi* is said to:
   - help strengthening the overall accountability of the public sector, by achieving the democratic legitimacy through shared responsibility and building a consensus around policies (McGhee, 2003:348; Johnson, 2005:6);
   - make better use of scarce resources (Pollitt, 2003:35); and,
   - promote innovation, by bringing together different people, backgrounds and organizations (SSA, 2007:4).

Prudence is surely necessary, as joint working should not be considered a panacea to the public sector's problems (Barton and Quinn, 2001:51). However, if reducing the scale to local government and considering the apparent increasing local institutional complexity given by the shift from local government towards more loosely structured local governance (Darlow et al., 2007:118), it may be argued that joined-up government brings an interesting addition to the

debate on the subsidiarity principle as defined by the European Charter of Local Self-Government[5].

Both a promoter of decentralization (for it stimulates the exercise of power as closely as possible to the citizens) and a supporter for centralization (since the responsibilities are likely to be transferred from the local level to the centre, if considered to be "better achieved" by the national authorities), the principle of subsidiarity answers to the coordination problem assuming that the elements of the governmental system are neither submitted to an hierarchical input, nor left to decide whether to join a coalition or to abandon it. The system's parts chose the coordination (because surviving outside the system is harder), yet not the subordination (since they are aware of the fact that the system cannot manage without them) (Balducci, 1996:48). Joined-up government may be viewed as such as a possible practical expression of implementing subsidiarity.

Arguments in favor of this view are possible to encounter once reading strategic documents aimed at reforming local government in the United Kingdom and Australia[6]. According to them, "joined-up government" is a model of decision making, which allows active bringing of the government closer to the people (DETR, 1998b: paragraphs 3.49, 3.59, 4.3; DETR, 1998a: paragraph 1.7, corroborated to paragraphs 1.9 and 1.14); while limiting (to an extent) the failures in achieving best value or acceptable standards of service (DETR, 1998b: paragraph 7.48; SSA, 2007:4)[7].

Practicing joined-up government is not an easy task, however. "It is vital that we lose the skills of battle and find the skills of organization and partnership...." (H. Armstrong, 1997 in Wilson, 2000:52); the organizational cultures, skills, capabilities, and management systems and structures that support collaborative and integrated ways of working become as such critical:

> […] One of the principal barriers to successful joined-up service delivery is the assumption that better use of traditional government systems and processes will result in joined-up solutions. Traditional systems and processes are designed to deliver government services from centrally controlled, vertically organized agencies. These systems and processes become increasingly inappropriate as government agencies move away from traditionally organized service delivery towards more customer-centric joined-up approaches". (Johnson, 2005:4).

Success may also be determined by: working towards shared goals that are clearly defined and mutually agreed; measuring and evaluating progress towards the goals; having sufficient and appropriate resources available; having strong leadership, directing the team and initiative towards the goal; and working well together with a sense of shared responsibility (Ling, 2002; National Audit Office, 2001; Pollitt, 2003:44; Humpage, 2005:49-50; SSA, 2007:5).

Contrary to what it may be thought (in the light of so many critical success factors), joined-up arrangements aren't rare; they often (as the literature shows) nurture in the fertile ground of post NPM governance structures and take the form of:

1. Whole of Government Integration – characterized by a top down whole of government policy framework based on what government seeks to achieve followed by practical strategies to achieve whole of government integration (Johnson, 2005:16-18);

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[5] Article 4.3: "Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy".
[6] For the British case my reference is directed towards: DETR (1998a) and DETR (1998b). In the case of Australia, the document I refer to is SSA (2007). Comments on these documents are to be found, *inter alia*, at: Richards and Kavanagh (2000); Kavanagh and Richards (2001); Martin (2002); Signoretta and Craglia (2002); Downe and Martin (2003) or Christiansen and Laegreid (2005).
[7] It is true however that in the case of British joining-up practices, the government plays a central, hierarchical role; this aspect has been taken into consideration when deciding which paragraphs of the quoted documents are relevant.

2. Service Delivery Integration (integration around partnership agreements) - the main feature of this sort of joined up arrangement is the collection together of information and services about a shared customer or common issue. These strategies seek to enhance the use of traditional centralized systems and processes to deliver increased efficiencies and improved services. They are well suited to the role of government as a coordinator rather than a provider of services (Johnson, 2005:19); or:

3. Integration around Programs – which involve ongoing cooperation and collaboration by a community of problem solvers. Membership of the community may be voluntary; while this type of joined up arrangement may be ad-hoc.

> In view of this fact any description of public administration which is based upon a distinction between "public" and "private" agencies is bound to be illusory. The work of society is in reality the task of a collaboration; it is not accomplished by "public" agencies if, in using that term, we carry in our minds notions of sovereign commands and willy-nilly compliance. And a realistic view of the administrative machinery of a state reveals not an official group on the one side and an obedient public on the other, but a situation in which the community in its helplessness turns to those with competence and confirms, by making them officials, a social responsibility which is not in fact increased by the conferring of official status" (Lancaster, 1934:291).

So far, describing the joined-up government approach meant speaking, with a rather heavy British accent[8], of governance and new styles of decision making. The section further explores joining-up up while placing it in the context of inter-territorial cooperation.

3. Inter-territorial cooperation: A possible approach to joining-up government?

According to the Council of Europe, 'inter-territorial co-operation' refers to any concerted action designed to establish relations between territorial communities or authorities of two or more Contracting Parties, other than relations of transfrontier co-operation of neighboring authorities, including the conclusion of co-operation agreements with territorial communities or authorities of other States (article 1, Protocol no.2 to the Outline Convention[9] concerning inter-territorial co-operation[10]). Giving that 'territorial communities or authorities' means communities, authorities or bodies exercising local and regional functions and regarded as such under the domestic law of each state (article 2.2, the Outline Convention), one may consider that inter-territorial cooperation may occur:
- at local and regional levels of government (of any state ratifying the Outline Convention and its Protocol no.2);
- between local and regional levels of government (of any state ratifying the Outline Convention and its Protocol no.2);
- under the rules of at least two different legal orders (considering that each state ratifying the Outline Convention and its Protocol no.2 constitutes a specific, unique legal order).

It is in fact this last point the one raising questions when approaching joined-up government from the angle of inter-territorial cooperation: after all, be it whole of government or service delivery integration or integration around programs, joined-up arrangements do normally refer to one particular legal order, and hence relate rather strictly to the borders of a state. Is it then advisable to develop an argument about joining-up government when dealing with joint initiatives of different governments?

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[8] A paraphrase of Denters and Rose (2005:7).
[9] Short for the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, Madrid, 1980 (Council of Europe).
[10] Council of Europe, Strasbourg, 1998.

In answering this, do consider the following: if governments are nowadays confronted with more, while urged by many to be better (as advocated, *inter alia,* by scholars in NPM and governance), then changes have occurred in the structure and content of traditional (government-centred) policymaking. These changes have been (sometimes) tackled using concerted actions (in the form of national joining-up arrangements). Giving that 'more', 'many' and 'better' can come from inside as well as from outside the borders of a state, national concentrated actions may be fortunately complimented by an inter-territorial cooperation experience; it is as such that as long as governments can decide upon the success or failure of a cooperation initiative for the sake of their own policymaking, then, we will assume that joining-up arrangements do not exclude partnership agreements between authorities serving under different flags. In support of this assumption, Council of Europe states:

> In order to perform their functions effectively, territorial communities or authorities are increasingly co-operating not only with neighboring authorities of other States (transfrontier co-operation), but also with foreign non-neighboring authorities having common interests (inter-territorial co-operation) (Preamble, Protocol no.2 to the Outline Convention).

> [and] Encourages, and if necessary, offers support for, the establishment of transfrontier and inter-territorial cooperation structures at the level of territorial communities or authorities for exchanging information, planning and implementing joint measures and ensuring that issues raised by one side are not left unanswered by the other (B5, Recommendation Rec(2005)2 of the Committee of Ministers to member states on good practices in and reducing obstacles to transfrontier and inter-territorial cooperation between territorial communities or authorities, 2005).

> [however] Each Contracting Party may, at the time of signing [the outline Convention] or by subsequent notification to the Secretary General of the Council of Europe, name the communities, authorities or bodies, subjects and forms to which it intends to confine the scope of the Convention or which it intends to exclude from its scope (article 2.2, the Outline Convention).

> [and] Agreements and arrangements shall be concluded with due regard to the jurisdiction provided for by the internal law of each Contracting Party in respect of international relations and general policy and to any rules of control or supervision to which territorial communities or authorities may be subject. (article 3.4, the Outline Convention).

In addition, and with direct reference to the typology of joining-up arrangements presented in section 2, inter-territorial cooperation may be practically viewed as a lever for solely Service Delivery Integration and Integration around Programs[11]:

2bis. Service Delivery Integration (integration around partnership agreements) – with an inter-territorial approach in mind, this sort of joined-up arrangement would enhance the role of governments of Contracting Parties at national levels, as coordinators for more efficient and improved services. Main issue would be of course, the existence of a shared customer or common issue; and as the lack of geographical proximity may raise problems, solely referring to the existence of an Internal Market, where public services are delivered under certain, specific regulations[12] makes our argument less daring.

3bis. Integration around Programs – would here involve ongoing cooperation and collaboration by a community of problem solvers, beyond the national borders. Membership of the community remains (eventually) voluntary; and the type of joined-up arrangement may have an ad-hoc nature.

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[11] It may be considered a limitation, but Whole of Government approach does not seem compatible with the views already expressed, giving its profound national (centralized) arguments.
[12] See for instance, White Paper on Services of General Interest, COM (2004) 374 final.

To resume, although so far presented literature on joining-up arrangements have been referred to the latter within the boundaries of a state, we argue for the possibility to consider Service Delivery Integration and Integration around Programs in an inter-territorial context.

In this sense:

1. Joined-up arrangements refer to a model of policymaking, which allows active bringing of the government closer to the people, by means of collaborative partnerships (of inter-territorial nature as well), integrated service delivery and shared responsibilities between portfolios or departments within a tier of government, different tiers of government, government and other sectors or the community;
2. Previous NPM experience in reforming the government is a possible factor for facilitating the emergence of joined-up arrangements;
3. There are at least three types of joined-up arrangements possible to identify in public sector practice, namely: whole of government integration, service delivery integration and integration around programs, yet only two applicable in the larger perspective of the inter-territorial cooperation: service delivery integration and integration around programs.

The following sections of the paper argue that:

1. The strategic context of administrative reforms in post-communist Romania suggests an NPM approach, consistent with that shown by the references so far quoted;
2. There is a Romanian practice of joined-up arrangements in the form of Service Delivery Integration and Integration around Programs.

In doing so, the following is used:

1. Documentary analysis[13] of the:
    a. The Strategic Documents of the Romanian Administrative Reform, namely:
        i.   The Government's Strategy concerning the Acceleration of Public Administration Reform (2001);
        ii. The Government's Strategy concerning the National Action Plan E-administration (2001);
        iii. The Government's Action Plan for the Governing Programme 2001-2004;
        iv. Updated strategy for acceleration of public administration reform 2004-2006;
        v.   Updated strategy for the institutional reform of the Ministry of Interior and Administration 2005-2006;
        vi. Objectives of the current Government Programme, 2005 - 2008, Chapter 11;
        vii. Operational Programme "Administrative Capacity Development", 2007-2013.
    b. The European Commission's Regular and Monitoring Reports on Romania's Progress towards accession (1998-2004; 2005-2006)[14];
    c. The Framework laws on local public administration in Romania, namely:
        i.   Law no.215/2001 on local public administration[15];

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[13] Due to the fact that many of the Romanian legal and strategic documents analyzed for the purpose of this paper do not have an official English translation, the author takes full responsibility for the eventual errors in their English interpretation.
[14] The working language for both Regular Reports (RR) and Monitoring Reports (MR) was English.
[15] Official Gazette of Romania no. 204/23.04.2001 (as amended and republished in the Official Gazette of Romania no.123/20.02.2007).

        ii.   Framework Law no.195/2006 on decentralization[16];

       iii.   Law no.199/1997 concerning the ratification of the European Charter of Local Self-Government[17];

       iv.   Government Ordinance no.53/2002 on the Framework Statute of administrative-territorial units[18];

       v.   Law no.67/2004 on the election of local public authorities[19];

       vi.   Law no.340/2004 on the prefect and the prefectural office[20];

       vii.   Law no.51/2006 on community services of public utility[21];

       viii.   Law no.273/2006 on local finance law[22];

       ix.   Law no. 315/2004 on regional development[23].

d. Partnership agreements and Protocols of the Romanian Public Administration (with close view on the joint initiatives of the Romanian Police with central and local public authorities).

e. Partnership agreements and Protocols of Inter-territorial nature for Ilfov County.

2. Data analysis of the data resulted from 21 interviews of:

   a. active public managers (4 persons);

   b. active civil servants in management positions (6 persons);

   c. active civil servants in executive positions (5 persons);

   d. active police officers in management positions (3 persons); and,

   e. contractual personnel (3 persons).

Access to the interviewers was facilitated by the Faculty of Public Administration (of the National School of Political Studies and Public Administration) through the civil service dedicated training programs and the General Inspectorate of the Romanian Police (Human Resource Directorate). The interview guide comprised questions regarding: the description of the priorities of the administrative reform between 1998-2008; the identification of leading principles for organization and functioning of public administration in Romania (mainly, principles of: decentralization and local self-government, openness and transparency, partnership and cooperation, accountability and efficiency and efficacy); the expression of views on the implementation of such principles in the practice of the Romanian reform; and knowledge of inter-territorial cooperation of the Ilfov County.

The research was conducted in two phases: July 2008, after a pre-test run in February 2008 and January – March 2009.

4. On Government's choices and Governance's approach in Decentralizing Romania

After the fall of the communist regime in December 1989, Romania needed to identify alternatives for its development in a short time and under unexpected circumstances (Rose et al. [1998] 2003:61). The choice made then (as indicated by the laws and regulations enacted since December 1989) was towards democratization. Adopting a Constitution proclaiming the democratic state (1991), and a Law governing an autonomous local public administration (1991) consolidated this choice and offered the necessary institutional beginning for a public sector reform.

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[16] Official Gazette of Romania no.453/25.05.2006.

[17] Official Gazette of Romania no.331/26.11.1997.

[18] Official Gazette of Romania no.633/27.08.2002, as amended.

[19] Official Gazette of Romania no.271/29.03.2004 (as amended and republished in the Official Gazette of Romania no.333/17.05.2007).

[20] Official Gazette of Romania no.658/21.07.2004 (as amended and republished in the Official Gazette of Romania no. 225/24.03.2008

[21] Official Gazette of Romania no.254/21.03.2006 (as amended).

[22] Official Gazette of Romania no.618/18.07.2006 (as amended).

[23] Official Gazette of Romania no.577/29.06.2004 (as amended).

Of course, when compared to the cases of the United Kingdom or Australia (briefly presented in the Sections above), Romania's reforming efforts strike as clearly distinctive: not necessarily in mission and objectives (although designing a democratic system is genuinely different than consolidating it), but in scope and available resources. This gap is actually what makes the research on Romania, from a joined-up government perspective, rather innovatory. To this assertion we add the specificity of the external environment contributing to (by facilitating or blocking) domestic changes within the Romanian public sector.

In this regard, European Union is one of the most visible actors generating a great deal of pressure upon the consolidation of democracy in Central and Eastern Europe through its enlargement process (SIGMA, 1998; SIGMA, 1999; Verheijen, 2000; Stone Sweet et al., 2001; Radaelli, 2005; Vachudova, 2005; Sedelmeier, 2006). Since 1993, Romania was in fact one of the countries in the region starting the accession to the European Union and hence, subject to the pressure above mentioned.

It is due to these considerations that in addressing the issue of public sector reform in Romania we considered relevant not only the national strategies of administrative reform, but also the European Union's official reports summarizing the progress towards accession to the European Union[24]. The relevant time frame for the analysis was set to the period 1998 – 2007 (the major factor in considering 1998 as the starting point being that since then the European Union acknowledged Romania as a viable democracy, and started writing its Progress Reports).

The results of the documentary analysis show that at its beginning, the Romanian administration reform basically (and roughly) aimed at: separating political and administrative functions; creating and consolidating a professional and politically neutral body of civil servants; clearly defining the role, responsibilities and the relationship between institutions; enshrining the subsidiarity principle so that decisions to be taken by and in the citizen's interest; recognizing the principle of decision-making autonomy; simplifying administrative procedures and normative acts; increasing transparency of the administrative and governmental actions; and channeling the focus on results in terms of efficiency, efficacy and the quality of services.

Later investigations on the timeframe: 1998-2007, led into classifying the Romanian public administration reform objectives into five categories: A. Decentralization and local self-government; B. Openness and transparency of the public administration; C. Partnership and cooperation; D. Accountability; E. Efficiency and Efficacy.

A. Decentralization and local self-government

In this regard, accelerating the public services decentralization process while undertaking administrative and financing activities, transferring the activities and the adequate financial resources from the state budget to the local public authorities in order to finance public services earmarked for local communities within specific areas[25], or setting new, equitable local taxes were, in turn, considered as necessary steps to be taken for achieving the administrative reform's objectives. By 2004, the Commission acknowledged significant reforms in all the above categories, and Romania received its green flag on decentralization reform.

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[24] The accession to the European Union was, as of 1993 and the European Council in Copenhagen, conditioned by the compliance of candidates with three criteria: 1) stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; 2) a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; and 3) the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. In 1995, at the European Council in Madrid, the European Union added the forth criterion: the consolidated administration. In this regard, the European Commission's Regular and Monitoring Reports prove to be excellent instruments in assessing the degree in which Romania complied with the European expectations in terms of administrative reform.
[25] Such as: health, culture, community police, fire fighters or civil defense.

B. Openness and transparency

According to RR 1998, the Romanian administrative system was characterized by administrative weakness, secret of public information and deterioration of equitable application of law (RR 1998:9). Still, after a considerable legislative activity, in 2003, the Commission concluded: "if implemented, that legislation could significantly improve the decision making process" (RR 2003:16-17). Same opinions are to be found in RR 2004, where only additional references to local implementation of the quoted legal texts were to be found (RR 2004:16). Still on the local level, RR 2004 recommended that the allocation of resource transfers to local authorities to be made in a transparent manner (RR 2004:18).

C. Partnership and cooperation

In 1998, the European Commission took evidence of the national social dialogue legal framework and of the existent local structures for cooperation (RR 1998:27) and noticed the intensification of the relationship between citizens, economic actors and administration (RR 1998:46). Romania was however asked to pay attention to the need of opening the public sector towards privatization and involvement of all private actors interested in public service delivery (RR 1998:11). One year later and relevant to this latter point, the Commission took notice of the progress made and asked for its consolidation (RR 1999:25) and kept advocating for the strengthening of the regional managerial capacity through encouraging an efficient and partnership based process (RR 2000:70; RR 2001:80; RR 2002:102; RR 2003:94; RR 2004:115).

D. Accountability

RR 1999 (p. 56) discussed of the need of regulating accountability, impartiality and legality of civil service. One year later, positive notes were being made once the Civil Service Statute was enacted (RR 2000:16). However, the lack of specific regulations allowing the access to public information continued to create problems to the overall real accountability of the administrative authorities (RR 2001:22). In contrast, the creation of the Ombudsman and its activity to hold accountable all administrative authorities that might have infringed preference-holders rights and liberties was seen as a good indicator for enhancing the public administration's capacity to adequately answer to the received inputs (RR 1998:9; RR 1999:17; RR 2000:22; RR 2001:23; RR 2002:29; RR 2003:22-23; RR 2004:24). In addition, RR 2004 recognized that: "free access to public information, proved to be an important mechanism promoting public accountability" (p. 26) and called for an institution to hold the explicit responsibility in effectively implement the law on free access to public information.

E. Efficiency and efficacy

The two principles are a constant presence in all the documents relevant to this research, being closely related to the objectives set for the administrative reforms aimed at consolidating the national institutional capacity (RP 1998, p.10, 20; RP 1999, p.61,71; RP 2000, p.41,69; RP 2001, p.30,50; RP 2002, p.52,74,85; RP 2003, p.34,47; RP 2004, p.18). Thus, the Commission draw attention towards the need to increase the efficiency of national efforts in managing the resources targeted to waste management (RP 1999, p.53) and implementing the institutional changes at the level of justice and home affairs (RP 1999, p.54,56).

In addition, the Priority Axes of the Operational Program "Administrative Capacity Development" were at their turn designed to: address horizontal management problems at all public administration levels (central and local) with a focus on key attributes that strengthen the reliability of the administration, in particular decision making, better regulation, accountability and organizational effectiveness, and specifically target improvements to the decentralization of service delivery in certain prioritized sectors (Health, Education, Social Assistance) and improve the quality and efficiency of service delivery.

An overall conclusion of the analysis of the guidelines of the Romanian public administration reform shows governance and NPM related principles as genuinely present (and, in some cases, require consolidation). Of course, their actual implementation in the field of day-to-day administration might be questioned, but the self-imposed limits of the present paper cannot (at this time) but rise and not validate such a hypothesis. The section that follows however is far more concrete as it focuses on the public order and safety service and investigates real cases of joined-up arrangements. The examples are, in my view interesting as they present real data for the actual practice of decentralization and self-government, openness and transparency, partnership and cooperation, accountability and efficiency and efficacy in the Romanian public administration.

5. Romanian "Joined-up government": The Case of Public order and Safety service

As the Romanian public administration is organized according to NPM values and acknowledges decentralization, while recognizing the need for applying the subsidiarity principle, searching for joined-up arrangements as described in Section 2 wasn't as hard as predicted before making the documentary analysis. In fact, there were several cases possible to describe here, but just two recent ones connected to the argument of this paper, being relevant in comparative perspective[26]: the public order and safety service. Also, it was the solution to horizontal and vertical coordination present in the case of this service that triggered my attention: the existence of a consultative body, mainly responsible for generating cooperation and collaboration: The Public Order Territorial Authority. Details follow[27].

5.1. Public Order and Safety Service: a brief presentation

The service of public order and safety is one regulated and delivered by the Romanian Police[28]. Part of the Ministry of Interior and Administrative Reform, the latter cooperates in achieving its duties with state institutions and collaborates with non-governmental associations and organizations, as well as with individuals and legal persons, within the boundaries of the law[29]. In terms of organization, the Romanian Police is to be found in each of the administrative units of the country, and is formed out of (figure 1):

1. The General Inspectorate of the Romanian Police;
2. territorial units subordinated to the General Inspectorate of the Romanian Police, the General Directorate of the Bucharest Municipality Police and the County Police Inspectorates;
3. academic institutions and institutions focused on continuous training the Police personnel;
4. other units necessary to achieve the Police specific duties, within the framework of the law.

The Public Order Territorial Authority on the other hand is organized and functions in Bucharest Municipality and in each of the Romanian counties. It is a consultative body and aims at achieving its functions in the community's interest.

The Public Order Territorial Authority brings together: the Chief of the General Directorate of the Bucharest Municipality Police or of the County Police Inspectorate, a representative of the National Body of the Police Officers, the sub-prefect, six local councilors assigned by the
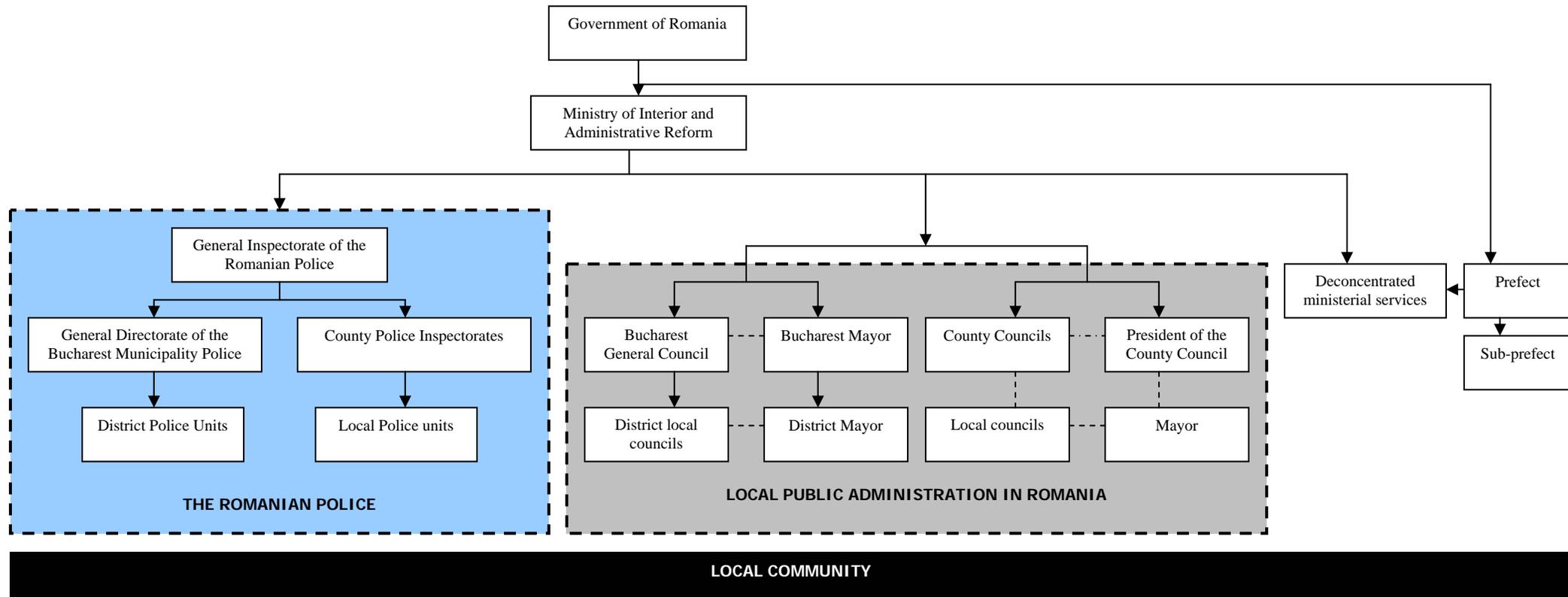
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[26] Tackling crime and public order were seen by DETR (1998a: paragraph 1.15 and 6.6; and 1998b: paragraph 8.2) as key challenges at the end of the twentieth century, in need for concerted action at central and local level.
[27] For a better understanding of the Romanian administrative system, please see Box 1 (Annex).
[28] Articles 1 and 2 of the Law no.218/23.04.2002 on the organization and functioning of the Romanian Police, Official Gazette of Romania no 305/09.05.2002, as amended by Law no.281/24.06.2003, Official Gazette of Romania no. 468/01.07.2003.
[29] Article 2, Law no.218/2002.

Figure 1: The Romanian Police in the context of the Romanian Public Administration System

Government of Romania

Ministry of Interior and Administrative Reform

General Inspectorate of the Romanian Police

General Directorate of the Bucharest Municipality Police

County Police Inspectorates

District Police Units

Local Police units

THE ROMANIAN POLICE

Bucharest General Council

Bucharest Mayor

County Councils

President of the County Council

District local councils

District Mayor

Local councils

Mayor

LOCAL PUBLIC ADMINISTRATION IN ROMANIA

Deconcentrated ministerial services

Prefect

Sub-prefect

LOCAL COMMUNITY

General Council of Bucharest Municipality or by the County Council, the Chief of the Bucharest or other Municipality Community Police[30], three representatives of the community as nominated by the Mayor of the Bucharest Municipality or by the President of the County Council (article 17, L218/2002). Its competencies, amongst others, relate to the possibility to: contribute to the elaboration of the Activity Plan and to the setting up of the objectives and minimal performance indicators designated to protect the community's interests; organize consultations with the local community members and with the non-governmental organizations in order to identify the priorities in safeguarding the persons and assuring the public order; assess the overall efficiency of the police units activity in a public evaluation report (article 18, L218/2002).

The budget necessary to the Authority's activity is supported by the Bucharest Municipality budget or that of the County (article 20, L218/2002).

The Police units cooperate with prefects, local public administration authorities, judicial authorities, decentralized services of the Ministries and other central organs, as well as with representatives of the communities (article 22.1, L218/2002). Upon justified special events, police units may decide to create cooperation protocols with authorities of the local public administration as to efficiently achieve the public order police competencies (article 25.1, L218/2002). If the Police unit doesn't fulfill its commitments within the agreed protocol, the public administration may complain to the superior police body (article 25.2, L218/2002).

5.2. Service Delivery Integration: the case of protecting homeless persons

As argued by the literature on joined-up arrangements, service delivery integration is a possible type of joined-up government, consisting in integration around a partnership agreement. Usually there is a shared customer and different authorities joining in delivering improved and more efficient services.

The case brought in attention deals with homeless persons as the customers (be it: elders, mentally disabled persons, children or persons with unknown identity) and: Ilfov County Police Inspectorate, Ilfov Public Health Authority, Ilfov County Council, and Ilfov General Directorate for Social Assistance and Child Protection, as partner authorities[31]. The joined-up arrangement was established in October 2007[32] on unlimited period, at the initiative of the Ilfov County Police, under shared accountability of the parties in delivering the expected outcome.

The scope of joining action was the collaboration in exchanging data and offering mutual support in efficiently managing the cases of persons with high risk in becoming homeless.

The responsibilities set under the partnership agreements were as follows (figure 2 and 3):

- When police officers encounter a case of a homeless person (elder, mentally disabled person, child and/or person with unknown identity), they inform Ilfov Ambulance Service in order to assess the health condition of the person proving to be in a risk situation, and commit, institutionalize[33] or give him/her in the custody of his/her family. The police officers accompany the person to the hospital unit and draw up a report on the case.

- After being informed by the Police and establishing the first status report of the homeless person, the Ambulance personnel will decide as follows:

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[30] Law no.371/20.09.2004 on the establishment, organization and functioning of the Community Police, Official Gazette of Romania, no.878/27.09.2004 (as amended in 2005).
[31] Ilfov is a county situated in the nearby of Bucharest Municipality. With 8 towns and 32 communes and aproximate 300,000 inhabitants, Ilfov County has no official head-municipality, as most of the county's public auhtorities are located in Bucharest.
[32] Registration numbers: Ilfov County Council: no.11461/23.10.2007; Public Health Authority – Ilfov: no.4721/05.10.2007; Ilfov County Police Inspectorate: no.1034566/03.10.2007; General Directorate for Social Assistance and Child protection – Ilfov: no.16871/16.10.2007).
[33] According to the present Protocol (article 3), "to institutionalize" is to be understood as "to hospitalize".

Figure 2: Joint administrative actions to be taken in the case of an adult homeless person
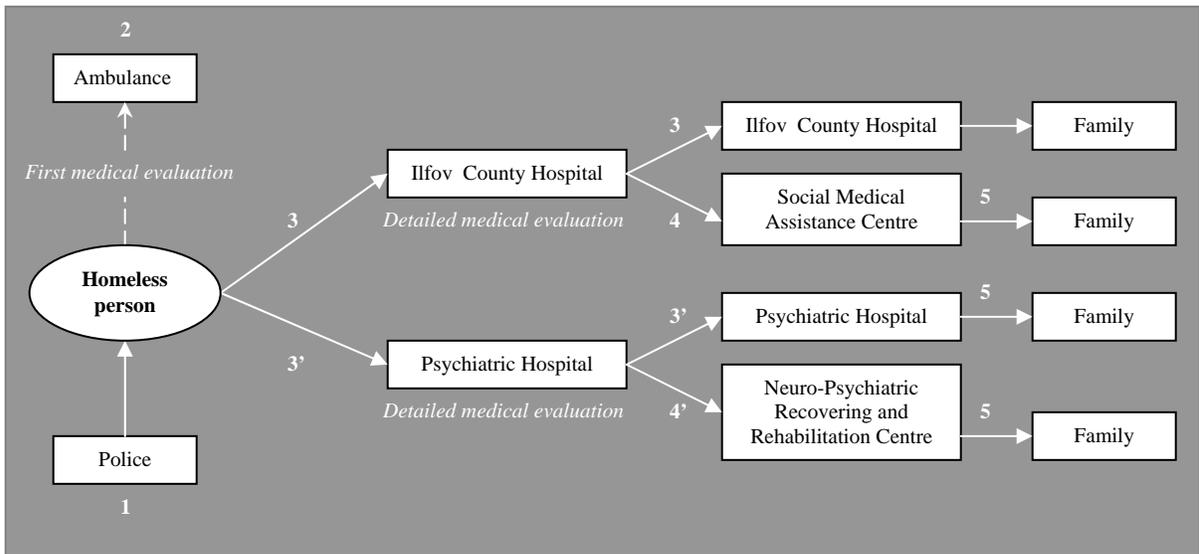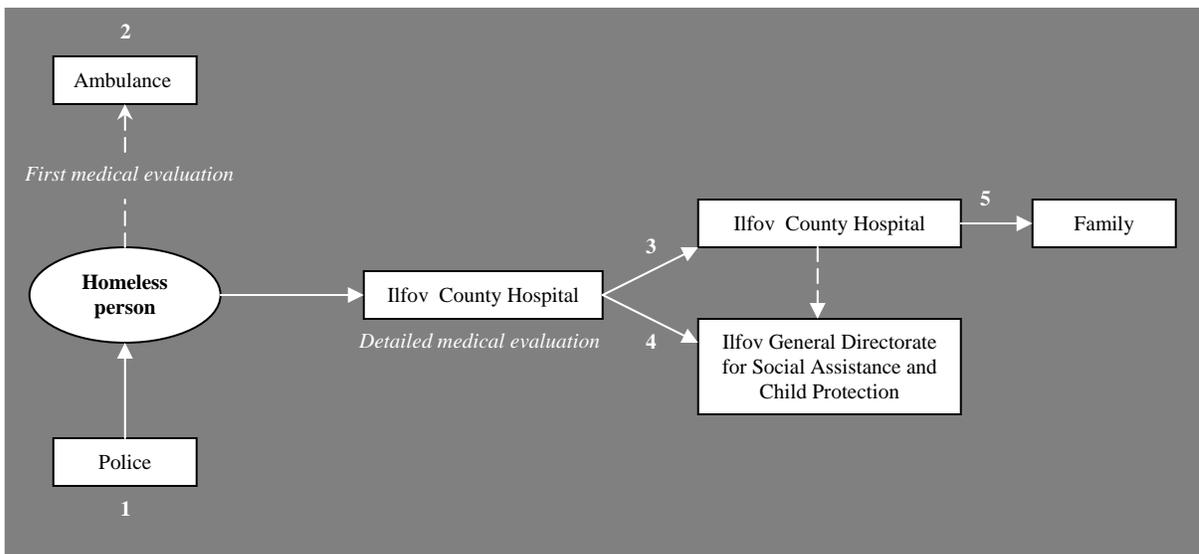

Figure 3: Joint administrative actions to be taken in the case of a minor homeless person

a. in case of an adult:
    I. if no mental disabilities are found, the person will be transported to Ilfov County Hospital for a detailed medical investigation. Based on the latter's discoveries, the person may be given in the custody of his/her family or transferred to Ilfov Social-Medical Assistance Centre for Chronic patients (if no medical treatment is required), or treated and then given in custody of the family (if any) or transferred to Ilfov Social Medical Assistance Centre for Chronic patients;
    II. if mental disabilities are found, the person will be transported to "Domniţa Bălaşa" Psychiatric Hospital for a detailed investigation. Should chronic trauma are discovered, the person is to be institutionalized within "Cernica" Neuro-Psychiatric Recovering and Rehabilitation Centre; if acute trauma is present, the person is to be treated inside the Psychiatric Hospital.

b. In case of a minor: after being transported to Ilfov County Hospital and given a general medical investigation, he/she is to be committed inside Ilfov County Hospital or institutionalized, on the basis of Ilfov General Directorate for Social Assistance and Child Protection, inside one of the Centres subordinated to the Directorate.

After delivering the treatment to the patient, the Social Medical Assistance Centre for Chronic patients, the Neuro-Psychiatric Recovering and Rehabilitation Centre or the County Hospital where he/she was committed / institutionalized will take the appropriate measures as to give the person in the custody of the family or inform Ilfov General Directorate for Assistance and Social Protection / General Directorate for Social Assistance and Child Protection.

Looking at this case of joined-up arrangement, it may be possible to see that the partner institutions involved in delivering the service belong to both central and local administration, both horizontal and vertical coordination being at stake here.

5.3. Integration around Programs: the case of Crime Prevention in Ilfov County

Quoting the relevant literature, this type of joined-up arrangement involves ongoing cooperation and collaboration by a community of problem solvers and may have an ad-hoc character. The case of the Partnership Agreement on Crime Prevention in Ilfov County[34] involves institutions of the central and local administration, media and local community, as the coordinators of the project are the Public Order Territorial Authority and General Inspectorate of Ilfov Police and parterns: Ilfov Local Authorities – City Halls; local media (Buftea TV, Semnal, Diamant TV, NB TV, "Săptămâna", „Chitila Azi", „Buletin de Mogoşoaia"); Ilfov County School Inspectorate; Ilfov Chamber of Notaries; Environmental Guard; Ilfov Community Police and the Community police stations from Chiajna, Mogoşoaia and Voluntari; National Company for Highways and National Roads; and County Inspectorate of Gendarmerie.

The scope of the joined-up arrangement was to reduce the escalading number of crimes against patrimony and car accidents. This trend raised questions of worry from the part of the county police which encouraged not only a firm reactive response to crime, but also a proactive joint reaction with the representatives of the civil society. The percentage of violent thefts decreased with 17.5% in 2006 (reference data in 2005), but at the time of the drafting of the partnership agreement was still a considerable threat that required appropriate measures. The number of car accidents inside Ilfov County decreased in 2006, but the 2007 number of deaths and seriously injured persons continued to worry the administration. Giving this context, the Partnership in Crime Prevention was set up to last between 01.04 – 30.06.2007, under shared responsibility of the members of the partnership agreement. Monthly, the Public Order

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[34] Registration numbers: Ilfov Public Order Authority: no.3341/26.03.2007; Ilfov County Police Inspectorate: no.1033903 /14.03.2007.

Territorial Authority was asked to analyze the status of the implementations made under the agreement.

The objectives set within the framework of the Crime Prevention joint action were:

1. Increasing the citizens' awareness on the dangers generated by crimes. Involved partners were: Ilfov Public Order Territorial Authority and Ilfov County Police, local authorities and Notary.

2. "Crime Prevention Week" in Ilfov County, with partners represented by: Ilfov Public Order Territorial Authority and Ilfov County Police, School Inspectorate, Media, National Company for Highways and National Roads and local authorities.

3. Decreasing the crime number, with responsible actors: General Inspectorate of Ilfov Police and the Community Police.

4. Stopping the ascendant trend of car accidents caused by undisciplined pedestrians, having as involved partners: Transport and Rural police, the National Company for Highways and National Roads and local authorities.

The Partnership agreement ended in 2007, yet at the time of writing this paper (July 2008), a full report containing the results of this particular joined-up arrangement was not available to the public.

As an overall conclusion of the two cases presented, I comment solely that despite the lack of a dedicated whole of government strategy for delivering services and of specific documents regulating the "joined-up government" practices, Romania does exhibit instances of integrated service delivery and partnership agreements.

6. Romanian "Joined-up government" in the context of inter-territorial cooperation

Ideally, this section should have consisted in a brief presentation of the (legislative and institutional) context in which inter-territorial agreements exist in Romania, followed by concrete cases of joined-up arrangements for the public order and safety service (in the form of service integration delivery and integration around programs as described in section 3). Presently however, such a desirable structure is impossible to achieve, due to reasons we'll investigate below. Before however, a relevant close-up of the Romanian local administration follows.

6.1. On cooperation in the Romanian local public administration

Formally, public administration in Romania firstly means: decentralization, local self-government and deconcentration of public services (Article 120 of the Romanian Constitution[35]) and secondly, refers to: openness and transparency, partnership and cooperation, accountability and efficiency and efficacy, just as already presented. Structurally, it stands for: Government and deconcentrated bodies (at *state* level); 42 County Councils (at *county / județ* level)[36] and little over 3000 Local Councils (at *town* and *commune* levels)[37,38].

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[35] The Romanian Constitution of 1991 was amended and completed by Law no.429/2003 on the revision of the Romanian Constitution.
[36] Bucharest Municipality was included here as the 42nd County council: although literally, Bucharest is not a County, the Romanian law assimilates it to one.
[37] According to Romanian regulations, the "*town*" (*oraș)* can be either a synonym to "city" (an administrative structure not heavily populated or economically developed), or a reference to a "municipality" (*municipiu*) (an administrative structure highly populated and rather well developed, usually, a county capital). For further definitions, please Government Ordinance no.53/2002 on the Framework law of territorial-administrative units, as amended in 2003

Describing local levels in Romania may generate a 'lost in translation' situation: As the Romanian law considers counties as well as towns and communes as parts of the 'local public administration' and International English usually refers to 'local' as to the last tier of government, situated as closer as possible to the citizens, confusion may arise: What would local (public administration) mean here? Our option gives priority to the Romanian interpretation and so, includes counties in the reference to local public administration.

As of 1993 the Romanian local public administration began its official reform, once the accession to the European Union and membership to the Council of Europe started. In fact, as previously argued (Iancu, 2003) it was the latter that initially and severely orientated the national regulations on local administration (in 2001, the original version of the Law no.215 was generously inspired by the European Charter of Local Self-Government). Since then, Romania developed a system formally compatible to the European Union's expectations (more in section 4) and up to date to the Council's of Europe regulations[39].

This system allows local authorities in Romania to (*inter alia)*:
1. create associations of inter-community development (legal entities with a cooperation nature), aimed at jointly deliver public services or achieve common projects of local or regional interest (article 1.2.c. and 11.1&2, Law no.215/2001);
2. associate in the Communes / Towns / Municipalities / County Councils Associations (article 8.2, Law no.215/2001);
3. cooperate and associate with/to foreign neighboring or non-neighboring local authorities, after prior approval of the draft agreement from the Romanian Ministry of External Affairs and communication to the Ministry of Interior and Administration (article 11.3&15, Law no.215/2001);
4. adhere to national or foreign associations, after prior approval of the draft agreement from the Romanian Ministry of External Affairs and communication to the Ministry of Interior and Administration (article 11.4&16, Law no.215/2001);

Relevant to the inter-territorial cooperation, # 3 gives the government the upper-edge, as envisaged in previous section 4, while # 1, 2 and 4 could be responsible for nurturing a context suitable to joined-up arrangements.

More, according to Law no.315/2004 on regional development, local authorities are constituted in eight development regions, on the basis of conventions between relevant county councils. Regions are not legal entities and do not represent a specific level of government. However, they are prior actors in the regional policymaking, and hence may be viewed as an interesting set for joined-up arrangements.

6.2. Joined-up arrangements by inter-territorial cooperation

Legally, in Romania, inter-territorial cooperation is possible, and joined-up practices do exist (as previously described in section 5), hence, possible examples of joined-up arrangements with inter-territorial nature should be present, if, indeed, our interpretation was not too far fetched. So far however, no cases of relevant protocol agreements or cooperation partnership to match the examples in section 5 were found.

The search was conducted at the level of:

(especially articles: 3-5) and Law no. 215/2001 on local public administration, as republished and further amended in 2007 and 2008 respectively (especially article 20).
[38] Data source: National Institute for Statistics, Romania, November 2004.
[39] Relevant to our argument is that Romania ratified the Protocol no.2 of the Outline Convention in May 1998 and the Outline Convention itself in May 1999.

- official websites of public authorities possibly involved in managing relevant protocol agreements or cooperation partnerships: a) at central level - Romanian Ministry of External Affairs; Romanian Ministry of Internal Affairs; and the Romanian Ministry of Labor, Family and Social Protection (with their subordinated, relevant bodies); b) at local level - local authorities of Ilfov County;
- official websites of national local authorities' associations[40];
- official websites of relevant European associations of local authorities[41].

The results so far indicate Ilfov County as part of the Bucharest-Ilfov Development Region and national associations (see footnote 40), with three sister-fraternal agreements, and one inter-territorial, cooperation agreement[42]. The latter was meant to strengthen the economical, cultural, sport, tourist, ecclesiastical and administrative fields of relationships between the towns, their institutions, economical and other associations and between the individual persons of both counties[43]. No clear evidence of projects achieved by the two Counties in common in the area relevant for this investigation was traced.

7. In Between stops: Brief Remarks

The research so far proved inconclusive in regard to joined-up, inter-territorial government in Romanian. It however offered evidences of separately joined-up arrangements and inter-territorial cooperations. Present forms of association of local authorities, described in section 6.1, may indicate that possible service delivery integration and/or integration around programs are possible to appear. This research hypothesis however needs further elaboration and an adequate validation. In this sense, the present paper remains only but a work in progress.

The author expect interviews with elected officials from Ilfov County to lead the way in the search for relevant cases of joined-up, inter-territorial, government. A closer look will be also given to the role Ilfov local authorities play in the Romanian regional setting: is the region facilitating inter-territorial cooperation and further, joined-up arrangements? To be continued never seemed more appropriate.

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[40] Sample was formed out of: 1. Federation of Local Authorities of Romania (www.falr.ro); 2. National Union of County Councils of Romania (www.uncjr.ro); 3. Association of Romanian Towns (www.aor.ro); 4. Associations of Romanian Communes (www.acor.ro); 5. Association of Romanian Municipalities (www.amr.ro); 6. Bucharest-Ilfov Agency for Regional Development (www.adrbi.ro).

[41] The selection was made on the basis of the data collected from interviewing representatives of local authorities associations (3 subjects) and high civil servants of the public administration system (6 subjects). The results were then corroborated to the data on 'Partners' of the indicated associations, collected from their respective official websites. We took into consideration references to associations relevant to the public order and safety service and those awarding a full-member status to local authorities or their national associations. The sample included: 1. The Council of European Municipalities and Regions (www.ccre.org); 2. The European Social Network (www.esn-eu.org/); 3. Network of Associations of Local Authorities of South East Europe (www.nalas.eu); 4. EUROCITIES (www.eurocities.org); and: 5. The Association of Local Democracy Agencies (http://alda-europe.eu).

[42] Buftea Municipality is partner town of Causeni, Republic of Moldova (since 1991); Snagov Municipality is partner town of Sarkad, Hungary (since 1992) and Sarkool Bekes, Hungary (since 2000) and Ilfov County signed a cooperation agreement with Békés County, Hungary (since 1999).

[43] Source: official website of Sarkad Municipality, Hungary (www.sarkad.hu, English version, last access: 18.03.2009).

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