Coordination of Public Policies in Romania. An Empirical Analysis

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Abstract

The European integration process introduces continuously new tasks to the governments of Member States’ and acceding countries’. Ensuring public policies coordination, in particular, intra-governmental coordination at national level represents one of these tasks. Intra-governmental coordination in Romania is an atypical case, and public institutions are concerned constantly to improve that. The attention from this paper goes up on this case, and aims: (a) applying the scale on the coordination capacity in order to identify the national public policies coordination degree, (b) analyzing the effectiveness of efforts made by Romania for developing some coordination mechanisms, (c) drawing a list with the basic (minimal) conditions required for coordination, (d) identifying the advantages and disadvantages of this instrument.

Keywords: Coordination, Public Policies, Scale on the Coordination Capacity;

1. Introduction

Accession to European Union is a dream came true for all states currently members of the EU, including Romania. To get here, a long process of reforms was necessary in order to prove that Copenhagen, Madrid and Feira criteria are fulfilled, including „strengthening the administrative capacity”, assessing by SIGMA based on its indicators. Policy-making coordination and the effective capacity for coordination is one of the SIGMA Baselines, which got a special attention, aiming through it the evaluation of some issues, such as (SIGMA, 2004): (a) coherence of the policy-making framework; (b) inter-ministerial consultation mechanisms and agenda planning; (c) dispute resolution mechanisms and central coordination capacity; (d) general strategic capacity; (e) involving the Government in budget decisions and impact assessment. A particular attention for assessing the capacity for policy-making was expressed by various scholars (Metcalf, 1994, 1996; Peters, 2006) and organisations (OECD) which developed their own assessment tools, such as scale on the coordination capacity. In this context, the goal of this paper is to apply this tool in Romania, particular, at specialized central public administration level.

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2. Theoretical background and research hypotheses

Coordinating public policies is a major challenge for contemporary governance, in democratic countries, which has attracted constantly the attention of researchers. A good coordination helps to design complementary public policies, that do not overlap or contradict, as well as to ensure a proper implementation of decisions. The public policies coordination context is described both, by public administration reform features (Andrei et al., 2009; Tvaronaviciene et al., 2009), and European administration development (Matei & Matei, 2011). In general, all governments need an intra-governmental coordination system at the national level in order to be more efficient and to have fewer redundant programmes. With regard to this aspect and the fact that regulatory acts and many specialized studies provide that the public policy-making in Romania is guided by the following principles: (1) the principle of participation and transparency; (2) the principle of continuity and coordination; (3) the principle of responsibility; (4) the principle of good governance; (5) the principle of subsidiarity; (6) the principle of cooperation and coherence (Zomorrodian & Matei, 2010, p. 13), the authors expressed the following hypothesis:

H1. Setting out a policy coordination system should be a constant concern of public authorities from Romania.

The pressure to develop capacities for policy-making and effective coordination increases significant after its accession to European Union. The requirements for participating within various decisional forums make the public policies coordination a key factor for determining the effectiveness of governance at national level. Being a key factor for the success of the effectiveness of the national governance and for its participation in different constructs, the coordination has drawn the attention of several researchers (Peters, 2006; Bouckaert et al. 2010; Metcalfe, 1994, 1996) who analyzed the issue from multiple perspectives. Some of them conducted their studies towards the possibilities for assessing the policy coordination capacity, distinguishing among coordination as: status (Peters, 1998), process (Hogl, 2002, p. 3), capacity (Metcalf, 1994; OECD, 1996, 2004). Of the possibilities mentioned above, the authors have decided to analyze the coordination of public policies in terms of the latter, and to use the following definition “the ability/capacity to take public policy decisions with strategic characteristics and to ensure the uniformity of the mode in which the decisions are taken from a procedural perspective” (GSG, 2006). Initially developed to compare the status of coordination in different states, the scale does not refer to the status assessment, but to procedures of coordination. The improved version of scale on the coordination capacity stresses that capacity for coordination must be built through a bottom-up process, step by step (Hogl, 2002, p.3). In this context, the research hypothesis is:

H2. The capacity for public policies coordination in Romania, at central level is low (weak).

According to Peters (2006) the most problems and difficulties concerning the coordination arise from both vertical and horizontal specialization of governments. On the other hand, the lack of a real coordination can also be a consequence of high level of autonomy of ministries that prepare the draft of public policy documents. The hypothesis is then:

H3. The process of coordination in Romania occurs only after the draft is developed during a formal process and follows a clear (strict) sequencing of steps, stipulated by the law in force.

Before proceeding to test the validity of the above hypotheses, and present the research findings we outlined the overall research design behind the study.

3. The overall research design: The capacity of Romania to coordinate public policies

3.1. Research methodology

Given the goal and the general nature of work, rather of a paper that analyzes the country experience, the research methodology has been selected to provide a view on national capacity for policy coordination and not to go in depth definition of some conceptual issues related. In this respect, the authors chosen to apply the scale on the coordination capacity, drawn up by Metcalfe and OECD and use two sets of data: (a) data extracted by authors from
strategic and legislative documents in force, as well as from the available information in official databases of public authorities; (b) data provided by the sample subjects.

Data collection period was July-August 2012, and for their collection have been used document analysis and the survey method with questionnaire as working technique. The questionnaire included a number of 17 opened and closed questions, drawn on levels of the scale on the coordination capacity, and has been applied with the support of Law no. 544/2001 on free access to information of public interest. It is worth to note, that the predominant research method used to carry out this study is the qualitative analysis.

3.2. The sample

The sample used for research has been represented by the specialized central public administration, more precise, the unity of analysis was “the line ministry”. It have been identified and questioned all 16 ministries existing at the time of front in Romania, but it have been obtained answers only from 12 of these, and of these some have replied only partially to the information requested or even negative, in the sense that the information supplied were not those requested.

4. Findings

Taking into account, the representation from Metcalfe’s scale, building the capacity for coordination can be seen as a sequence of steps. Browse through each step represents a distinct contribution in coordination process and building others. The level 1 of the scale on the coordination capacity shows that government institutions act independently, without providing guarantees that design rules are applied consistently in policy-making process, while the level 9 suggests that government institutions working well, respecting and applying the same rules.

4.1. Level 1: Actors manage independently within their domain/sectors

According to legal provisions in force (GD. no. 561/2009, art. 1) drafts of public policy documents can be initiated, only by the following public authorities: (a) ministries and other specialized bodies of central public administration, subordinated to the Government, as well as the autonomous administrative authorities; (b) specialized bodies of central public administration subordinated or coordinated by ministries through the ministries in whose subordination or coordination is located; (c) prefects, county councils, The general Council of Bucharest, according to law through the Ministry of Administration and Interior, according to their competences and activity area. At first glance, it is noted that the first level of Metcalfe’s scale is achieved due to the major role which the ministries play in policy-making process and relatively higher degree of autonomy of them for their activity areas. However, deepening the analysis, we remark that with a strong split executive at the beginning of the accession to the European Union, 21 ministries, Romania started the restructuring efforts, drifting in the period 2004-2012 between a number of 15-18 ministries, at the moment are operating 16 ministries. This variation in the number of ministries has had implications on coordination and coherence of public policies process, and many donors involved in projects for developing the capacity for policy-making have been reported this issue (World Bank, European Union OECD etc). To overcome this level, the first step made by Romania in order to develop an institutional structure for ensuring the coordination and cooperation framework has been represented by the establishment in 2001 of the social dialogue committees within the ministries. There followed (2003) the setting up of public policy units within each ministry and Public Policy Directorate within General Secretariat of the Government. The mission of Public Policy Directorate is to “enhance the system of development, coordination and planning of public policies at a central level”. It is, thus, of course, to an undesirable situation, the partial overlapping of powers of two institutions, in this case, the General Secretariat of Government and Prime Minister Chancery, which according to Decision no. 379/2005 regarding the organisation and functioning of the Prime Minister Chancery, both institutions had powers for coordination the policy-making process. The atypical situation of the core of Government which comprised two institutions with similar powers in certain areas and which it was criticized by the European
Commission into the Comprehensive Monitoring Report from 2005, has been solved in 2009 with the dissolution of the Prime Minister Chancery and the establishment of some measures regarding the reorganisation of Prime Minister’s Advisory Board. Strengthening the intra-governmental (inter-ministerial) coordination framework came here through establishing of a small number of Inter-ministerial Permanent Councils which clarify the situation of the inter-ministerial structures, establishing through Prime Minister’s Decisions from 2001 to 2005 and which are focused on solving problems from important areas of inter-ministerial cooperation. These councils have the goal to assure: (1) the coherence of the motivation and implementation of governmental policies from respective areas of interests; (2) the inter-ministerial communication inside the respective field as well as the harmonization of opinions; and (3) the coordination of implementation monitoring for promoted policies.

The whole institutional construct is coordinated by the General Secretariat of the Government, providing the interface between different institutions with decisive role in policy-making area. Also, the General Secretariat of Government cooperates with Department for Relations with Parliament in order to achieve the activities on the improving decision-making system at Government level and on planning and designing of public policies, and its methodological coordination activity of public policy units can be a factor that supports the strengthening of line ministries capacity and intra-governmental coordination developing.

4.2. Level 2: Information exchange among ministries

It is noted that, the institutional system drawn above is a mechanism that supports the steps initiated by Romania for developing policy capacity and which allows us to perform the analysis for the next steps. It is worth to note that, the policy-making system (institutional and procedural) at national level (Matei & Dogaru, 2011, pp. 75-110; Ladi, 2008, p. 28; Matei & Dogaru, 2012, p. 136-139) is a complex system that as we have seen undergone over time restructuring for assure the functioning bases of an integrated mechanism of planning, coordination and cooperation in public policies areas. The result has been an integrated mechanism for coordination aimed at completing the following steps/procedures: (1) the announcement procedure, (2) the consultation procedure and (3) the approval procedure. During the announcement procedure, the initiator appropriates the public policies documents (by signature and displaying on the site) and submit them to the General Secretariat of Government in order to introduce them on the agenda of the working meeting at least with 4 days before. According to the scale on the coordination capacity, the announcement procedure can be seen as level 2, communication/information exchange among institutions.

4.3. Level 3: Consultation with others ministries

After the announcement of public policy draft starts the consultation procedure. It should be noted, that the process of consultation is proceeding through several steps stipulated by normative acts which distinguish between the overall consultation and inter-ministerial consultation and falls into sole responsibility initiator. Various stages from the process of consultation complies the ones of policy-making process (GD. no. 870/2006; Matei, 2008, p. 56), emphasizing the consultation during policy elaboration stage rather than during the public policy implementation stage.

4.4. Level 4: Avoiding policy divergences among ministries

The Government’ preparatory working meeting is organized in order to announce the new drafts of public policies documents, as well as to get a consensus on different points of view of ministries and/or of other public authorities related to the drafts submitted for approving to Government (GD. no. 561/2009). Public authorities should formulate in writing for each draft document of public policy a point of view which is sent to the initiator. The viewpoint consists on comments and proposals/suggestions regarding the substantive aspects from its jurisdiction (area). Although, the new Regulation (GD. no. 561/2009) has no express provisions related to avoiding policy divergences arisen consultation stage, from corroborating the all normative acts from policy field results that
inter-institutional consultation is the procedure for avoiding the divergences, which remain until the end of consultation. Thus, if as a result of the consultation process, it have not been formulated observations and proposals for, or have been made, but they have been acquired on the whole, the initiator would send the draft for approving. A new inter-institutional consultation meeting will take place within the inter-ministerial permanent council from that area, if the initiator will not take into account or partial consider that.

4.5. Level 5: Finding an inter-ministerial agreement

The responses of the analysed public institutions outline that in general, after the inter-institutional consultation meeting it is finding a consensus, an agreement. Thus, at the end of elaboration and consultation stage, the public institution which initiated the draft starts the inter-ministerial approval procedures of public policy documents. At this stage, at the level of each advisory institution is setting out a unique structure with direct powers on approval process. After, the registration of policy documents within the unique structure, the advisory institution (the public authorities which have requested for notification), has maximum 3 working days for approving them (GD. 561/2009, art. 20). As soon as, they are received the notifications requested, the policy documents shall be submitted for approval to Ministry of Public Finance, Ministry of European Affairs and Ministry of Justice, and then (after getting all notifications), the policy document shall be forwarded to the General Secretariat of Government in order to get the assent by which the approval procedures are ended. The approval procedure is not always one free of uncertainty, in the sense that the project for which it is requesting the assent can get: (a) favourable assent, without comments, (b) favourable assent, with comments; (c) negative assent. The legal procedure stipulates the development of an explanatory note that comprises the way of appropriating the comments or suggestions or the arguments/causes led to their impropriating for unfavourable situations when the proposal of policy document get the favourable assent with comments or negative assent.

4.6. Level 6: Judging the divergences between actors

The explanatory note carried out during approval stage is forwarded to the institution which approved the draft policy document with comments or negative assent, and a copy is submitted to the General Secretariat of Government. Both, the institutional and procedural framework of coordination have some shortcomings at this level. The presence of a third actor, requirement of level 6 of scale on the coordination capacity, who judges the divergences between ministries, fails at national level. The Superior Council for Public Administration Reform, Coordination of Public Policies and Structural Adjustment which could fulfil this requirement through its role to ensure the correlation of public administration and public policies reform at the level of ministries and other institutions has been abolished, as we saw above, in 2007. In this context, the General Secretariat of Government through Public Policy Directorate is the only institution which may settle a divergence leading to a policy document which may arise between ministries.

4.7. Levels 7-9: Setting the parameters for organizations, setting the governmental priorities and an overall government strategy

Following levels 7, 8, 9 of the scale on the coordination capacity are only partially met by the central public institutions from Romania. Although, there is a National Plan for Development, designed for 2007-2013 period, at the time being, in Romania, one can feel the need for a strategic document to guide the setting of long-time priorities and development of all public policies. This necessity proceeds from the narrow filed of action of National Plan for Development, where only on some public policies documents are mentioned. In this sense, the Government Programme is seen as the most relevant document for outlining the main directions for the policies from all sectors. Despite this advantage (notes to all policy areas), the Government Programme has some “scarceities” namely, the political prints and the planning during a government election (Matei & Dogaru, 2012a, p. 11). The results of documents study and survey carried out that at each ministry level, along documents mentioned above, is developed
5. Results interpretation and conclusions

Undoubtedly, the policy-making process became much more informed, structured, consultative and oriented. The number of relevant public policy proposals decreased over time, as the institutional and procedural framework has been reformed. For instance, compared with 2007 and 2008, when there have been 9 and 7 policy proposals, in 2006 have been launched 6 policy proposals and currently (middle of 2012) are registered only 2 policy proposals. Using the scale on the coordination capacity, Romania is placed in terms of policy coordination at level 5-6 (based on data extracted by authors using document analysis), particularly due to the designing of institutional system and relatively high degree of autonomy for ministries, and other institutions involved in coordination system, and at level 8 (according to the line ministries’ answers). We can conclude that in Romania there is a public policies coordination system, but unfortunately it has a formal rather than practical character, focused more on procedural dimension of public policy formulation. To support this assertion can be also found the indicators, transparency of policy-making and efficiency of legal framework, included in determining the global competitiveness index (GCI), provided by World Economic Forum and the indicators, effectiveness of governance and quality of regulations included in GRIGS indicator of World Bank. For Romania, these indicators are:

| Indicator                  | 2007-2008 | 2008-2009 | 2009-2010 | 2010-2011 | 2011-2012 |
|---------------------------|-----------|-----------|-----------|-----------|-----------|
| GCI transparency of policy-making | rank 124 from 134 | rank 128 from 133 | rank 137 from 139 | rank 140 from 142 |
| efficiency of legal framework | rank 87 from 134 | rank 97 from 133 | rank 111 from 139 | rank 113 from 142 |
| GRIGS effectiveness of governance | -0.29 | -0.24 | -0.24 | -0.14 | - | - |
| quality of regulations | 45.1(%) | 45.6(%) | 47.4(%) | 50.2(%) | - | - |
|                          | +0.52 | +0.56 | +0.63 | +0.66 | - | - |
|                          | 67.0(%) | 67.5(%) | 71.8(%) | 74.2(%) | - | - |

* high values of indicators mean a good governance, while weak values mean an inefficient governance

Source: Global Competitiveness Reports for 2008-2012 period, http://info.worldbank.org/governance/wgi/sc_chart.asp.

After this analysis it should be noted that for a better coordination should be found among the minimum conditions the following: (1) an administrative culture which promotes cooperation; (2) a systematic dialogue between actors; (3) a strategic framework for public policies; (4) mechanisms for solving the conflicts, the divergences; (5) a solid consultation with stakeholders (PUMA, 1996, p. 44; OECD, 2004). Regarding the advantages of Metcalfe’s scale, we emphasising the possibility to evaluate the capacity for coordination, step by step from a process perspective. The scale allows us to analyze the procedures, but in the same time has the disadvantage of not capture the effective, qualitative results of coordination, and on the other hand suggests the need of a centralized organising of institutional policy-making system, or the objectives of reforms focus on setting out actors’ networks for policy-making.

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