THINKING OUTSIDE THE BOX: LOCAL GOVERNMENT AND THE PREFERENCE-HOLDERS’ PARTICIPATION TO POLICY MAKING PROCESSES IN SLOVAKIA AND ROMANIA

Diana – Camelia Iancu1
Daniel Klimovský2

1. Intro

Generally speaking, administrating consists of employing human, material, financial and informational resources available at one particular time, in order to serve a common goal, with maximum results and minimum effort3. By replacing the ‘common goal with ‘public interest’ (as done by Lane 2000:6-9), the definition stated above becomes practical for the case of public administration, too. More concretely, public administration may be understood both as an ensemble of bodies and one of activities aimed at achieving, manage and implement public affairs. In a rather organic vision, public administration pays attention to politics and policy making, concentrates on executive levels, differs from private administration and implements the law (Rosenbloom 1989:5-6). Using managerial, political and legal theories and processes which prove its interdisciplinary nature, public administration usually regulates and delivers services, and implements legislative, executive and judiciary mandates4. It doesn’t however operate in a vacuum, and is often restricted by societal rules, distinct political cultures and particular territorial mentalities [Berkley et al. (1991:34), Levitan [1943] 2001:5, Alexandru (2001:39)].

To the communities it serves, public administration may be even considered to play the role of a true processor – receiving inputs and delivering outputs [J.M. Decleris 1992 apud Matei (2000:108)]. Some of the rules possible to apply to this input - output process are to be taken into account in this paper. More specifically, our interest heavily relies upon answering a very simple, yet debated question: how does the public administration understand to interact to its external, but national environment? In shaping our inquiry, we will use Robert Dahl’s interpretation of the democratization process (Dahl [1947] 2001; [1971] 2000) and link it to the public policy making in two of the European Union’s local administrative systems: the ones in Slovak Republic and Romania. To this end, the concept of participatory governance will become handy and further investigated as both part of the European Union’s accession criteria and as an institutional guarantee for a democratic policy making process. The content analysis of the programmatic and reporting documents of the European Union’s 5th enlargement [with special reference to the European Commission Regular and Monitoring Reports on the Slovak Republic (1998-2002) and Romania’s accession to the European Union (1998-2004)] and of the relevant legislation in force in both countries will be employed. The authors expect as such to provide, for the time frame: 1998-2004, legal and institutional evidence of local participatory governance inside two of the democratic systems of the European Union.

2. Defining the box: Words on local government’s policy making

In 1943, Public Administration Review published David Levitan’s article “Political Ends and Administrative Means”5, where public administration was seen to be more than some tool for governors to govern, but rather, the partner in assuring a successful government. It was then argued that “a democratic state should rest not only on democratic principles, but also on a democratic administrative practice” (p.12). This section’s aim is to clarify the concept of local government while placing it against the background of a democratic policy making process.

---

1 Faculty of Public Administration, National School of Political Studies and Public Administration, Bucharest, Romania
2 Faculty of Public Administration, P.J. Safarik University, Kosice, Slovak Republic
3 To a large extent, the definition cited here, belongs to Orovenu (1996:27). The original version however, did not include the reference on “common mission”; the latter being borrowed from H. Simon, D. Smithburg and V. Thompson’s 1950 book: Public Administration (New York: Alfred Knopf) apud Berkley et al. (1991:3-4).
4 For the Slovak doctrine, relevant author are, for example: Maliková and Staroňová (2001) and Klimovský (2006). For the Romanian doctrine, a similar definition is provided, inter alia, by Alexandru (2002:65 et seq.). Same author offers a rather generous, historical perspective upon the conceptual evolution of public administration for the German and French administrative doctrine (Alexandru, 2000).
5 In C. Stivers (ed), Democracy, Bureaucracy and the Study of Administration (Colorado, Oxford: Westview Press):4-13. The title of this subsection is borrowed from Levitan’s work as it aims to place the local government idea in the context of the public administration reality.
2.1 One approach to modern democracy

Seen sometimes, in its practice as “inefficient, corrupt, short-sighted, irresponsible, dominated by individual interests and incapable of making policies for the sake of public good [...]”, democracy remains one of the virtues of a people,6 being (ideally) capable to: 1) prevent autocrats from governing; 2) guarantee the citizens’ essential rights and liberties; 3) assure a far greater personal freedom than any of its alternatives; 4) assist the citizens in protecting their fundamental interests; 5) offer the maximum guarantee for exercising the freedom of self-determination and choice of preferred laws; 6) allow the practice of moral responsibilities; 7) encourage the human evolution and 8) maintain a relative high degree of political equality, by generating: 9) a favorable peace attitude and 10) prosperity7.

What does then democracy stand for? Robert Dahl’s answer to this question is twofold:

- **Ideally**, a system which offers (cumulative) opportunities for:
  1. Effective participation: all members of the system have equal and effective opportunities to make their opinions on the policy to be adopted, known;
  2. Vote equality: a decision will be taken based on each member’s equal and effective opportunity to vote, when all votes are considered equal;
  3. Enlightened understanding: which means complete and full information being provided to each member, in what concerns relevant decisions and their intended consequences8;
  4. Agenda setting control: the members of the system should benefit from the exclusive opportunity to decide the what-s, how-s and when-s of the institutional agenda setting9; and:
  5. Total inclusiveness: all (adult) members of the system participate to decision making.

- **Practically**, a system where one can identify the presence of:
  1. Elected officials, who constitutionally control governmental decisions;
  2. Free, correct and regular elections, which should be organized so to allow citizens’ control over the institutional agenda of policy making;
  3. Freedom of expression, closely connected to the principle of political equality (supra endnote 3) and that of control over the agenda setting (citizens will thus be entitled to express their preferences towards officials, governments, regimes, socio-economic systems, or predominant ideologies);
  4. Alternative sources of information, according to which citizens should have the right to search for alternative and autonomous sources of information;
  5. Associative autonomy, expressed through the recognition and guarantee of the citizens’ freedom of association (in the sense of creating and adhering to organizations); and:
  6. Inclusive citizenship, which actually advocates that all individuals with permanent residence in the country of our interest should be legitimate subjects of the fundamental citizens’ rights.

In fact, the practical democracy is, to Dahl, the modern version of democracy: that in which the ideal comes to compromise due, inter alia, to the size and quality of the current subject-unit. As such, modern democracy is the representative system holding six (minimal) institutional guarantees: officials elected (1) in free, correct and regular elections (2), by people endowed with inclusive citizenship (3), who enjoy the freedom of expression and associative autonomy (4, 5), and benefit from alternative sources of information (6)10. To put it differently, the system capable of keeping itself open to the preferences previously formulated by its members in a free and regular manner (inputs) and able to deliver the expected answers (outputs) on impartial and non-discriminatory grounds, is democratic.

---

9 Information is grounded on the principle of political equality which states that “all citizens are just as competent to participate to decision making, if they have adequate opportunities to inform themselves on issues through inquiry, discussion and deliberation” (Dahl [1998] 2003:41).
10 We make here the same distinction as R. Cobb and C. Elder did in 1972 (Howlett and Ramesh [1995] 2004:128-129), between ‘public agenda’ and ‘institutional agenda’. According to the cited source, the public agenda comprises all problems similarly perceived by community members as worthy of interest from the public administration’ side, while institutional agenda names the problems which have already gained the attention of the public administration and are in due solving procedures.
12 The term used by Dahl for such a system is poliarchy [R. Dahl and C. Lindblom (1953) Politics, Economics and Welfare (Chicago: University of Chicago Press)]. However, introducing this concept here would have suggested that a large part of the pluralist school had become the bone structure of our argument; this actually is beyond our present intentions, and as such, when discussing Dahl’s definition of democracy, we will solely refer to it as the modern, representative system as described above, in the body text.
2.2 Public Administration and Modern Democracy

Generally speaking, public administration can be viewed as an ensemble of bodies and activities regulating and delivering services and implementing legislative, executive and judiciary mandates. Should the context for this ensemble of bodies and activities be provided for by democracy, one could even argue that the former need to obey democratic procedures. This leads us into saying that in a democratic society, the public administration should be organized and function in such way as to offer its citizens the possibility to freely and regularly formulate and receive impartial and non-discriminatory answers to their official requests.

For our assumption to move one step further, refinement is necessary: so, “what is democratic organization and functioning of a public administration?” This particular question is far from being simple to answer; yet, giving the leading interest of this paper, and the existence of a similar research already conducted by Iancu (forthcoming), we could start our reply by stating that:

1. our interest here deals with public administrations belonging to the European Union; and the European Union has confirmed its strong attachment to democracy when considering it one of its fundamental principles;

2. there is a growing literature on the subject of administrative principles common to European states and the European Charter on Local Self-Government (Treaty no. 122, Council of Europe, 1985) has been nominated as a true European standard for the organization and management of local public affairs (Delcamp 1994:7; 1996:58; 2005 and Marcou 1999:31);

3. the European administrative law is a subject vividly debated inside the European Union (inter alia, Ziller 2000, 2003, 2004; Cassese 2003, 2006) and to this end, the comparative approaches of SIGMA (1998; 1999) discussing about an “European administrative space” are of great interest.

Adding to points 1 to 3 that a democratic administration should allow the presence of the six (minimal) institutional guarantees (freedom of association and expression, right to vote and be elected in free, correct and regular elections, alternative sources of information, and inclusive citizenship), it goes that:

<table>
<thead>
<tr>
<th>In a country-sized unit, for the opportunity of the citizens to […]</th>
<th>The following institutional guarantees are necessary […]</th>
<th>And can be translated in the following principles of functioning and organization of the public administration […]</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Formulate their preferences</td>
<td>1. Freedom of association</td>
<td>- local self-government and decentralization</td>
</tr>
<tr>
<td></td>
<td>2. Freedom of expression</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Right to vote and be elected</td>
<td>- openness and transparency</td>
</tr>
<tr>
<td></td>
<td>4. Alternative sources of information</td>
<td>- partnership and cooperation</td>
</tr>
<tr>
<td>II. Make their preferences public</td>
<td>1. Freedom of association</td>
<td>- non-discrimination</td>
</tr>
<tr>
<td></td>
<td>2. Freedom of expression</td>
<td>- accountability</td>
</tr>
<tr>
<td></td>
<td>3. Right to elect and be elected</td>
<td>- rule of law</td>
</tr>
<tr>
<td></td>
<td>4. Free and correct elections</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Alternative sources of information</td>
<td></td>
</tr>
<tr>
<td>III. Let their Government answer to the preferences, in an impartially and non-discriminatory manner</td>
<td>1. Freedom of association</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Freedom of expression</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Right to elect and be elected</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Free and correct elections</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Alternative sources of information</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* Rule of law (as a guarantee for the governmental dependency on votes and other forms of preferences’ manifestation)</td>
<td></td>
</tr>
</tbody>
</table>

To resume our section’s argument: In a democratic state, the public administration holds the levers for managing and implementing the executive, legislative or judiciary mandates. Its democratic organization and functioning (as defined with R. Dahl’s assistance) relies upon several principles, commonly recognized as

---

13 See Intro for the same argument and quotation of relevant references.
16 Adding to these remarks, The Charter has also been ratified by all 27 Member States of the Europen Union [source: Official Website of the Council of Europe: www.conventions.coe.int/Treaty/en/Treaties/Html/122.htm (last access: 18.03.2008)]
European references in this regard. Amongst them, we have chosen for our paper to focus on only six broad categories, namely: local self-government and decentralization, openness and transparency, partnership and cooperation, non-discrimination, accountability and rule of law.

2.3 Local government: a possible interpretation

With few exceptions, all countries have a system of local governments (or designated agencies such as local public utilities) through which functions of the central government in need to be locally delivered become manageable (Paddison 2004:19). This is because local governments are usually created to render services in defined geographical areas, primarily as to suppress the central governments’ inability to attend to all the detailed aspects of government (Reddy 1999:10). In fact, it has been argued that the very presence of local governments allows the members of a functional society to make their different preferences continuously heard and represented at all relevant administrative levels. How is this possible? One possible answer is by means of decentralization.

Consequence of governors’ acknowledgement of the imperative need of political representation at social basilar levels (Manor 1999), optimal distribution of fiscal resources from the centre towards the periphery (Bahl 1998) or transfer of the central governmental functions to local authorities, doubled by the latter’s active participation into national policy making processes (Lane 2000:254), decentralization is a concept with yet no unified meaning (Ostrom, Schroeder and Wynne 1993:166). However it generally entails a change in the legal and regulatory framework for various activities of government, and often holds the promise of increasing both voice and participation (by moving the public policy making processes closer to the citizens) and competitive pressures (including competition among sub-national governmental levels and their subsequent entities) (World Bank 2002). In fact, to some authors (e.g. Nalbandian 1999), decentralization is one condition or prerequisite of democracy. There are even statements which involve the idea that local governments are local democratic units within a larger democratic system (Meyer 1978:10).

However, the theorem “decentralization = existence of local government = existence of democracy” is generally hard to prove. As it is emphasized by Heller (2001), any localized forms of government are not a priori or for that matter, automatically democratic. Vice-versa, authorities on a local level can act destructively and non-democratically too. Also, the association between local governments and democratic systems is, at its turn, invalid (Bernstein, Carr and Morrison 1961:495), and there are only few research works that deal with association between decentralization policy and democracy (Nyiri, 2001: 474). Last but not least, local governments cannot be seen as fully democratic until women’s interests aren’t represented in a proportional manner to men’s interests at the local level (IULA 1998).

Still, local governments are occasionally considered as schools of democracy, where citizens may train their political abilities while co-operating or compromising for problem solving (Bogumil and Holtkamp 2006:9). And, according to Heller (2001) again, the very existence of local governments usually increases the citizens’ willingness to take some part in political decision making processes. Also, positive correlations between the degree of decentralization and the significance of local public accountability (Haque 1997: vi), respectively the decrease of bureaucratic procedures (Rondinelli 2006:395) were found. Furthermore, on the mentioned link between democratic local government and participation of women, Beall (2004) concludes that local government (especially in the countries that are in the process of democratization) is the tier of government closest to civil society, and as such really does hold opportunities for women to express their interests and thus be politically active.

What will local government mean to the scope of this paper? Given our interest in the area of a democratic public administration, local government is to be considered as subsequent to the latter’s system and therefore we will assume the necessity for it to be organized and to function in such way as to offer to its citizens, the possibility to freely and regularly formulate and receive impartial and non-discriminatory answers to their preferences. Also, due to another self-induced limitation: that is study the local government practice inside the European Union, we will focus mainly on the European local governments and as such acknowledge that self-

17 For comments on two different approaches on the reasons of existence for local governments (the French classical state-centered view and Anglo-Saxon efficacy approach), see also Iancu and Van Ostaauien (2007:271-272) and Iancu (2007).
18 In same respect, Kevenhörster (1986) suggests that decentralization is necessary because it acts against the overcharge of central government, raises state’s awareness to citizens’ needs and makes possible flexible adaptation to the national variety of problem situations.
government is also about “the right and the ability of local authorities to regulate and manage a substantial share of public affairs under their own responsibility and in the interest of the local population” (European Charter of local self-government, Council of Europe 1985, article 3.1). Accordingly, the democratic organization and functioning of the local government will rely upon the same six principles presented in section 2.2, namely: local self-government and decentralization, openness and transparency, partnership and cooperation, non-discrimination, accountability and rule of law.

2.4 Local Policy Making: a possible interpretation

In 1963, Ch. Lindblom “used the term ‘policy’ to encompass both ‘conscious decisions and the course that policies take as a result of interrelations among decisions’, including certain political processes”; in 1968, A. Etzioni considered that ‘policy’ “was a form of more generalized decision making ‘in which whole sets of decisions are considered and the contexts for decisions reviewed’” (apud Heclo 1972:84). In 1972, Dye named the very same ‘public policies’ to be anything that an administrative body decides to do or not to do (Dye 1972:2). Six years later, the latter interpretation was again altered, this time by Jenkins (1978), who’s idea of a policy was that of a set of interdependent decisions taken by one (or a group of) political actor(s) who’s aim was (were) to select the goals as well as the means to achieve them. To this paper’s use, this latter definition becomes handy and as such, public policies are to be seen as sets of interdependent decisions, officially (and primarily) implemented and assessed by public authorities in the attempt to respond to the citizens’ preferences, after previously: 1) receiving them; 2) introducing them on the institutional agenda; and 3) formulating decisions as a reaction to them.

Policy making on the other hand consists of several stages (Howlett and Ramesh [1995] 2004: 20-22;121 et seq.), possible to interpret as follows:
1. Agenda setting: when citizens’ preferences are being placed on the official agenda for consideration and solving;
2. Policy formulation: when public authorities formulate options to answer to citizens’ preferences;
3. Decision taking: when an official answer is being formulated to the previous raised inputs;
4. Policy implementation: when the official answer is being implemented; and:
5. Policy assessment: when the policy outcomes are being monitored and evaluated.

More static than the concept of ‘policy ebb and flow’ envisaged by Simmons et al. (1974), this interpretation serves, however, three major purposes: 1) it underlines the scope of public policies [that of responding through execution and assessment of the execution to what has been identified as (local) preferences], while admitting that: 2) the decisional power rests solely in the hands of the (local) public authorities who previously awarded the citizens with the opportunities to formulate and make public their preferences; and most importantly: 3) it links Dahl’s institutional guarantees for a minimal democratic system to the public administration concept.

Bearing this in mind, policy making becomes the process through which public authorities get to formulate, take, implement and assess the decisions aimed at satisfying, at one particular time, the preferences of their citizens. And, if to consider that local government is part of the administrative system, aiming at regulating and managing the local affairs for the interest of the local population, then local policy making becomes the process through which local public authorities formulate, take, implement and assess decisions as to comply to their citizens’ preferences.

3. Escaping the box: From local government to local governance

3.1 Participatory governance – conceptual framework

19 Heclo (1972:85) gives almost the same type of broad definition when suggests that policies are “courses of action pursued under the authority of governments”. In a rather different approach, Simmons et al. (1974:460) suggests that ‘policy’ is an indication of intention or a guide to action (rather than a decision which implies immediate consequences) and encompasses values which set social priorities in relations between government and society.
20 There is no causal relationship between the years presented above or the selection of the authors quoted in the body text.
21H.L. Wilensky, 1975 (quoted by Howlett and Ramesh [1995] 2004:122-123) noted that the agenda setting is an automatic process, resulted from the industrial and economic pressures known to the administrative bodies. In a very similar context, Bennett (1991) formulates his theory of convergence, according to which the states tend to converge to similar policies once the industrialization increases. In other view, the agenda setting is established on the basis of a people’s history, traditions, attitudes and conceptions, as encapsulated and codified in his political discourse (J. Jenson, 1991 and A. Stark 1992 in Howlett and Ramesh [1995] 2004:126).
No later than 1997, The World Bank (Kaufmann, Kraay and Mastruzzi 2005:4) acknowledged that accountability, political instability and violence, governmental efficacy, quality of regulations, the rule of law and corruption control were basic indicators for assessing the practice of governance. Later on, and still on normative level, the European Union has defined governance as a set of regulations, processes and attitudes which influenced the exercise of power at European level, especially in what concerns the openness, participation, accountability, efficacy and coherence [COM 2001 (428)]. Governance structures were as such said to be based on four key principles – accountability, participation, predictability, and transparency. The latter would have been required for a sound management of public resources, an enabling environment for the private sector and a productive partnership between the public and private sectors which did not degrade into closed circles of influence and privilege (Ahrens 2001:58 – 59).

In recent years, there has been considerable innovation in governance with the rise of an array of institutions that seek to engage citizens in playing a more active part in decisions which affect their lives (Cornwall and Gaventa 2006:405). The reason for such situation is quite simple: the state has expanded its activities into too many fields and the fact that both, resources and government efficiency have begun to lack, lead us into considering that there is a need for more opportunities for citizens to get involved in policy making (Schultz 2001:17). And although engagement in social and community participation has inevitably brought citizens in closer contact with the local institutions and processes of governance (Cornwall and Gaventa 2006: 408), participation is more than having meetings and presenting decisions. At its best, community-led development means moving away from paternalism or hopelessness to active collective engagement and is a matter of participatory processes toward collective goals and toward increased community leadership capacity over time (Butler Flora and Reid 2005: 207). According some authors – e.g. Lister (1998) – the right of participation in policy-making in social, economic, cultural and political life should be included in the nexus of basic human rights. Citizenship as participation can be consequently seen as representing an expression of human agency in the political arena, broadly defined; citizenship as rights enables people to act as agents (Lister 1998: 228). In this connection, as it is emphasized by Cornwall and Gaventa (2000), the active citizenship requires especially inclusive participation. Practically, it means that citizens are taken in as makers and shapers rather than as users and choosers of interventions or services designed by some public bodies or agencies. Thus, citizenship in democratic states brings with it certain rights and obligations.

However, the distinctions between citizens and non-citizens are not hard and fast and there are several reasons for this. Firstly, there has been an increasing geographical mobility; marked especially by the migration of individuals from one country to other one. Secondly, traditionally a citizen was the subject of a sovereign; today, however, with increasing interdependence (or globalization), sovereignty is becoming ever more transnational. And thirdly, in previous generations, democratic development implied above all the extension of the right to vote, and by that means, their inclusion in the political processes. Today, inclusion refers increasingly to the integration of immigrants into the political community via the bestowal of citizenship (Safran 1997: 314) what is visible especially at a local level. To tackle this issue, yet not to provide “the answer” to it, when talking here of governance structures and procedures and local policy making we will bring forward the concept of “preference-holders”. The latter will thus refer to a local community (or its members: public or private sector related, individuals or associative structures, etc.) represented by a local government and will connect to our paper’s interpretation of the policy making processes inside a democratic context.

Part now of the mainstream in almost all democratic countries, participatory governance is about mobilizing efforts from the business and associational sectors (Lovan, Murray and Shaffer 2005: 250) in a new politics – a new set of relationships and interactions between agencies and communities. This new politics, together with the capacity building process within agencies is dynamic and can be self-reinforcing. It requires rethinking assumptions, structures and culture about how the work of government is constructed. The central focus is the view of government not as a provider, but as an enabler of vibrant communities. In that regard, community engagement has the potential not to challenge government, but to enhance it (Cavaye 2005:100). Participatory governance assumes then that policy making should (Lovan, Murray and Shaffer 2005: 245-249):

1. concern itself with making connection vertically and horizontally between multiple preference-holders;
2. empower preference-holders to get involved in all its stages;
3. require joint working of the preference-holders;
4. embrace, in its scope, a wide range of often inter-related concerns;
5. learn from experience regarding what works well under different circumstances and what could work better;
6. be directly concerned with what can be achieved given resource and implementation mechanism realities;
7. champion authentic dialogue because on the one hand authentic dialogue allows preference-holders to engage with each other in inquiry, sharing and learning, and on the other hand it can allow service organizations and the people with whom they interact to begin to discover principles for a more productive engagement out of which can flow new practices of understanding and respect.

To resume: local governance and more precisely local participatory governance gives explicit credit to the role the preference-holders play inside policy making processes. Should we take this information and place it against the framework we already set for the democratic local policy making, we could argue that the participatory governance does rely on the democratic functioning of a local government. In fact, we assume that the presence of the participatory governance has as minimal prerequisites the same administrative principles we identified as necessary to the democratic functioning of a local government: e.g. local self-government and decentralization, openness and transparency, partnership and cooperation, non-discrimination, accountability and rule of law (table 1).

Table 1: Minimal prerequisites for a local participatory governance

<table>
<thead>
<tr>
<th>Stages in the policy making</th>
<th>Stages for a democratic local policy making</th>
<th>Minimal prerequisites for a local participatory governance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agenda setting</td>
<td>- Giving to preference-holders the possibility to formulate and express their preferences;</td>
<td>- local self-government and decentralization</td>
</tr>
<tr>
<td></td>
<td>- Receiving the preferences on what is the problem and what should be ‘the first’ problem to be solved;</td>
<td>- openness and transparency</td>
</tr>
<tr>
<td></td>
<td>- Defining the problem, after balancing all formulated and expressed preferences, in an impartially and non-discriminatory manner.</td>
<td>- partnership and cooperation</td>
</tr>
<tr>
<td>2. Policy formulation</td>
<td>- Balancing all the formulated and expressed preferences against systems’ available resources, strategies, legal constraints, etc.</td>
<td>- non-discrimination</td>
</tr>
<tr>
<td>3. Decision taking</td>
<td>- [non-discriminatory and impartially] decision taking</td>
<td>- accountability</td>
</tr>
<tr>
<td>4. Policy implementation</td>
<td>- [non-discriminatory and impartially] policy implementation</td>
<td>- rule of law</td>
</tr>
<tr>
<td>5. Policy assessment</td>
<td>- Giving to preference-holders the possibility to formulate and express their preferences;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Receiving the formulated and expressed preferences on what is (still) the problem;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- (Re) defining the problem, after balancing all the formulated and expressed preferences, in an impartially and non-discriminatory manner.</td>
<td></td>
</tr>
</tbody>
</table>

With this general outline of the conceptual framework of our research being made, the actual investigation follows.

3.2 Participatory local governance in Slovakia and Romania

Both our study cases share a common totalitarian background, and if to quote Rose et al [1998] 2003:61 and his assertion according to which „the fall of totalitarian systems implied the need for identifying alternatives, in a short time and under unexpected circumstances”, both Slovakia and Romania made their common choice when starting to democratize. Form our analysis point of view, again, both countries:

1. have signed and ratified the European Charter of Local Self-Government:

<table>
<thead>
<tr>
<th>For [...] the Charter:</th>
<th>was signed at:</th>
<th>was ratified at:</th>
<th>entered into force at:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slovakia</td>
<td>23/02/1999</td>
<td>01/02/2000</td>
<td>01/06/2000</td>
</tr>
</tbody>
</table>

22 The theoretical framework for the democratic administrative principles, as well as the research methodology and the results presented here draw from Iancu (forthcoming).
23 Source: Official website of the Council of Europe: www.conventions.coe.int/Treaty/en/Treaties/Html/122.htm (last access: 23.08.2007).
…and developed accordingly, new systems of local governments after the fall of the totalitarian administration.

2. started their accession to the European Union and eventually became Member States:

<table>
<thead>
<tr>
<th>Country</th>
<th>Signs the Accession Agreement in:</th>
<th>Becomes Candidate country in:</th>
<th>Starts negotiations in:</th>
<th>Ends the negotiations in:</th>
<th>Becomes Member State in:</th>
</tr>
</thead>
</table>

…and were accordingly subject to rigorous analyses of their administrative capacities and democracy practices.

Still, what is democratic in the practice of their consolidated public administrations remains an issue to be addressed. In this regard and as our final aim of the paper is to investigate the presence of the participatory governance in Slovakia and Romania, the concepts introduced so far will help us see if the prerequisites for a local participatory governance are possible to identify in our two cases, while considering the principles of local self-government and decentralization, openness and transparency, partnership and cooperation, non-discrimination, accountability and rule of law. In doing so, and giving that:

1. During Slovakia and Romania’s candidature to the European Union (1998-2002, respectively 1998-2004), the European Commission has elaborated several individual Regular Reports on their progress towards accession; and that:
2. The Regular Reports were elaborated by the European Commission on the basis of real decisions undertaken by the Slovak and Romanian authorities, international treaties and conventions already ratified and effective measures for implementing reforms; while:
3. The assessments comprised in the Regular Reports were grounded on information on progress toward accession provided by the Candidate countries, as well as on the Council’s discussions, European Parliament’s reports and resolutions and similar studies made by different international and non-governmental organizations.

We have agreed to consider the Regular Reports on the two countries’ progress toward accession within the time frame: 1998-2002 for Slovakia and 1998-2004 for Romania as adequate sources of information for our research. To this end, the documentary investigation of the Regular Reports on Slovakia and Romania (English versions) was conducted in two sessions, namely: August – September 2007 and March – April 2008. For rapid use of the quoted relevant texts: SR, will be employed instead of the formula “European Commission’s Regular Report on Slovakia’s Progress towards Accession” and RR, instead of “European Commission’s Regular Report on Romania’s Progress towards Accession”.

The principles for a minimal democratic local government were considered present based on the working definitions already provided and the indicators shown in the table 2:


<table>
<thead>
<tr>
<th>The following principles of the local government [...]:</th>
<th>are actively present giving [...]:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Local self-government and decentralization</td>
<td>- the existence of elected local public authorities and of local communities legally recognized as such;</td>
</tr>
<tr>
<td>2. Openness and transparency</td>
<td>- the legal recognition of the rights and obligations of local authorities necessary to the management of the community’s interests;</td>
</tr>
<tr>
<td>3. Partnership and cooperation</td>
<td>- the transfer of attributions, responsibilities and resources from central authorities to local ones;</td>
</tr>
<tr>
<td>4. Non-discrimination</td>
<td>- the information and consultation of preference-holders in regard to the organization and functioning of the local public administration;</td>
</tr>
<tr>
<td>5. Accountability</td>
<td>- the inclusive participation of preference-holders to local policy making;</td>
</tr>
</tbody>
</table>

24 Information provided by the Reports themselves (in their Prefaces: The context of the Progress Report).
6. Rule of law

- the creation and guarantee of a legal framework necessary to the balance of preference-holders’ inputs by local public administration authorities.

The correlation between the presence of the above stated principles within the local governments in Slovakia and Romania was possible thanks to the following interpretation scheme (table 3):


<table>
<thead>
<tr>
<th>The following formula regarding the principles of local government in Slovakia and Romania [...]</th>
<th>were interpreted as [...]</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is a lack (absence) of [...]</td>
<td>1. a necessity to introduce the principles in question in the practice of the Slovak and Romanian local governments</td>
</tr>
<tr>
<td>This [...] is necessary / required</td>
<td></td>
</tr>
<tr>
<td>There is no [...]</td>
<td></td>
</tr>
<tr>
<td>New rules / regulations need to be enforced</td>
<td></td>
</tr>
<tr>
<td>[...] needs to be established without delay</td>
<td>2. a necessity to enlarge and consolidate the Slovak and Romanian practice of the principles in question</td>
</tr>
<tr>
<td>Progress is still needed</td>
<td></td>
</tr>
<tr>
<td>Issues remain to be addressed</td>
<td></td>
</tr>
<tr>
<td>Efforts should be made</td>
<td></td>
</tr>
<tr>
<td>There is still need for</td>
<td></td>
</tr>
<tr>
<td>Good progress has been made, but [efforts are still needed]</td>
<td></td>
</tr>
<tr>
<td>Certain concerns persist</td>
<td></td>
</tr>
<tr>
<td>Limited progress can be reported</td>
<td></td>
</tr>
<tr>
<td>[...] remains / is / continues to be a problem</td>
<td></td>
</tr>
<tr>
<td>Significant progress has been made and the current momentum is to be maintained</td>
<td></td>
</tr>
<tr>
<td>Further improvement / efforts is needed</td>
<td></td>
</tr>
<tr>
<td>Preparations in [...] should continue</td>
<td></td>
</tr>
<tr>
<td>Efforts need to be reinforced / need to continue / are required</td>
<td></td>
</tr>
</tbody>
</table>

The findings of the research were:

Local self-government and decentralization

Slovakia: First references to the decentralization and local self-government principles in Slovakia were officially made in 1999, when the Commission noted that the European Charter of Local Self-Government had been signed, but not yet ratified and that the governmental initiative of reforming the public administration and developing a decentralization strategy needed development (SR 1999:14): “a positive signal was, however, the adoption of a strategy for the reform of the public administration and decentralization [but further work would be required in order to] develop a comprehensive approach to reform” (SR 1999:58). In 2000 the European Charter of Local Self-Government was ratified and the Commission suggested that the Law on Local Authority Administration was needed (SR 2000:16). The year that followed brought the required improvements (SR 2001:15), once the Constitution was amended, the administrative reorganization was made, a package of laws relating to decentralization of public administration reform was enacted and the Law on Competencies Devolution transferred a considerable number of functions from state to regional level and set the legal conditions for fiscal decentralization (SR 2001:16, 24). In 2002, the implementation of the public administration reform finally started considering self-administration as its key element (SR 2002:21). Overall progress within this direction was then recommended.

Romania: The 1998 Commission’s Report doesn’t contain explicit references on the principles of autonomy and decentralization as concrete European expectations for Romanian administrative reforms; in this sense, actually, pages 44 and 45 describe only briefly the internal changes of the administrative system and make no further comments. In 1999 however, the Commission considered that in the context of economic difficulties, the restructuring and transfer of responsibilities towards local authorities as accomplished one year ago had generated visible deterioration of the child care protection system (RR 1999:11, 63; RR 2000:20). It then advocated as possible reform solutions in favor of identifying a single authority responsible for the child care protection system and creating common standards for institutionalization, making no references to the

---

25 Law no 416/2001 Coll. of Laws on Some Competences Devolution from the State Administration Bodies on the Communities and Superior Territorial Units adopted by the National Council of the Slovak Republic on.
governmental tier where those competencies were to be exercised (RR 1999:16). Still, the same report encouraged the existent financial decentralization measures (RR 1999:63), draw attention to the need of consolidating the local capacity for collecting own revenues (RR 1999:26) and took notice of the decentralization trend in health system. In 2000 the Commission saluted the stable character of the Romanian decentralization legal framework; although financial transfers from central authorities to local ones were said to need further clarification (RR 2000: 16). Same opinion is to be found in 2001 (RR 2001:17) and 2002 (RR 2002:22, 24, 44), although RR 2001 (p.19) stated: „in March 2001, a new Law on Local Public Administration was adopted in order to extend and clarify the decentralization process. This legislation enshrines the principle of local self-government, clearly sets out the competencies of local authorities, and defines the relationship between central and local government. […] a greater fiscal autonomy is envisaged and the law sets out the right of local authorities to levy local taxes and to elaborate and approve their own budgets. This is a positive development, although difficulties have continued to arise from the transfer of new responsibilities to local authorities (e.g. education, health, institutionalized children) without a corresponding transfer of resources”. In 2003, the Commission resumed its interest in the decentralization process and made specific reference to the considerable lack of transparency in achieving financial transfers from county to local government’s level (RR 2003:17); a situation which might endanger the local self-government itself. In the wording of the Report, “the existing legislative framework is unclear and Romania lacks a strategy for managing the process of decentralization in a transparent and stable manner” (RR 2003:17).

In 2004, the transfer of responsibilities to local authorities was still not been matched with an adequate transfer of resources. The ability to raise local revenues remained limited and legislation governing financial transfers to local government still lacked transparency. However, “the Romanian authorities have made considerable efforts to develop a strategy for managing the process of decentralization in a transparent and stable manner” (RR 2004:18).

**Openness and transparency**

**Slovakia**: SR 1998 reported that the Government exercised a high degree of control over the public radio and television networks (p.11). Closely linked to the privatization of former public enterprises, the same report suggested that an important number of such privatization had lacked transparency and fairness (SR 1998:16, 18), an aspect to be seriously improved in 1999 (SR 1999:23). Still the lack of transparency but this time in connection to the fight against corruption was also noticed in 1999 (SR 1999:15) and 2000 (SR 2000:17). It has to be pointed however that the Slovakian government took into consideration a Strategy for the Implementation of the Information Society Policy, as well as a Report on the Implementation Global Information Networks, thus supporting the development of an informational society and, if to consider the latter’s essence, the principle of administrative openness (SR 1998:26). Furthermore, in 2000, the Commission noted that “a Law on Free Access to Information”26 was enacted. Based on the principle that any information that is not classified as confidential is of public use, this law should have contributed to improving transparency in public life and participation by civil society and to facilitating the fight against corruption” (SR 2000:18). This specific regulation, we might add, was also a significant development for increasing the openness of local policy making in Slovakia. Finally, in 2001, the Commission spoke of the need to make the administration further transparent (SR 2001:17), an idea reaffirmed in 2002 also (SR 2002:22). Again, in 2002, progress on implementing the law on free access to information was evident (SR 2002:22, 25).

**Romania**: According to RR 1998, the Romanian administrative system was characterized by administrative weakness, secret of public information and deterioration of equitable application of law (RR 1998:9). Still, adopting the National Strategy for Informatisation and fast implementation of the information society27 (in February 1998) appeared as a possible step in increasing the accessibility and efficiency of the public administration (RR 1998:26). In 1999, Commission positively noticed the legal development of the freedom of expression, making however a point when advocating against the latter’s limitations (the case of media censorship was then in debate: RR 1999:17; RR 2000:21). Still on the issue of openness, the Commission suggested the need to increase the visibility of the Ombudsman (RR 1999:17) and the non-discrimination of Roma population in local policy making (RR 1999:19). Still in 1999 and again in connection to the preference-holders participation to policy making, the creation of the Economic and Social Council in 1997

---

26 Law no. 211/2000 Coll. of Laws on Free Access to Information and on Changes and Completion of Some Other Acts adopted by the National Council of the Slovak Republic.

and development of a social dialogue legal framework was positively noticed (RR 1999:18, 46, 51). In regard to the transparency as a principle of local public administration, the Commission enumerated it amongst the prerequisites of an efficient financial management (RR 2000:16-17, 30 and RR 2004:39). However, in direct reference to local policy making (RR 2000:31) and privatization of public enterprises (RR 2000:49), it was considered absent. In the same vein, still in 2000, the free access to judicial documentation was considered to be restricted (RR 2000:16, but also RR 1999:13).

The principle of participation was at its turn noticed by the Commission but only in connection to the consumer protection and health system, the need for preference-holders involvement in central and local policy making being then seen as imperative (RR 2000:73). In 2001, introducing regulations on e-administration\(^{28}\) was considered a positive evolution of the administrative system towards openness and transparency (RR 2001:19); still, the absence of norms implementing the constitutional right to information\(^{29}\), and ensuring the transparency of local fiscal policies was considered a major administrative weakness (RR 2001:22; 35). One year later, the Commission advocated for the consolidation of the transparency of policy making processes (RR 2002:22), although progress in this regard was made once the law on free access to information was enacted\(^{30}\) (RR 2002:23,27,32; RR 2003:26). On the same topic of free access, with special reference to civil service, RR 2003 reaffirms the positive evolution of Law no. 188/1999\(^{31}\) on civil service (RR 2003:15) and, in direct connection to the law on transparency of the decision-making process, the Commission concluded that: “if implemented, that legislation [Law no.52/2003] could significantly improve the decision making process” (RR 2003:16-17). Same opinions are to be found in RR 2004, where only additional references to local implementation of the quoted legal texts were to be found (RR 2004:16). Still on the local level, RR 2004 recommended that the allocation of resource transfers to local authorities to be made in a transparent manner (RR 2004:18).

**Partnership and cooperation**

**Slovakia:** According to the European Commission’s Report, in 1998 several tensions were known to the social dialogue in Slovakia (p.11, 32). One year later some of them had been already addressed and progress was made (SR 1999:16, 46). However, in what concerns the regional policy, Slovakia was warned to pay attention “to the legal framework, co-ordination amongst ministries and decision making in the lead ministry, to a clear separation of administrative and political functions, to the management capacity and partnership with regional and local partners, social partners, SMEs and the business community” (SR 1999:47). A similar remark was to be made also in 2000 (SR 2000:65). Still in 2000 and with special reference to the partnership principle and the need to involve preference-holders into policy making processes, the Commission noted that: “Third sector representatives had been closely associated with the preparation of various reforms and their initiatives had increasingly benefited from financial support. In this improved climate a challenge for the future development of the NGO sector in Slovakia would be to sustain and improve its constructive cooperation with the political powers, while preserving the necessary intellectual and political independence so as to contribute to the furthering of democratic and social progress” (SR 2000:19; similar considerations were made also in 2001 – SR 2001:73). Still in 2000, the Commission was positively noticing that the social dialogue in policy making was improving (SR 2000:20, 53). Same remarks were maintained in 2001 (SR 2001:61) and 2002 (SR 2002:80, 82).

**Romania:** In 1998, the European Commission took evidence of the national social dialogue legal framework and of the existent local structures for cooperation (RR 1998:27) and noticed the intensification of the relationship between citizens, economic actors and administration (RR 1998:46). Romania was however asked to pay attention to the need of opening the public sector towards privatization and involvement of all private actors interested in public service delivery (RR 1998:11). One year later and relevant to this latter point, the Commission took notice of the progress made and asked for its consolidation (RR 1999:25). Still in 1999, RR mentioned the absence of formal provisions on institutional cooperation between central and local governments in the field of consumer protection (RR 1999:74). RR 2000 reiterated the need for a tripartite dialogue in policy making (RR 2000:23, 59) and asked for the strengthening of the institutional cooperation between central and local administration (RR 2000:39). Keeping the same line of argument, the Commission


\(^{29}\) Article 31 of the initial version of the Constitution of Romania (1991).

\(^{30}\) Law no. 544/2001, as published by the Official Gazette of Romania no. 663/23.10.2001. This legal text however has so far known several amendments.

\(^{31}\) Law on Civil Servant Statute initially published in the Official Gazette of Romania no. 600/08.12.1999. This text was severely and continuously amended, and in May 2007 republished (Official Gazette of Romania no. 365/29.05.2007. Since then, just one amended was brought, by Law no.287/2007, Official Gazette of Romania no. 749/05.11.2007.
also advocated for the strengthening of the regional managerial capacity through encouraging an efficient and partnership based process (RR 2000:70; RR 2001:80; RR 2002:102; RR 2003:94; RR 2004:115). In 2001 and then again in 2002 and 2004, the need for consultation (RR 2001:18,28,65,73,76) and social dialogue in policy making (RR 2002:35,83; RR 2003:29; RR 2004:92, 144, 149) was reinforced. In addition, RR 2002 called for actions in enhancing the inter-institutional cooperation between the Ombudsman and, inter alia, the local public administration institutions (p.29). Finally, RR 2003 reiterated the problem of cooperation and sanctioned the trend of consulting local authorities in formulating legislative drafts relevant to local communities (p.17).

Non-discrimination

Slovakia: Starting with the year 1998, Slovakia has known severe difficulties in complying with the political criteria, the non-ethnic discrimination being one of the matters of concern at European level. In this regard actually, SR 1998 suggested that the issuance of an amendment to the Municipal Election Law and to the Municipal Establishment Law clearly discriminating ethnic minorities was a serious issue in need to be promptly addressed by a state striving to enhance its democratic practices (p.8). The same report mentioned that no progress in non-discriminating the Hungarian and Roma minorities was being made, yet noted that some Roma families did benefit from the legal provision addressed to less favored families (SR 1998:12, 26). One year later, SR 1999 stated that part of the issues on non-ethnic discrimination were addressed (p.12-13), in this regard the Law on the Use of Minority Languages in Official Communications32 being nominated as a positive development. To elaborate further on the latter, persons belonging to minorities were given the opportunity to use their language in official communications with public administrative organs and organs of local self-administration in those municipalities where the minority constituted at least twenty per cent of the population (SR 1999:17). Positive remarks were also given to the inclusion of Hungarian minority representatives inside the governmental structures (SR 1999:17); however, in what concerns the Roma population, further assistance was still heavily required (SR 1999:17; SR 2000:20). In fact, the implementation of the Law on the use of minority languages failed to prove its effective implementation (SR 2000:20) and this, amongst others, brought the Commission to state that “more attention, including attention at local administration level, needs to be paid to protecting minorities and to changing deep-rooted discriminatory attitudes in society and, in particular, to improving the living and social conditions of the Roma population” (SR 2000:21-22). Same SR 2000 slowly moved the attention to another side of the discrimination behavior, namely the one targeted against women. As such, the Commission took notice of the developments Slovakia had made in what gender discrimination was concerned by signing the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (SR 2000:19, 52-53). In 2001 and then again in 2002 and 2004, the need for consultation (RR 2001:18,28,65,73,76) and social dialogue in policy making; as such, “a number of cases the discriminatory attitudes of local communities towards the Roma made proper implementation of the projects very difficult, underpinning and perpetuating the segregation of the Roma minority in some parts of the country” (SR 2002:31). Reform efforts in this regard were asked to be continued and reinforced as a matter of priority (SR 2002:33).

Romania: In 1998 (RR 1998:12), and with direct reference to Roma and Hungarian minorities, Romania received several red flags being called to offer opportunities to all its citizens to formulate, express and receive an official answer to their preferences, in a non-discriminatory manner. One year later, the Commission positively noted that the law on local public administration was amended as to create the obligation of civil servants working directly with the public to speak the language of an ethnic minority in areas where the minority represented at least 20 % of the population (RR 1999:19). RR 2000 cited the positive development of the Romanian administrative reforms, including there the civil servants’ obligation to non-discriminate on grounds of nationality, race, ethnicity, age, gender or sexual orientation (pp.18,59), but warned the officials on the presence of gender social discrimination (pp. 23-24) and ethnic, general discrimination (for Roma population) (p.87). Still in connection to ethnic discrimination, RR 2001 positively noted the fact that the new law in local public administration (no.215/200133) kept the previous provisions regarding the obligation of civil servants to speak the language of an ethnic minority should that specific minority was to represent at least 20% of the population (pp.19, 29) (a similar note would appear in RR

32 Law no 184/1999 Coll. of Laws on the Use of Minority Languages adopted by the National Council of the Slovak Republic.
33 Published in the Official Gazette of Romania no. 204/23.04.2001.
2002:35). It however suggested the imperative need to soundly implement Government Ordinance no. 137/2000 on anti-discrimination\(^\text{34}\) (pp. 22, 67) (same aspect was to be mentioned in RR 2002:85). Similar to 2000, RR 2001 asked for limitation of gender discrimination (p. 27), while RR 2002 asked for consolidation of Roma non-discriminatory administrative measures (pp. 35, 37). Finally, RR 2003 and 2004 concluded that serious progress was made in what concerned the ethnic discrimination in Romania and that its consolidation at central and local administrative level was necessarily required (RR 2003:32; RR 2004:29-30, 32).

**Accountability:**

**Slovakia:** For this present analysis, accountability raises attention only in what concerns the public administration’s human resources. In this respect, serious concerns over the lack of civil servants’ accountability to the preference-holders were raised even from 1998, when the Commission noted that in Slovakia, the absence of a civil service law made the administration vulnerable to the political interference (SR 1998:10, 38). Same remarks were made a year later, when the Commission stated: “the current legal framework did not provide the basis for a stable, politically neutral and highly professional civil service” (SR 1999:57). In 2000 however, the Civil Service Law was finally drafted, yet political tensions kept it away from being enacted; and so: “politicization, patronage and lack of accountability were still features of the [Slovak] public administration” (SR 2000:16). The next year brought severe changes: a civil service law was finally adopted: [its provisions] “combining the aims of fostering the creation of a professional, reliable, impartial and politically neutral civil service on the one hand and ensuring good social and economic conditions for civil servants on the other” (SR 2001:16) and the Ombudsman office to help protect fundamental rights and freedoms in cases where public administration bodies had violated the legal system or the rule of law was created\(^\text{35}\) (SR 2001:15, 20). Accountability finally became a subject for consolidation: The Law on the Public Service\(^\text{36}\) and the Law on the Civil Service\(^\text{37}\), aiming at creating a professional, impartial, politically neutral, efficient and flexible civil and public service, entered into force in April 2002 and codes of ethics for civil servants, employees in the public administration and elected representatives of self-government units were adopted in the same year (SR 2002:21-22, 25). In 2002 the Ombudsman office also became actively involved in promoting the values of accountability for the Slovak democratic system (SR 2002:27).

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

**Rule of law**

**Slovakia:** SR 1998 questioned the existence of a functioning democracy, giving the political instability generated, amongst other, by the existence of inconsistent constitutional provisions (p. 9); in the wording of the cited report: “During the period July 1997 to end September 1998 there had been a lack of stability in the institutions guaranteeing democracy, the rule of law and protection of human rights”\(^\text{38}\) (SR 1998:13). One year later however, the situation improved drastically (SR 1999:11-13), and Slovakia was recognized since as a candidate country fulfilling the political criteria (SR 1999:18; SR 2000:14; SR 2001:15; SR 2002:20).

---

\(^{34}\) Published in the Official Gazette of Romania no. 431/02.09.2000 and republished in the Official Gazette of Romania no. 99/08.02.2007.

\(^{35}\) It was established through the Law no. 564/2001 Coll. of Laws on Ombudsman and amending of the Slovak Constitution no. 90/2001 Coll. on Laws adopted by the National Council of the Slovak Republic.

\(^{36}\) Law no. 313/2001 Coll. on Laws on the Public Service adopted by the National Council of the Slovak Republic.

\(^{37}\) Law no. 312/2001 Coll. on Laws on the Civil Service and on Changes and Completion of Some Other Acts adopted by the National Council of the Slovak Republic.

\(^{38}\) In the mid-1990s, the Slovak political situation was characterized by the absence of a consensual elite. Although levers had already been created for public access to the policy-making process in the early 1990s, strengthening of participatory governance was not really a priority. Moreover, in 1995-7, during the era characterized by a ‘struggle over the rules of the game’ and political instability, the idea of a consolidated democracy in the SR was considered more uncertain than just ‘a variant of an unstable regime’ within the frame of policy-making processes (Szomolányi, 2004: 9).
To sum up: The findings support the idea that the minimal prerequisites of local participatory governance are present in both Slovakia and Romania. Differences in degree, implementation and understanding of the six principles under observation, though probably present in our two cases, were however impossible to interpret. A time frame evolution of the appearance of those principles inside the local policy making practice is however possible to sketch as follows:

4. Conclusions from outside the box

Public administration is not an air-sealed box anymore. Its walls have become permeable and the inside bodies and activities started to interact with the surrounding. Talks of openness, accountability and non-discrimination have emerged, and on their grounds, concepts such as: local self-government, governance and participatory governance were formulated. This paper briefly focuses on the outsides of the box: and in doing so, it analyzes the democratic scenery which imposed changes to the public administration’s organization and functioning. Following R. Dahl’s interpretation of a modern democracy, six principles necessary to the existence of a minimal democratic administration were formulated: local self-government and decentralization, openness and transparency, partnership and cooperation, non-discrimination, accountability and rule of law. They were seen also as main references for what policy making should be like in a democratic society. Giving these two assumptions, one form of the policy making inside the local government level was considered the participatory governance. Indicators of its presence in early local government systems in Slovakia and Romania were discovered and expectations for its future consolidation were formulated.

Selective References:


COM 2001 (428) – White Paper on European Governance


Delcamp, A.1996. “Monitoring the implementation of the European Charter of Local Self-Government in the Member States which have ratified it“.

Conference on the occasion of the 10-th anniversary of the European Charter of Local Self-Government proceedings. Council of Europe Publishing House, Congress of Local and Regional Authorities of Europe - studies and texts no. 50.


SIGMA. 1999. European Principles for Public Administration. SIGMA paper no. 27, CCNM/SIGMA/PUMA (99) 44/REV1, Paris: OCDE.


