

DECENTRALIZATION, ELIGIBILITY OF AUTHORITIES AND CONSULTATION OF CITIZENS - EVIDENCE OF THE OCCURRENCE OF AUTONOMY IN LOCAL PUBLIC ADMINISTRATION MANAGEMENT

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Abstract

Being important for the proper functioning of the management activity conducted at the local public administration level, local autonomy cannot occur without the support coming from other rules of organization and functioning of local administrative system. From this perspective, in this paper we propose to analyze the content of decentralization, eligibility of authorities and consultation of citizens in solving local problems, in order to highlight how each of these principles demonstrates the efficiency of autonomy. Moving power from central public administration authorities to local authorities in the decentralization process, making authorities of administrative-territorial units eligible and the involvement of local community members in solving problems affecting them are clear evidence of the occurrence of autonomy in local public administration management.

Key words: *local autonomy, local public administration management, decentralization, eligibility, citizen participation*

JEL Classification H83

Introduction

In the space of this article we aim to show the impact of autonomy in local public administration management having as support three principles of organization and functioning of the local administration. The proper performance of the activities of the local public administration would not be possible without the existence of and in conformity with these principles. [Suciu and Lazăr, p. 227]

The question we aim to find the answer to through this approach is: *If and how decentralization, eligibility of local authorities and consultation of people in solving local problems of special interest prove the occurrence of local autonomy?*

From this direction, the purpose intended by the present investigation is to analyze the content of decentralization, eligibility of authorities and the role of citizens in solving local problems in order to highlight how each of these principles demonstrates the functionality of autonomy in local public administration management.

To achieve this aim, we try to investigate the literature and the regulations in this field, by reference to which it is possible to outline how the above principles prove the functioning of local autonomy.

In the content analysis of decentralization, eligibility of authorities and consultation of citizens in solving local problems of special interest on the entire route covered in this article, we use scientific observation, a research method that allows us to examine how each of these rules support the assertion and manifestation of autonomy.

Decentralization in local public administration

Decentralization means the transfer of political, administrative and fiscal authority from the central government to the authorities and subnational governments [Katorobo, p. 239].

Decentralization may be the means by which territorial units can better control their evolution and can efficiently mobilize those who contribute to it [Frège, p. 149].

The decentralization framework law provides in Article 2 Letter 1) that decentralization involves the transfer of administrative and financial powers from the central public administration to the local public administration or the private sector.

As far as we are concerned, we believe that decentralization describes the process through which the moving of powers, duties and responsibilities takes place from the authorities of central public administration to local authorities, who are representing the interests of local administrative-territorial units. Seen in this sense, decentralization involves expanding field of functions and responsibilities of local public administrative authorities so that they are able to solve more efficiently the needs of the local community members on whose behalf they act.

In addition, it is considered that decentralization should not be looked at simplistically as a shift of power from central to local levels of public administration; it is rather a process of redefinition of structures, procedures and governance practices to be closer to citizens [Nikolov, p. 3]. Decentralization requires democratization and citizen involvement in their own development. [Bilouseac, p. 352]

In analyzing the content of the principle of decentralization we consider necessary to analyze its forms, especially as in the field literature they are less discussed.

There are four forms of decentralization in the public sector as follows (fig. no. 1):

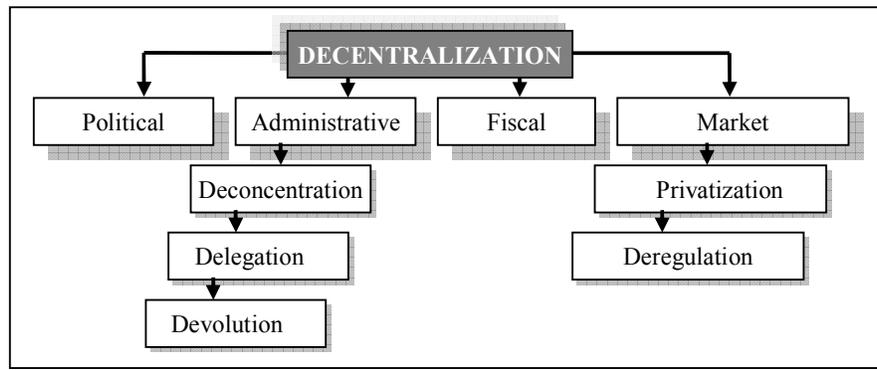


Figure no. 1. Forms of decentralization

Source: Cistulli, V., 2002, Environment in Decentralized Development – Economic and Institutional Issues, Roma

Political decentralization requires citizens to have more power in the decision-making process, this being achieved in particular by implementing democratic processes. The success of political decentralization in general depends on a number of key components: constitutional or statutory reforms, the existence of political pluralism, the strengthening of legislative bodies and local political units. [Profiroiu and others, p. 35]

Administrative decentralization is the transfer of responsibility for planning, financing and management of certain public functions from the central government and its agencies to the government agencies from territorial units, to the subordinate units or levels of government, semi-autonomous public authorities or regional/local authorities. [Litvack] According to the institutions or agencies to which responsibilities are transferred, there can be identified three types of administrative decentralization, each with specific issues [Profiroiu and others, p. 36]:

- *deconcentration* is the weakest form of decentralization which involves the transfer of authority and responsibilities from the ministries or agencies level to the territorial structures belonging to them;
- *delegation* involves the transfer of responsibilities from central agencies to semi-autonomous entities, operating independently or semi-independently from the government;
- *devolution* generates a higher degree of autonomy and involves the transfer of responsibilities from the central government to lower levels of government that have been authorized by constitutional or statutory provisions.

Fiscal decentralization involves the allocation of resources to enable local authorities to work properly, the transfer of authority and responsibility without sending an adequate level of resources to decentralized units being non-functional [Work, p. 197].

Market decentralization consists in entrusting certain functions of a public person to certain private or non-governmental institutions, for the public interest and with the participation of the public person under discussion. [Dincă, p. 13] This process has two types [Cistulli]:

- *privatization*, whereby private companies performing functions previously held by the government are either perfected in terms of the contracts regarding the provision or management of public services or utilities with

commercial enterprises, or public sector programs are funded through capital market and with the participation of private organizations;

- *deregulation*, which involves transferring the provision of services or production activities previously owned or regulated by the public sector to competitive private organizations (e.g. the electricity or radio broadcasting services provided by different competing companies).

Taken all the above into account, we emphasize that through decentralization a large autonomy is given to the management representatives of the local public administration, the transfer of powers from central to local level being clear evidence of its occurrence.

Eligibility of local public administration authorities

Eligibility is connected to the way in which the authorities of the local public administration are constituted through their election by the local community members who entrust them a mandate in order to represent their interests. In this regard, the administrative-territorial units are also recognized the right to organize local elections.

This principle is stipulated by the Law on local public administration no. 215/2001 and the Law on local public administration election no 67/2004 and, although not explicitly formulated in the Constitution, derives indirectly from the provision of Article 121 paragraph one according to which "local public administration authorities, through which local autonomy is achieved in communes and towns, are the elected local councils and mayors", the quality of elected body being recognized in the case of the county council as well. Thus, Article 122 paragraph 2 of the Constitution provides: "The county council is elected and operates according to the law". According to Law no. 35/2008, among the elected local public administration authorities the county council president is entered as well. Article 77 paragraph 1 of the above mentioned Law states that: "Local councils and county councils, mayors and presidents of county councils are elected by universal, equal, direct, secret and freely expressed vote."

The following table presents a systematization of local public administration authorities constituted by election (table no. 1):

Table no. 1

Local public administration authorities freely chosen

Administrative-territorial units	Deliberative collegial authorities	Uninominal executive authorities
Counties	County Councils	County Council presidents
Bucharest municipality	General Council of Bucharest municipality	Mayor of Bucharest municipality
Sectors of Bucharest municipality	Local councils of the sectors of Bucharest municipality	Mayors of the sectors of Bucharest municipality
Municipalities	Local municipal councils	Municipal mayors
Cities	Local city councils	City mayors
Communes	Local communal councils	Commune mayors

Source: author's elaboration

The executive authorities of local public administration are uninominal, for each county being chosen one county council president and for each municipality, city or commune one mayor.

The deliberative authorities of local public administration are collegial, the number of members of each county council and city council being established by order of the prefect, according to the number of inhabitants of the administrative-territorial unit concerned, reported by the National Statistics Institute on 1 January of the year or, where appropriate, on 1 July of the year preceding the election, as follows (table no. 2):

Table no. 2

Number of members of the collegial deliberative authorities		
Collegial deliberative authorities	Number of inhabitants of the administrative-territorial unit	Number of councilor
County Councils	up to 350.000	30
	from 350.001 to 500.000	32
	from 500.001 to 650.000	34
	over 650.000	36
General Council of Bucharest municipality		
Local Councils	up to 1.500	9
	from 1.501 to 3.000	11
	from 3.001 to 5.000	13
	from 5.001 to 10.000	15
	from 10.001 to 20.000	17
	from 20.001 to 50.000	19
	from 50.001 to 100.000	21
	from 100.001 to 200.000	23
	from 200.001 to 400.000	27
	over 400.000	31

Source: Law on Local Public Administration no. 215/2001, Article 29, paragraphs 1, 2, 3; Article 88 paragraph 1

By virtue of the principle of eligibility, the members of the local collectivity shall elect their own authorities to act on their behalf and in their interest by universal, equal, direct, secret and freely expressed vote. Thus, the local electoral body part in the administration of its interests by appointing local government authorities, empowering them, by its vote, to manage the affairs of the administrative-territorial units.

These authorities do not belong to the state and, therefore, do not exercise any of the powers of the state. Their reason is only to administer / manage the affairs of the administrative-territorial units where they are chosen, to serve and address the interests of those communities and of the local electorate. Therefore, their strength is not determined by the state power, it does not derive from it, but from the mandate that has been entrusted by the voters, on whose behalf they act and whom they represent. [Ivan and others, p. 41]

Taking into account the above, our emphasis is that the principle of eligibility of the governing authorities of the administrative-territorial units highlights their independence in relation with the central authorities in managing the affairs that interest the community members who gave them the mandate. From this direction, it should be noted that eligibility is clear evidence that autonomy exists and occurs.

Consulting citizens in solving local problems of special interest

The principle of consultation of citizens in solving local problems of special interest is of a great theoretical and practical significance, being strong evidence of democracy in action. [Ivan and others, p. 43] Where citizens are actively involved as participants, the governing will be more democratic and efficient [Irvin, p. 55].

By consulting the citizens, the following objectives want to be achieved [Voican, p. 175]:

- defining the priorities and preferences of the beneficiaries of an administrative measure;
- identifying commonalities and differences that citizens have about a local issue;
- establishing by consensus a set of priorities that can be handled with existing resources

If the citizens are involved in making decisions, they are usually advocates and proactive in helping stakeholders to achieve the end result of the governing plan [Sutton, p. 3]. Citizen participation in the decision-making process involves for both parties concerned - citizens and government, a number of advantages and disadvantages, as follows (tables no. 3 and 4):

Table no. 3

Advantages of citizen participation	
Citizens may:	Government may:
<ul style="list-style-type: none"> - learn from and inform government representatives; - persuade and clarify government; - gain skills by being an active citizen; - reach consensus; achieve outcomes; - gain some control over policy process; - achieve better policy and solution decisions; 	<ul style="list-style-type: none"> - learn from and inform citizens; - persuade citizens and build trust; - gain support on decisions; - reach consensus; achieve outcomes; - avoid costs of reconstructing programs when participation is early in the process; - achieve better policy and solution decisions.

Source: Sutton, K., op. cit., p. 5

Table no. 4

Disadvantages of citizen participation

Citizens may:	Government may:
<ul style="list-style-type: none"> - consume time to learn about topics and present opinions; - feel participation is pointless if their input is ignored; - create a worse policy decision if influenced by negative interests; 	<ul style="list-style-type: none"> - consume time and realize greater costs to staff, administration, and projects if participation is late in the process; - see more hostility created toward government; - lose control of decision-making; - view negating or changing a decision as difficult or costly under active citizen opposition; - have smaller budget for carrying out actual projects after the costs of implementing.

Source: Sutton, K., op. cit., p. 6

The consultation of citizens is linked with local autonomy, the connection between these two principles being derived from Article 3 paragraphs 2 and 3 of the Law on Local Public Administration, according to which the exercise of local autonomy by local councils and mayors, and by county councils and their presidents does not prejudice the possibility to resort to the consultation of the inhabitants through a referendum or any other form of direct participation of the citizens in the public affairs.

Although consultation is set out here to limit local autonomy, the concrete occurrence of the latter would not be possible without the involvement of community members in solving problems that interests them directly.

In addition, due to the fact that the legislature does not establish what is meant and which are the "issues of local importance", leaving this to the local public administration authorities, we are witnessing a situation of local autonomy. One "problem" is expressly underlined in Article 22 of the Law on Local Public Administration, namely changing the boundaries of villages, towns, cities and counties which "can only be done by law and only after consultation with the citizens of administrative-territorial units by referendum."

Having said that, we emphasize that by consulting the citizens in solving local problems of special interest local authorities are able to meet the real needs facing the community members, adapting its decisions so that they are perfectly consistent with the interests of local people. Understood as such, the principle of consultation of citizens proves the occurrence of local autonomy.

Conclusions

In light of the above mentioned ideas in this article, we conclude that the principles taken into consideration - decentralization, eligibility of authorities and the role of citizens in solving local problems provide the necessary support for the functioning of autonomy in local public administration management.

Without the transfer of administrative and financial powers from central public administration to local public administration, without the possibility of the local community members to nominate by election the authorities that would represent their interests and without citizen participation in solving problems of interest, autonomy would suffer.

In other words, overall, we noted that each of these rules and all alike are clear evidence of actual occurrence of autonomy.

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