

## The Civil Service Reform in the Context of Sustainable Development. A Comparison between Romania and Italy<sup>1</sup>

Bogdan BERCEANU<sup>2</sup>, Mihaela V. CĂRĂUȘAN<sup>3</sup>

**Abstract:** In the last decade the public administration system from most of the EU countries suffered many transformations in order to achieve the objectives proposed by the European Union, such as sustainable development. The civil service represented and still is a very important key factor for a success reformation of the administrative system, because it represents the main resource of the system. The analysis underlines the introduction of the public manager in the Romanian civil service hierarchy and the introduction of the concept *dirigenza pubblica*, a type of public management, in the Italian public administration. Moreover, we will present the introduction of the *dirigente pubblico*, public manager, in the Italian civil service system.

**Keywords:** sustainability; development; public manager; European Union

### 1. Introduction

Sustainable Development understood by experts (academics and practitioners) in the field as a new paradigm for public administration, it is considered essentially a search for the perfect balance between the progress and the society environmental protection of which it forms part.

The entire institutional experience gained within the public administration should be used to achieve the ideals of development (economic, social, political etc.), but with a focus on the use of natural resources. The protection and conservation of

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<sup>2</sup> PhD in Administrative Sciences, National University of Political Studies and Public Administration, Romania. Address: 6 Povernei Street, Sector 1, Bucharest, Romania, Tel.:+4021.318.08.97, fax: +4021.312.25.35. Corresponding author: bogdanberceanu@snspa.ro.

<sup>3</sup> Associate Professor, PhD, National University of Political Studies and Public Administration, Romania. Address: 6 Povernei Street, Sector 1, Bucharest, Romania, Tel.:+4021.318.08.97, fax: +4021.312.25.35. Corresponding author: mihaelacarusan@snspa.ro.

these resources together with the solving of problems of the society requires, therefore a new approach from the part of the government.

The existence of a sustainable administration represents nowadays one of the main criteria of defining the modernity of a European country. Successful remodelling steps to modernize and develop public administration require not only the effort and political will of the government, but also a new form of government.

The correlation of a sustainable administration is directly linked with that of sustainable development. The approach in sustainable development is a close match to the ecology of public administration, the idea of interdependence of human life, equilibrium, organic systems, and stabilization. (Stillman, 2000, p. 80)

In the last decade the public administration system from most of the EU countries suffered many transformations in order to achieve the objectives proposed by the European Union, such as sustainable development. The civil service represented and still is a very important key factor for a success reformation of the administrative system, because it represents the main resource of the system.

Through the comparative analysis of the Romanian and Italian civil service reform we managed to find out the successful steps necessary for creating the condition of a sustainable development in public administration.

The analysis underlines the introduction of the public manager in the Romanian civil service hierarchy and the introduction of the concept *dirigenza pubblica*, a type of public management, in the Italian public administration. Moreover, we will present the introduction of the *dirigente pubblico*, public manager, in the Italian civil service system.

Summing up, we expect to understand if the civil service reforms from two different countries, Italy and Romania, are sufficient to contribute to the new European paradigm – the sustainable development.

## **2. Structural Analysis on Sustainable Development and Public Administration**

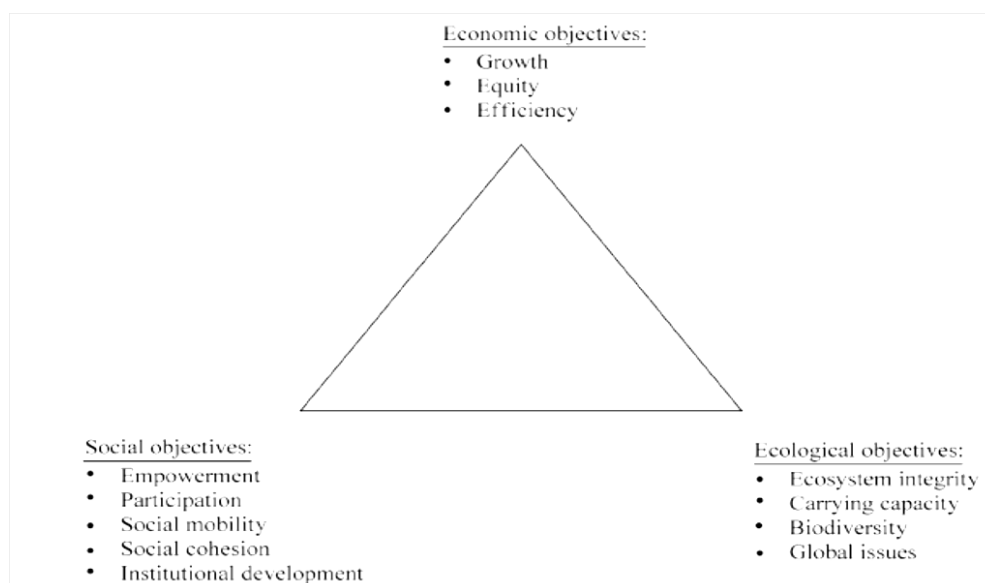
Sustainable development is traditionally defined as „*economic development that meets the needs of current generations without sacrificing the needs of future generations.*” It defines commerce that preserves the natural world’s capacity to provide us with clean water, air, and vital natural resources in perpetuity, while

simultaneously achieving global equity through the elimination of poverty and the extreme disparities that currently exist on our planet.” (Unruh, p. 17)

Fundamentally sustainable development is a more comprehensive way of approaching development, requiring integrated consideration of social, economic and environmental factors, as well as concern for the short and long-term ramifications of projects and policies. Thus, achieving sustainable development is a process that requires time and consensus-building and the main aim of the process is the merging of the twin goals of improving socioeconomic conditions and enhancing environmental well-being.

Sustainability can be achieved at different levels. Sustainable development is therefore a normative orientation that provides a frame of reference to discuss and direct differences in perception, ambition and understanding between actors in light of desired changes in society. (Loorbach et al., 2011, p. 76)

Sustainability comprises at least three aspects: *ecological, social, and economic* (see Figure 1).



**Figure 1. Aspects of sustainable development**

Source: (McNeill, 2000). *The concept of sustainable development. In Global Sustainable Development in the 21st Century*; Lee, K., Edinburgh: Edinburgh University Press.

We consider that we can situate the public administration in triangle of sustainable development represented in the Figure 1, in the social dimension aspect of the sustainable development. Especially the system of public administration in the context of sustainable development is directly linked with the institutional development. This can be explained through the fact as institutions, “*public administration is part of the social order, it transcribing not only essential characteristics, but also contributing to the creation of these characteristics*” (Berceanu, 2012). A sustainable administration cannot be conceived outside the social objectives of sustainable development.

The result is the emergence of hybrid institutions featuring collaborative arrangements between a host of government, business and community entities creating a “*complex web of institutional reconfigurations*” in which the state continues to play an important role in the provision of resources. (Lawrence, 2006)

The social values and institution are highly influenced by external stimuli which resonate with the public administration system. In our case, the external stimuli are represented by the European Union, which by its values and rules is causing some transformations in the structures of the member states. (March, 1958, p. 43)

Civil service is a complex and multifunctional social institution and therefore can be studied from the point of view of various sciences – political science, sociology, law, psychology, history, management science etc. depending on a particular objective and subject of research as well as viewpoint taken (Kotchegura, 2008, p. 18). In this case, the European Union has a significant role in influencing the transformations which are happening in the government and public administration.

Documents such as the *White Paper on Governance*, the *Environmental Action Program* and the *EU Sustainable Development Strategy* embrace the need for various tiers of government to interface in a manner that promotes opportunities for integrated approaches to decision-making at the regional level and for citizen empowerment via capacity building. (Lawrence, 2006)

Of the more than 100 indicators presented in the 2011 monitoring report of the EU Sustainable Development Strategy (EU SDS), eleven were identified as key indicators. They aimed at presenting an overview in terms of the EU's progress towards sustainable development in terms of the targets set in the EU SDS. A review of progress since 2000, based on these key indicators shows a relatively complex image. (Eurostat, 2011)

The objective is to continuously improve the quality of life of citizens through sustainable communities able to manage and use resources efficiently and to tap the ecological and social innovation potential of the economy so as to ensure prosperity, environmental protection and social cohesion.

Measuring progress towards achieving sustainable development is part of the EU Sustainable Development Strategy 2006 (EU SDS) and Eurostat has to draw up every two years, a monitoring report based on a set of sustainable development indicators (IDD).

### **3. Reform of Public Administration in the Context of Sustainable Development**

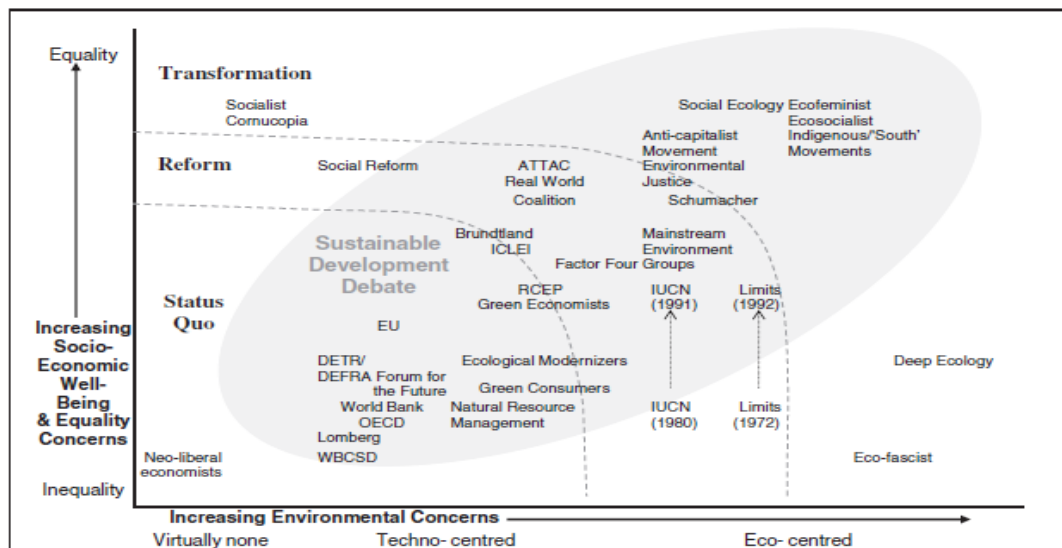
Being forced to constantly adapt to the evolution of society, in order to satisfy their needs in many ways, the public administration was pushed forward, had to anticipate social changes that foreshadowed the future and influence the forecasts, programs, projects as a result the forecast using these anticipations. In this new system of values, the duties incumbent to public administration are multiplying, but also diversifying, supplementing the traditional politico-administrative tasks of economic, social, cultural, scientific and more others. Therefore, they had to be correlated with the forms of intervention adopted by the state in society. (Bourgon, 2007, p. 17)

From the same historical perspective, we can say that “for a long time the public administration tries to find a model of organization, management, operations, *human resources* and, in general, a pattern adapted to the transformations that can be seen as a consequence of the State specific developments and transformations. (Palomar, 2004, p. 25)

The task of such enormity necessitated a profound transformation of the state administration and the overall system of governance. This transformation was and it still being influenced by the EU.

The *Europeanization* process includes the infusion of norms and practices into the national arena at the level of domestic policymaking and political discourse, while the *European integration* process is focused more narrowly on institution-building and assuring compatibility with similar institutions and policy coherence in the European arena, at both member-state and supranational level. (Ioniță, 2008)

The nature of changes necessary in society’s political and economic structures and human –environment relation to achieve sustainable development are overlaid in Figure 2.



**Figure 2. The dimension of sustainable development**

Source: (Hopwood, Mellor & O'Brien, 2005, p. 41)

Thus, sustainable development (see, Rees, 1995):

- can be achieved within the present structures – *status quo*. It recognizes the need for change but see neither the environment nor society as facing insuperable problems. Adjustments can be made without any fundamental changes to society, means of decision making or power relations;
- can be achieved through a fundamental *reform* necessary but without a full rupture with the existing arrangements. The reform approach argues that there are mounting problems, being critical of current policies of most businesses and governments and trends within society;
- can be achieved through *transformation* when the roots of the problems are the economic and power structures of society.

Generally, we can say that *reform* means significant process changes by which implementation as well as policy development contribute to efficient and effective national development. (Farazmand, 2002)

Thus, the agenda of the public administration reform incorporate measures aimed at streamlining their institutional role; enhancing accountability and efficiency, transparency and responsiveness; enforcing political neutrality and strict adherence to the rule of law; introducing modern management techniques and effective anti-corruption strategy; and strengthening performance and client orientation.

To this premises, which we consider patterns for a sustainable administration, more exactly to the introducing of modern management techniques in the public administration trough the reformation and transformation of the civil service, we will refer in the comparison analysis made on Romania and Italy.

#### **4. Civil Service Reform in Romania and Italy. The Case of Public Managers**

Public administration is a continuous process, is subject to the rules update functions as a guarantee of its adaptation to the permanent dynamic conditions offered by social environment. Therefore, public administration should not be an end in itself; it must serve social realities in their dynamics. Hence, the observation that public administration does not mean the same thing everywhere and anytime. (Cărăușan, 2012, p. 346)

As component of the public administration system, the civil service is very different from a country to another and it is also very important, because “*the value of public administration is given by its human resources*” (Cărăușan, 2012, p. 347), and because of that, it is important an analysis on the competence, structure and organization of the civil service in the context of a sustainable administration.

Civil service – may be understood as “*an institution of governance programmed by rules which are, by definition, reasonably stable over time and take on the character of roles, rules, norms and expectations about civil service attitudes, behaviors and functions in discharging state business.*” (Bekke et al., 1996, p. 49)

Three connotations of the term ‘civil service’ can be defined in this context:

- social and legal state institution;

- professional activities, aimed at exercising the authority of state organs of power;
- organisation with relevant structure, personnel and allocated resources.

Even if the definitions and meaning of the civil service can vary from a country to another, in all these countries the civil servants “*respect the values of the society in which they live in and they are called to respond to the deliberative will, that means respect for law, engaged participation, tolerance, respect for others, responsibility in pursuing public interest.*” (Cărăușan, 2012, p. 368)

In studying various aspects of civil service reform we start with the definition of public management reform as “*deliberate changes to the structures and processes of public sector organizations with the objective of getting them to perform better.*” (Pollitt & Bouckaert, 2004, p. 16)

The characteristics of these changes, this can be included in the bigger and well known concept of New Public Management, which have between its characteristics the using of approaches and instruments typical of the private economy capable to foster the competition and making more dynamic the public sector. (Meneguzzo et al., 2014, p. 80)

In this category, we consider that could be included the introduction of public managers in Romania, respectively, *dirigenza pubblica* in Italy, which will represent the subject of the following paragraphs.

#### **4.1. Romania**

Since the 1990s, public administration has undergone a reform process. For Romania, the public administration reform has become a genuine need, immediately after 1989, when the centralized system, quantity-oriented and less interested by quality, has started to show its weaknesses. In this context, for Romania, the year 1990 represents the beginning of the construction of a decentralized system, marked by legislative, institutional, political, economic reforms. (Matei, 2009, p. 60)

The Parliament adopted in December 1999 the Law on the Statute of Civil Service No. 188/1999 and this marked an important step forward in the public administration reform drive. The Law defines the rights and duties of civil servants,



provides a competitive, open, equal opportunity recruitment system in public administration and ensures stability for civil servants

By the adoption of the Civil Service Statute, there were created the conditions to elaborate and implement a professional and meritocratic body of civil servants, called *public managers*.

For this, it was adopted the Government Emergency Ordinance no. 56/2004 regarding the creation of special statute of the civil servant called public manager<sup>1</sup>. The key objectives of the creation of this new type of civil servant were “the reform of public administration whose key component is the creation and development of a professional corps of civil servants, neutral and comparable to that in the European Union.” (Preamble of the G.E.O. no. 56/2004)

For the achieving the objectives regarding the creation of a professional body of public managers, Romania received financial support within the PHARE Project RO 0106.03 on “Developing a professional body of civil servants in public administration – Young Professional Scheme” (which provided an initial sum of 4 million Euro and promised at the date an additional 3,5 million Euro for its continuation) (G.E.O. no. 56/2004).

By the entry into force of the new Government Emergency Ordinance no. 92/2008 regarding the creation of special statute of the civil servant called public manager<sup>2</sup>, there were re-defined the attributions and responsibilities of the public managers:

- the public manager has to ensure support for reform policies of the Romanian Government regarding the design and implementation of strategic level operational procedures and activities to accelerate the reform of central and local government.
- the public managers have responsibilities on the coordination of programs, projects and activities designed to develop the administrative capacity to promote decentralization of powers and modernize the central government and local government, in order to increase the quality of the administrative and public services provided to citizens.

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<sup>1</sup> The law produced its effects until 30.06.2008, when it was abolished and replaced by the Government Emergency Ordinance no. 92/2008.

<sup>2</sup> The law was last time amended on 01.02.2014.

We underline that there were extend the attributions and responsibilities in the managerial field.

The managerial approach seeks to enable the public managers to make rational decisions in the most efficient, economic and effective way. A modality to introduce rationality into the decision-making process consists in designing a system that will help the public manager to choose among the competent alternatives. (Matei, 2009, p. 273)

After the accession of Romania to the EU in January 2007, the reform regarding the civil service slow-down and there were also altered the regulations regarding the public managers.

As stated by Iancu (2012, p. 115), new regulations regarding public managers, gave green light to the political appointee to assess the civil servant and subordinate them. Former high rank civil servants (directors of deconcentrated bodies of the public administration and heads of public managers) were reconverted into political appointees and the authority of assessing the performance of local civil servants was given to their superiors (instead of a national, independent body, like the former National Agency for Civil Servants).

#### **4.2. Italy**

The history of public administration in Italy can be seen as the history of the progressive institutionalization of a hegemonic paradigm which, alongside the jurisdictional foundation of the nation-state, was based upon administrative law. (Capano, 2003, p. 785)

In describing Italy through the application of some ‘typical’ comparative politics categories in the search for explanations of public management reforms since the 1990s, the notion of ‘context in motion’ acquires a central significance: the Italian politico-administrative and institutional system over the period 1992–2008 has not been stable (at least to the extent to which institutional systems tend to be relatively stable in ‘normal’ periods in Western democracies) (Ongaro, 2009, p. 157).

As Romania, the reforms made in the public administration and at the level of the civil service are directly linked with the requirements of the EU. Thus, European integration, specifically the Treaty provisions on Economic and Monetary Union has played a large role in political change, exactly in the same time period. Even

the start dates of macro-political change (1991–92) coincide with the start of the EMU process. (Radaelli and Franchino, 2004)

The prevalence of administrative law in governing the conduct and actions of public bodies has had an important influence on administrative reform, not only in Italy, but also in other European countries that have a similar *Rechtsstaat* tradition. (Kickert & Stillman 1999; Pollitt & Bouckaert, 2004)

The Italian reforms introduced during the 1990s are part of an international trend characterized by a ‘new’ solution to the administrative problems of various nations. This solution has been labeled New Public Management, a definition that combines a variety of different, often contradictory, public management techniques, based on two previously-existing general principles, namely, the managerial approach. (Capano, 2003, p. 788)

Italy in 1992–2008 (the period of observation considered) may instead be interpreted as characterized by the layering of new and old institutions and other processes of negotiated change that have determined the normalization of such processes of negotiated change without any veritable transition to a new Republic. (Bull & Rhodes, 2007, pp. 658–659)

One of the most important reforms, with a long-term impact, was the reform of the civil service, embodied in the Legislative Decree no. 29/1993. The Decree to identified the tasks of political leadership and separate them from those of the administration department; the management is entrusted with the responsibility for the operation of facilities and the fulfillment of the objectives, and to the political powers are reserved for policy, planning and performance monitoring activity. The Legislative Decree 29/1993, had left, however, of the open problems that were solved, in part, by the next Legislative Decree no. 80/1998 with the complete contracting of public management. (D'Auria, 2002, p. 1158)

This reform package encompassed also other areas of administrative reform; interventions that stemmed from this major reform include the adoption of the citizen charters, the establishment of the offices for relationships with the public, and the re-launch of the policy for government innovation (Mele, 2008), a set of interventions that marked a transformation of the relationship between the public administration and citizens.

The starting point in Italy regarding the public managers, what they do, and under what conditions, the public managers were usually depicted as having had limited

autonomy (with political organs and their staff exercising ‘micro-management’), little influence on policy formulation (policy advice being the remit of the staff in the large ministerial cabinets) and low rewards, although they had stability (also for holders of top executive positions) and limited or no risk (provided strict, formalistic compliance with the rules was applied); in short, procedure-oriented behaviors were a shield wide enough to protect the stability of bureaucrats throughout all the organizational layers from the lower to the higher positions. (Ongaro, 2009, p. 105)

The public management and the public manager have been, from the beginning of the Italian State, the moment of connection between political administration, the point of emergence of the contradictions inherent in that relationship. In modern democratic leadership is, in fact, characterized by the tension between two values inevitably conflicting: the principle of popular sovereignty, an expression of political representation, and the principle of impartiality, which requires an administration to serve the whole community. (Battini in Cassese, 2003, pp. 524-525)

In this context, the innovation considered by the advocates of this reform as the “core” of the reform package was the distinction between the “managerial sphere” and the “political sphere”: the paradigmatic model becomes one in which the political tier sets the objectives of the administration, allocates the resources and “*evaluates the efficacy of the results achieved by managers*” with the support of specialized advisory bodies (the *nuclei di valutazione*, or evaluation organs), while managers are in charge of making all the decisions about the utilization of resources for achieving the identified objectives (only managers can commit the administration on juridical binding acts). (Ongaro, 2009, pp. 105-107)

The reform package (Legislative Decree 80/1998) introduced a form of “spoils system” (political organs appointing top executives), which was confirmed by the so called “Law Frattini” (no. 145/2002), named after the then Minister for the Civil Service, which, in reforming the leadership, he predicted a “one-off spoils system”: the automatic forfeiture of executive positions general level.

The Italian Constitutional Court by issuing the Decision no. 103/2007 and the Decision no. 104/2007 declared unconstitutional the type of spoils system related to public managers. In augmenting its decision, the Constitutional Court cited the principle of impartiality from the Article 97 and 98 of the Italian Constitution and stated that: “*the functional dependence of the manager cannot become political*

*dependence.*” The public manager may be subject to the guidelines and the judgment of the political leadership, but “*cannot be put in a position of insecurity.*” This fact would violate the constitutional principle of impartiality.

## 5. Conclusions

Civil service reform is a complex process, which cannot be studied in isolation from its environment. The analysis of the relationship between an administrative system and its context is particularly important for identification of key factors/variables affecting the success or failure of reform.

We could observe that for the both analyzed states the impulse, which generate the reformation of the public administration system which lead inevitably to the civil service modernization was given by the European Union.

In the case of both states the context of civil service reformation is quite similar. It is situated at the beginnings of the 90’s and is generated by the need of the state to adapt to the new economic and social reality from Europe and form the world. The context was highly influenced by the EU. For Italy, as a EU founding state, the environment in which all the reformations for the civil service occurred were related to the need to re-order all the public sector in accordance with the objectives for joining the Euro Zone.

For Romania, the environment was highly influenced by the EU and by the fact that the country wanted to join the Union. Thus, the reformation of all the administrative system and all the civil service system are the results of the objectives imposed to build a consolidated administrative capacity. Of course, there are also a lot of differences regarding the reformation of civil service of the two countries. We want to underline on the case of public managers that in Romania it was created this function as integrant part of the civil service hierarchy and that the program was financed by the EU.

In Italy, the public manager was stipulated since the creation of the modern state and the instauration of the Italian Republic, but it received the real powers and attribution of a public manager after some reforms undertake in the ‘90s and within some decisions of the Constitutional Court.

As a general conclusion regarding the situation of public managers and Italy and Romania, we can underline that in both cases, the politicization is still very high

and all the cases, after some successful changes there were some regressions regenerated by the political will of the government party from that moment.

Thus, we would like to underline once again that civil service reform is widely recognized to be a highly political issue, which affects the balance of power between various actors. Successful reforms require both political commitment at the highest level and the capacity to concentrate and manage resources in order to implement and sustain reform.

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