

ANALYSIS OF MOBILITY ISSUES AND POLITICIZATION OF THE CIVIL SERVICE IN PUBLIC ADMINISTRATION IN ROMANIA

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Abstract

This paper presents some issues related to civil servants mobility and politicization of the civil service in Romania during 2000-2010, using qualitative and quantitative methods for analyzing data collected from a sample of employees working in public administration. The analysis of the phenomenon of politicization has allowed the identification of three stages: 2000-2004, 2005-2008, 2009-present. Enforcement of the legislation regarding civil service enabled a considerable increase in stability at this level but there is still a dependence of the public function on the political system through legislative changes.

Keywords: politicization of civil service, public administration reform, public function mobility, civil service.

1. Introduction

Neutrality and impartiality are fundamental principles of public service. In this respect, civil servants are obliged to be impartial in resolving service issues. The legislation created the appropriate framework to ensure the stability of employment regardless of political changes. Unfortunately, political changes, regardless of legal guarantees, led to many changes among civil servants, especially in the case of leadership positions. Although the stability in the civil service is ensured theoretically, after every major political shift resulted from parliamentary or local elections we witness a massive change of public servants occupying leadership positions.

During 2000-2004, due to low salaries of civil servants comparatively with the private sector (Andrei *et al.*, 2009, pp. 57-70) there has been a massive migration of civil servants to the private sector. Since 2005 we witness a considerable increase in the salaries of employees in this sector, but also a significant increase in employment at local and central public administration. For the period 2005-2008 the average annual growth of number of employees in public administration and defense sector has been over 9% (Andrei *et al.*, 2009, pp. 26-37). This trend has created considerable pressure on the public budget. In these circumstances, starting with July 1, 2010 the government has gone through a reduction of salaries of all public employees by 25%.

Under these circumstances, there was a significant increase in the number of changes taking place in the case of civil servants occupying management positions (Hințea, Ringsmuth and Mora, 2006). Moreover, in 2009 was adopted a new law that encouraged the employment for the public management positions of people from leading political parties participating in government. The discussion regarding the influence of political leaders on the public administration reform is polemic.

According to the study conducted by SIGMA (2009) on countries that joined the EU in 2004, in most of the cases a number of issues related to the politicization of public administration are found. However, as a general feature in all countries, the civil servants were employed for an unlimited period of time and the secretaries of state were bounded to the government term in each country. These rules correspond to the European principle of administration to ensure protection of public servants and neutrality in relation to the political system. The evolution and the reform of public administration cannot be understood outside the contextual analysis of the role of the state in each individual case (Hințea, 2011).

The results presented in the paper will highlight two different situations in the civil service in Romania. The first issue is the increased stability of executive positions of public servants as a result of primary and secondary legislation implementing the civil service during the past ten years. Secondly, there is a noticeable increase in the influence of the political system to the management functions from the public administration. Also, the system gives a disproportional importance to norms and laws (Profiroiu and Păceșilă, 2010). The methods used for changing the leadership people were different from one period of government to another. In all cases there is a noticeable increase in the number of competitions organized by the National

Agency of Civil Servants in the periods that followed local or national elections. Since 2008 there is a noticeable “formalization” of the practice of changing people that occupy management positions by changing the legislation to allow this. For example, the legislation passed during the last two years limited the management positions of decentralized services for a period of no longer than four years, and the leadership functions are not exercised exclusively by public servants.

2. Methodology

A number of issues related to civil service were identified based on a survey conducted at the level of public administration. The statistical sample used in the study included 550 employees from public administration. The maximum permissible error is $\pm 2\%$ and the results are guaranteed with a probability of 98%.

Data were collected by applying a statistical questionnaire that included only closed questions (multiple-choice responses). Questions in the questionnaire covered the following major themes: the management of institutions in public administration, civil service, transparency in public administration, decentralization, corruption and the reform process and its implications on economic and social development. In the questionnaire were introduced questions for the determination of personal characteristics of employees in the public administration such as the average age of employees, level of professional training, policy option of the person, the membership in professional organizations etc.

Table 1: Variables used in this study

Major theme	Primary variables	Aggregate variables	Aspects taken into account
Mobility of the employees	<ul style="list-style-type: none"> - VM₁ – the average time period worked in public administration - VM₂ – the average time period worked in the institution - VM₃ – the average time period worked in a position 	-	<ul style="list-style-type: none"> - Mobility in the public administration - Mobility within the institution - Mobility on the position
Politicization of the public function	<ul style="list-style-type: none"> - PC – changes based on political reasons of the leadership people - PE – changes based on political reasons of the executive people - Membership: Public administration (PA) – political parties (AS) – unions (AO) – professional organizations (AD) – other organizations 	- SP – changes based on political criteria of the staff in PA	<ul style="list-style-type: none"> - Changes of staff based on political criteria - Membership in various organizations

Since in this paper we are interested mainly in the analysis of mobility and politicization of the civil service, in the following part we describe the variables that were defined for the two issues in the questionnaire. The study uses two types of variables: primary variables that are defined directly based on the questions from the questionnaire, and aggregate variables that are calculated as the arithmetic average of two or more primary variables. Table 1 shows some aspects of the variables used in this paper.

Each variable in Table 1 is defined based on the information from the statistical sample or on the level of professional category of interviewed people. For example, segmenting the sample according to professional category allows assessing the variance of these variables for management positions, executive positions and management and executive personnel employed on a contractual basis.

Since the beginning of 2005 marked the de-politicization of the prefect position, we consider that an eloquent picture of the politicization of the civil service results from the analysis of frequency of changing the prefects of the counties as a consequence of the changes at government level.

Based on information obtained from the sample but also from other official sources (such as legal acts adopted by the government, changes of the prefects etc.) we intend to find answers to these following two questions:

- To what extent the public administration reform process generated an increase of the mobility in the public function?
- Is there an effective de-politicization of the civil service in Romania?

To give an answer to this question, two important aspects are to be considered:

- the assessment of the perceptions of the public administration employees regarding the changes of individuals occupying executive and leadership positions based on political criteria;
- the extent to which management positions are occupied by persons who belong or belonged to a political party.

3. The results

Mobility of employees in public administration. Based on data sets obtained for the variables used to measure some aspects of the mobility of employees in public administration we computed indicators for characterization of three types of mobility: (1) horizontal mobility of level 1, which takes into account the frequency of job changes within public administration by moving from one institution to another in the public administration; (2) horizontal mobility of level 2, which takes into account the changes of the workplace by moving from one department to another within the same institution; (3) vertical mobility which takes into account the promotion of people to the leadership positions. In addition, we calculated the value of an indicator that determines the extent of public administration employees who worked for a while in the subordination of the same superior. The indicators computed for assessing the four dimensions of employee mobility from central and local administration are presented in Table 2.

To assess the horizontal mobility of type 1, type 2 and vertical mobility of employees from central and local public administration we computed statistics of the three indicators.

The horizontal mobility index of level 1 is an indicator used to characterize the mobility of civil servants between public administration institutions:

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

Table 2: Descriptive indicators used to characterize the mobility of employees

Indicator (years)	The period of time worked in public administration	The period of time worked in the present institution	The period of time worked in the present position	The period of time worked in the subordination of the same superior
Central Public Administration				
Average	9.40	8.15	6.17	4.46
The minimum value	0	0	0	0
The maximum value	36	36	22	20
Standard deviation	6.739	6.131	5.747	3.813
Local Public Administration				
Average	8.66	7.15	4.21	2.86
The minimum value	0	0	0	0
The maximum value	35	33	16	15
Standard deviation	6,977	5,604	3,714	3,118

The level 2 horizontal mobility index is the indicator used to characterize the mobility of civil servants between positions in the same institution:

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

The vertical mobility index characterizes the extent to which a public servant is promoted to management positions in public administration:

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

The calculated values for the three indicators within the central and local public administration are presented in Table 3.

Table 3: The values of indicators used for the analysis of mobility of civil servants (%)

	k_1	k_2	k_3
Central public administration	87	76	72
Local public administration	83	58	69

High values of the indicators show a low mobility of the employees of central administration in relation to the three criteria. Thus, about 90% of the employment time of a person is spent in the same institution. On average, more than 70% of employment time during a labor contract is spent on the same position. Over 60% of employment time of a person is spent on the same hierarchical level. This situation is explained mainly by the current legislative provisions that ensure an increased protection of civil servant's job. Many times, the job security is an important criterion in choosing a public function, which compensates to a certain extent the lower wages in this sector. This should be viewed in the context of the job offers; both in the public

and private sector these offers are low, taking into consideration that in May 2010 unemployment was 7.7%.

Politicization of the civil service. In order to assess the opinion of the public administration employees regarding the change of the personnel based on political criteria, the question “Were there any changes in personnel based on political criteria in your institution during the last year?” was introduced in the questionnaire. Evaluation of the opinion on changing the operative staff (PE) and management staff (PC) based on political criteria was achieved by using a measuring scale with five values that were defined as follows: 1 – Never, 2 – Sometimes, 3 – Often, 4 – Always, and 5 – I do not know.

Using information from the questionnaire we defined two primary variables: PC – changing the management staff based on political criteria, and PE – changing the executive staff based on political criteria. For the two variables we determined the distribution of responses (see Table 4).

Table 4: Distribution of responses for the variables PC and PE (%)

Variable	Never	Sometimes	Often	Always	I do not know	NA
PC	30.8	13.2	7.4	11.5	36.4	0.7
PE	39.1	14.7	6.1	3.7	36.0	0.4

For an overall estimate of the intensity of changing the personnel in public administration institutions based on political criteria we defined the following two aggregate variables:

- SCP variable is defined on the scale [1, 4] and is calculated as an average of the primary variables PC and PE. In this case we did not take into consideration the answers “I do not know”. A high value of the average of this variable reveals a high magnitude of change of the staff on political grounds; and
- SPP variable is defined on the scale [1, 5] and is calculated as an arithmetic average of the two primary variables PC and PE. When defining this variable we took into account the answers “I do not know”. In this case, those who did not express an opinion on changing the management staff on political grounds were penalized. We believe that the lack of an employee’s opinion on such a topic shows a state of fear of the employee.

Table 5 shows the average of the above defined indicators, the variation, the asymmetry and the flattening of the two variables. The distributions of the values of the two variables are presented in Figure 1. The results show a situation in which employees were retained in expressing opinions on changing certain people for political reasons in their institution. This type of answer was identified in 36.4% of answers to the question concerning the management staff and in 36.0% of answers to the question concerning the executive staff.

Table 5: Indicators for the characterization of aggregate variables SCP and SPP

	Average	Standard deviation	Skewness	Kurtosis
SCP	1.78	0.945	0.921	-0.388
SPP	2.96	1.658	0.091	-1.635

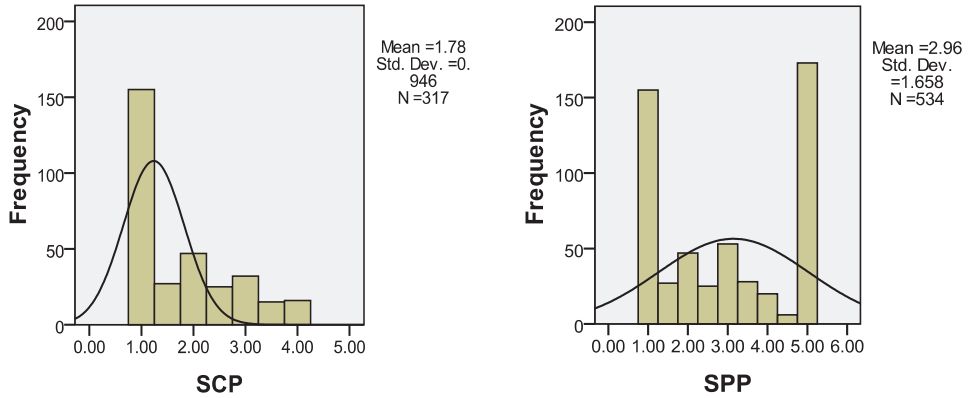


Figure 1: Distribution of SCP and SPP variables

To estimate the extent to which management positions are occupied by persons who belong or belonged to a political party we included in the survey questions to determine if each person belongs to a category of staff (management staff or executive staff), but also the affiliation to a political party, union, professional organization or other types of organization. To identify a person’s affiliation to a party, union or other organization three types of possible responses were provided: “Yes, I belong”, “No, I do not belong” and “I do not answer”. Table 6 shows the distribution of answers for each type of organization for local and central public administration.

Table 6: Membership of employee in political parties, trade unions and other organizations

	Yes	No	NA
Central public administration			
Political party	5.0	90.7	4.3
Trade union	71.4	24.6	3.9
Professional organization	16.8	78.2	5.0
Other organizations	8.9	84.3	6.8
Local public administration			
Political party	3.2	82.7	14.1
Trade union	59.1	31.4	9.5
Professional organization	19.1	68.2	12.7
Other organizations	6.4	75.9	17.7

The results highlight the following important aspects: a small share of employees from public administration belong to a political party; a significant proportion of persons belong to a union; there is a significant part of employees in central public administration who are not members of professional organizations or other types of organizations.

To determine if political party affiliation is a factor in the promotion of a person in management positions, the employees from central and local public administration are grouped together according to political party affiliation and category of personnel. The results are presented in Table 7.

Table 7: Distribution of personnel by political party affiliation and staff category

Member of a political party	Staff Category					Total
	Civil servant		Contractual staff		Other categories	
	Leadership position (FC)	Executive position (FE)	Leadership position (CC)	Executive position (CE)		
	Central public administration					
No	32.4	46.7	7.1	8.8	4.9	100.0
Yes	57.1	14.3	14.3	14.3	0,0	100.0
	Local public administration					
No	28.0	53.5	7.5	11.0	0.0	100.0
Yes	42.9	28.6	14.3	14.3	0.0	100.0

Figure 2 shows the data presented in Table 7. The results show a higher proportion of party members within the category of senior staff (civil servants and contractual personnel with leadership positions) in relation to the executive staff. For example, in the central public administration 71.4% of people who said that they are members of a political party occupy a leading position, while 28.6% are from the executive personnel. The situation is more balanced in the local administration. In this case, 57.2% of people who said that they are members of a political party occupy a leading position, while 42.8% occupy executive positions.

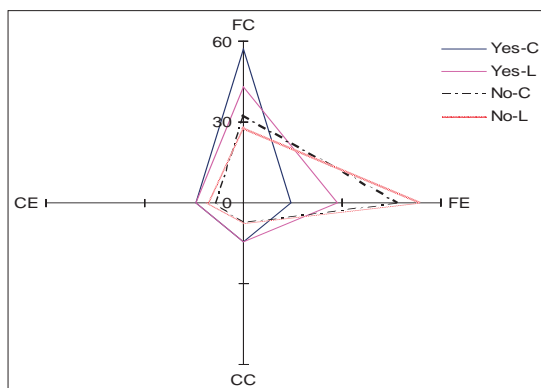


Figure 2: Distribution of personnel by political party affiliation and staff category

4. Discussions

It should be noted from the outset that no *acquis communautaire* is applied in the administration or civil service field. EU Treaty (Art. 39, para. 4) states that freedom of movement of persons does not apply to “public service employment”, which means that Member States are free to decide the applicable national legislation in this area. Otherwise, the same provision is repeated in the Treaty on the Functioning of the European Union (article 45, para. 4). However, the EU insists on strengthening the administrative capacity to lead to a better functioning of administrative systems in member countries and especially in those who have joined the EU in the last two waves. Increasing administrative capacity is an important factor in the absorption of EU funds. Strengthening this capacity cannot be done without an efficient, effective and depoliticized public function to determine the effective functioning of public administration in the Member States. Such an operation requires a continuous adjustment of this sector by adopting and implementing long term strategies and improving the legal framework. For this reason, during the accession process and after the EU integration, Romania has had and will have to adopt concrete measures to reform public administration. To ensure the coherence of the reform process, the Romanian Government adopted the Updated Strategy for Accelerating Public Administration reform in 2004. This document came as a response to recommendations made by the European Commission in 2003. The production of this document was done with the help of the European Union Commission, financially and technically supported through the PHARE 2001 project “Support for the development of a draft strategy for public administration reform”.

The modernization of public administration in countries that joined the EU is a continuous process. Romanian public institutions have been under a continuous pressure to reform the way they are structured and function, due to numerous factors, but most importantly due to the EU accession process (Țigănaș, Țiclău, Mora and Bacali, 2011). In the literature, there are some studies that refer to this topic (Nunberg, Barbone and Derlien, 1999), but also to the differences between these countries and the governments of the Western countries (Goetz and Wollmann, 2001, pp. 864-887; Meyer-Sahling, 2008, pp. 1-33). One of the major problems that governments of countries that joined the EU in the last two waves have to deal with is to reduce the politicization and to create a clear demarcation between the political system and the technical apparatus of the institutions of public administration – “Moreover, ‘defective administrations’, characterized by such features as high levels of politicization, instability and weakness of the rule of law could become permanently institutionalized, which would undermine the governance capacity of the CEECs and their ability to effectively participate in the EU” (Goetz and Wollmann, 2001, pp. 864-887).

Also SIGMA paper (2009) reports: “When comparing the eight countries, we have to therefore conclude that the principles of professionalism, political neutrality and fairness in the selection process are met, by and large, in the three Baltic States”. From this perspective, conducting studies and presenting results on the politicization

of public administration is a means of raising awareness regarding the negative effects induced by this phenomenon which would lead to reducing the effects of politicization. For countries that joined the EU in 2004 a study for highlighting the size of politicization is given by SIGMA (2009). According to this study “civil servants’ attitudes towards the politicization of personnel management are very critical and stand in stark contrast to the prevailing practices of personnel management”.

In analyzing the process of politicization of the civil service in Romania we start with the clear provisions on this issue stipulated in Law no. 188/1999 regarding public servants. Thus, article 44 establishes the conditions regarding the membership in political parties of the civil servants and the conditions imposed on them for expressing their political opinion. According to this article, public servants are forbidden to occupy leading positions in the structures or governing bodies, elected or appointed, of political parties, as defined by their status, of the organizations that have the same legal status as political parties or of the foundations or associations belonging to political parties. Moreover, for senior civil servants the conditions are more restrictive because it is forbidden for them to join political parties, organizations that have the same legal status as political parties or foundations or associations belonging to political parties. In accordance with this law, civil servants must not express or show their political beliefs or preferences regarding any political party while exercising the public position they hold.

The problem of politicization of public administration in the countries that joined the EU in the last two waves is a general one. The analysis of the implementation of reform measures in the countries that joined the EU in 2004 after the accession date highlighted a number of disadvantages, mainly related to the stability of the political framework, incomplete implementation of legislation and politicization of public administration. Thus, according to SIGMA (2009):

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

In the following we describe a number of issues related to the change of civil servants in management positions based on political issues. The ways of intervention of the political system on the public management positions are different from one government to another.

Regarding the ways used by the political system for more or less politicizing public function we identified three major stages for the past ten years.

Stage 1. The first phase, covering the period 2001-2004, corresponds to the social democratic government. In this period, continuous improvements of primary and secondary legislation in the civil service field were conducted. It should be noted the changes brought to the law regarding the statute of civil servants by anti-corruption legislative package from 2003. “The new version includes real improvements of the law, but requires implementation and uniform application across government”¹. During the same period, in 2004 was adopted the law regarding the prefect institution that has promoted the professionalization of the prefect’s position. However, the 2004 Country Report of the European Union states: “The Romanian civil service remains characterized by cumbersome procedures, limited transparency and a limited capacity for policy execution”². On the positive side of the process of de-politicization of public function it should be noted that in 2004 new legislation was passed which provided the professionalization of the prefect function. This new law ensured the prefect’s political independence and was implemented since 2005. However, most of the times, changing the political structure of the government caused a massive change of the prefects at county level.

A study regarding public administration conducted in 2006 (Profiroiu *et al.*, 2006) stated that the neutrality and impartiality were fundamental principles of the public function. Unfortunately, political changes, regardless of legal safeguards, led to many changes among civil servants, particularly the occupants of leadership functions. Although the stability of the civil service is ensured by law, we witnessed massive migrations of the civil servants because of the pressure generated by the political level every four years or whenever the political structure of the government was changed. This research was based on a statistical sample of mayors (the sample accounted for 9% of the population, and the admitted error was of 1.2%). When the interviewed persons were asked: “To what extent policy changes have resulted in changes at the technical level of the leadership?” 10% of them chose the answer “to the greatest extent” and 26.5% “to a significant extent”. These results show significant changes in the management of the technical apparatus of the system due to political influence.

1 Programs of the European Union for Romania – Public administration reform, Delegation of the European Commission in Romania, Bucharest, 2004.

2 Regular Report on Romania’s Progress towards Accession, Brussels, 2004, [Online] available at http://www.anr.gov.ro/docs/rapoarte/Raport_periodic_asupra_progreselor_inregistrate_de_Romania_2004_182.pdf., accessed on September 27, 2011.

Stage 2. In the second period, between 2005 and 2008, the implementation of the legislation adopted in the civil service system continued and there were adopted other new regulations to improve the legislation related to the public function (in particular the contribution of technical assistance offered through World Bank PAL 2 program). In this respect, the Country Report adopted by the European Commission in 2006 states that: “The law on the Civil Servants Statute was pending adoption by Parliament in May. It clarifies the status, rights and obligations of civil servants and decentralizes recruiting procedures to local authorities and to individual ministries. It also contributes to de-politicization of the civil service by making a panel responsible for the appointment of high-level civil servants”³. However, civil servants have continued to be changed from leading positions after the political color of the government changed.

Stage 3. The third period begins in 2009 and continues to present. During this period, we believe that there was a decline in the de-politicization of the civil service. This is the period in which the government changed a series of laws which guaranteed, even if only theoretically, political neutrality of the civil servants. Through the new legislation adopted by the government, the legal framework for changing the managerial staff in public administration institutions on political grounds was ensured. During this period, Emergency Government Ordinance no. 37/2009 has been adopted. It regards some measures to improve public administration. It is a legal document that reopens after nearly ten years the possibility of appointing leaders of decentralized public services based on political reasons. This is a document that initiated a process of mass rapid change of the managers of the decentralized public services with the change of the government structure.

Thus, Article IV, paragraph 1 of this Ordinance establishes that “Assessment of knowledge and managerial skills based on management projects is organized by the main credit release authorities, under the subordination, coordination or under the authority of which decentralized public services work, no later than 32 days from the effective date of entry into force of this emergency ordinance”⁴. This legislation legalized the practice of occupying leadership positions based on political preferences. In the following, we present several reasons. The normative act established a maximum period of 32 days after the entry into force for organizing competitions for occupying management positions of all decentralized services. We believe that the time limit was too small for the preparation of the management projects by the candidates, and the simultaneous organization of all those national competitions was not possible. The Constitutional Court was notified regarding some of the issues of this normative act and considered the Ordinance as unconstitutional. The reasoning made by the

3 Country Report of European Commission, 2006, [Online] available at <http://www.mai.gov.ro/Documente/Integrare%20UE/Raport%20monitorizare%20sept%202006.pdf>, accessed on September 27, 2011.

4 Emergency Government Ordinance no. 37/2009 from April 22, 2009.

Constitutional Court showed that the Ordinance expressed a “tendency to politicize” and “questioned the current legal and constitutional system of the public function”.

It should be noted that while the Constitutional Court was hearing the unconstitutionality of the law approving Ordinance no. 37, the Government adopted a new Ordinance no. 105/2009, which took full rules contained in Emergency Ordinance no. 37/2009. The government strategy of politicization of the civil service “with legal coverage” created confusion and additional costs. Under these conditions, frequently, a leadership position from a decentralized service was occupied by two different people: one who ran the service before the appearance of this Ordinance and who was successful in court, and the person that held this position after applying the provisions of this act. Applying the court decisions favorable to some officials, the state was obliged to pay wages or compensations to people who were removed in an abusive manner from leadership positions.

Instability is also found in the case of high level functions of the prefect and deputy prefect of the counties. If the prefect position was a political position during 2001-2004, since 2005 it is, at least theoretically, a politically neutral function. Since 2005, the prefects and deputy prefects are classified as senior civil servants, in compliance with all provisions stipulated in the Statute of civil servants for this category. However, there is a great instability in the positions of prefect and deputy prefect. Thus, only during 2006-2010 a total number of 140 people have served as prefects for the 42 counties of Romania. In these conditions, we obtain a frequency of 3.3 people in a prefecture for a period of five years. It results that the average length of the position of prefect exercised by a person is of only 18 months. During the same period, the 85 deputy prefect positions from national level were occupied by 200 people. In this case we get an average duration of 25.5 months per person occupying the position of sub-prefect. The results for the two categories of functions that characterize their mobility are clearly distinguishable from those of civil servants, which are presented in Table 1. Moreover, for the period 2006-2010 (Munteanu, 2010, p. 225), the positions of prefect and deputy prefect with temporary practice prevails to the detriment of the definitive ones. The statistical data presented above show a high fluctuation rate for the two categories of top civil servants.

According to the public administration reform strategy, “Civil service reform will ensure the establishment of a professional corps of civil servants, stable and politically neutral by implementing a unified and coherent legislative framework and by developing human resources management strategies and professional training, by fully committed ministries, agencies and other governmental bodies”⁵. In the following part, we will discuss the extent to which the political neutrality of civil servants has been encouraged in the civil service. In this respect a series of arguments

5 Government’s strategy to accelerate the reform of public administration, 2004, [Online] available at http://www.gov.ro/strategia-guvernului-privind-accelerarea-reformei-in-administratia-publica__11a100008.html, accessed on September 27, 2011.

resulting from the analysis of legislation, but also resulting from processing the data sets obtained from the employees' opinions on issues of politicization will be brought to attention. We will question the neutrality of civil service in relation to the political level during 2008-2010. The analysis highlights a number of relevant issues related to the politicization of the civil service: this phenomenon was seen in a form more or less evident in all periods of government; the ways of politicizing the civil service were different.

Regarding the 2001-2004 government period, we mention in the following the assessment of the 2004 Country Report prepared by the European Commission. This document mentions "major shortcomings of the civil service management system, which does not encourage the development of the public service based on modern methods of recruitment, promotion and evaluation of the civil servants. Frequently, the recruitment and promotion of civil servants were not based on the principle of political neutrality and increased transparency of this process"⁶. The document specifies a number of major shortcomings of the system of recruitment and promotion of civil servants. Among the most important are: the lack of a national competition held annually to fill vacancies that can increase the transparency and allow a more effective campaign to promote public servants; a poor organization of the competitions; insufficient staff specialized in recruitment, promotion and assessment of civil servants etc.

According to comments from daily Romanian publications, massive changes in the management of civil servants were seen after the changes that occurred at the governmental level. According to these sources (Cireasa, 2007), most changes in the structure of government have generated changes in the technical management staff of the ministries. That was a practice common to all governments running the country in the past 20 years. We present below only two examples. It must be noted that we may offer much more such examples from all governments that run Romania after the events that took place in 1989. The first example is from the Ministry of Transportation. Thus, the change of minister which took place in 2007 drove within two months changes of no less than 11 managers who were directly subordinated to him. Managers that were changed were from companies where the volume of investment was substantial: Highways Company SA, the Romanian Auto Registry, the Romanian Road Authority, Railway Tourism Society, Maritime Ports Administration Constanța, Romanian Naval Authority, Civil Aviation Authority, TAROM, Romanian Railway Authority etc. According to the source, the replaced managers had the political support of the former government partner, and the newly appointed managers were members or supporters of the ruling party. During the same period, around 50% of the members of the Management Boards and General Boards of Shareholders were changed at the main companies subordinated to

6 Country Report of European Commission, 2004.

that ministry. In terms of general directorates of the ministry, things were more difficult because their staff was in great part framed as civil servants. Under these conditions, in order to avoid the violation of the law, those administrative structures were abolished and reestablished under new names. The second example is from the Ministry of Economy and Finance. Thus, “a document drafted by the National Liberal Party branch in Sibiu and sent to the Prime Minister Călin Popescu Tăriceanu shows a tragic reality: in Romania, in 2007, the public functions were given only based on political criteria. Minister of Economy and Finance, Varujan Vosganian, was denounced in the act in question because he gave the manager position at Transgaz SA Mediaș without taking into account the agreements made at the party level. According to the algorithm, the function was supposed to head back the Liberals in Sibiu” (Bucura, 2007). Related articles can be cited regularly during all governments after 1990.

5. Conclusions and final comments

Over the past ten years, Romania has gone through important steps in developing the civil service. In 1999, Law no. 188 on the status of civil servant was adopted and it has suffered successive modifications and amendments, and the reform strategy adopted in 2004 set clear directions that would have been followed to strengthen the civil service. Due to the implementation of primary and secondary legislation in the civil service in Romania there has been a significant increase in its level of stability. This feature was an important advantage in competition with the private sector in attracting staff. In 2004 a new law was passed which established the institution of the prefect and the professionalization of this function. This law was implemented starting with 2005. Six years after the application of this law, there was still a high fluctuation of people occupying the position of prefect and deputy prefect. Average length of a term was 18 months for prefect and 25 months for deputy prefect.

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

To avoid a rupture between the political and technical level, the OECD and EU countries chose to create political advisers. This practice is also common in Romania (SIGMA, 1998, 2009). Even if such a practice raises a number of problems, yet it reduces the risk of politicization of state institutions by the levers offered by governance to political parties. The major risks in this case are related to the number of counselors and powers granted to them.

In Romania, the problem of reducing the politicization is not recent. Each party that governed the country has developed its own tools for politicization in a more or less extent.

During the EU accession, in Romania was adopted the primary and secondary legislation essential to ensure the stability of public function, but equally important changes of people in leadership positions were encountered with the changes of the government. The 2009 marked a new form of politicization of the state institutions.

Thus, an ordinance was passed which established the chief coordinator position of the decentralized public services subordinated to ministries and other central government bodies by replacing the public administration functions, the specific public functions, and the contractual workplaces. This legislative amendment caused excessive politicization of the decentralized services. By applying this ordinance a paradoxical situation has aroused, the same position was occupied by two persons, one occupying the leadership position according to the ordinance and another who was replaced but gained the position back in court. In conclusion, we state that the new laws have several negative effects, such as: weakened the importance of public function, increased operating costs of public institutions, created a negative impact of the political class on the society, reduced the performance of decentralized services, increased the level of corruption etc.

Situations of politicization, but on a smaller scale, can be found in other countries that joined the European Union. According to a SIGMA study “the politicization in five of the CEECs (the three Baltic States are omitted) is high when compared to Western European civil services” (SIGMA, 1999). The same study reveals opposition from civil servants with regard to the politicization of the public function in those countries.

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