

THE EFFICIENCY OF THE PUBLIC ADMINISTRATION REFORM IN REPUBLIC OF MOLDOVA

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Abstract

The choice of the European development vector for the Republic of Moldova means, above all, radical reforms on multiple levels. In this context, the society of the Republic of Moldova crosses the complex stage of change through democratization. The process of transformation from the public administration, in general, and in the governmental institutions in particular, gets new dimensions. Thus, they must respond to the new changes in the world economy, but also to the new requirements of the process of integration into the structures of the European Union. The radical change of the current social model requires the change of the new administrative system.

The results of the research carried out in this study indicate that the visible effects of the reform will be felt when all its components are implemented, with accountability to the public administration, efficient management of public money, transparency of public procurement, ensuring citizen participation in the public policy making process, modernizing and delivering quality public services to citizens, ensuring the employment and promotion of civil servants based on meritocracy, adequate remuneration and motivation of civil servants on the basis of performance, ensuring decentralization and autonomy at local level.

Key Words: *reform of public administration. reform agenda, government structure, reform process, public policies*

JEL Classification: [K10]

1. Introduction

The actuality of the analysed subject in the present scientific approach is conditioned by the complexity of situation in the Republic of Moldova (RM) following the assumption of the political option of European Union (EU) integration. Choosing European vector of development means, above all, radical reforms in many fields and the decisive outcome of the perpetuated stagnation on the background of historical misconceptions.

Worldwide, the trend of recent years is that of globalization and the intense development of social systems. In the new context, national states are put in a whole new position, where institutions and administrative systems need to be flexible in order to adapt these transformations.

In this respect, the Moldovan society crosses the complex stage – and not very smoothly – of change through democratization, and there is practically no economic, social, political area – evaded by the dynamics of the process of

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adaptation to the current conditions, influenced by multidirectional pulses. In practice, two distinct and anti-theatrical options can be found, choosing one or the other with major consequences for the RM.

On the one hand, keeping the current model of Eastern inspiration, defined by the subordination of state institutions to the centre of power; concentration of decision at political class and economic elite level; low community participation in the process of change, the population being regarded as manipulable amorphous mass, what matters punctually to the elections and then ignored.

On the other hand, effective and efficient assimilation of the European system, which is centred on person and community, the generator of progress and well-being for all members of society, in which the opinion of the citizen really matters. The confrontation between the old and the new takes place in the context of serious economic problems. To this is added foreign propaganda, particularly intense and effective, which aims to paralyse the wills, maintaining or even worsening the current situation to hinder the development of the RM and keep it in the wake of foreign geopolitical interests. In these conditions, hesitations, delays, inconsistency, deviations, and the decisive rejection of the European path of democratization are fully explained.

The democratic system is fully functional when the whole social body resonates coherently to change, successful records, as well as to the extent that the democratic spirit develops and stabilizes at the collective mental level. The relations of the Republic of Moldova with the European Union have already had a history about twenty years, during which they gradually developed. Progress is characterized by the successive amplification of the complexity of the bilateral relations reflected in the agreements and documents signed.

2. The dimensions of public administration reform

For the Republic of Moldova, the process of transformation from the public administration, in general, and in the governmental institutions in particular, gets new dimensions.

Thus, they must respond to the new changes in the world economy, but also to the new requirements of the process of integration into the structures of the European Union.

On the other hand, the development of democracy requires rethinking and establishing a new relationship between citizens and administration, increasing and strengthening the role of the authorities, and reconsidering the partnership with civil society.

The radical change of the current societal model requires, among other things, the construction of the new administrative system. In this context, the reform of public administration in the Republic of Moldova is an indisputable desideratum, which derives first of all from the fact that public administration authorities are

responsible and promoters of reforms in all spheres of social life. (Șîmboteanu, A., 2014, p. 16)

Thus, only an efficient management system with a responsible and competent body of staff can ensure the good realization of the reforms in the society.

The reform of public administration is also conditioned by the implementation of the Association Agreement with the European Union. In this context, we mention Article 21 of Title IV of the Agreement which states: the cooperation of the Republic of Moldova with the European Union *”shall focus on the development of efficient and accountable public administration in the Republic of Moldova, with the aim of supporting implementation of the rule of law, ensuring that state institutions work for the benefit of the entire population of the Republic of Moldova, and promoting the smooth development of relations between the Republic of Moldova and its partners.”*

In the same vein, we also mention Article 22 of Title IV of the Agreement, which specifies the main dimensions of cooperation in the field of public administration:

(a) the institutional and functional development of public authorities, in order to increase the efficiency of their activity and ensuring an efficient, participatory and transparent decision-making and strategic planning process;

(b) modernization of public services including the introduction and implementation of E-Governance, with a view to increasing the efficiency of service delivery to citizens and reducing the costs of doing business;

(c) creation of a professional civil service based on the principle of managerial accountability and effective delegation of authority, as well as fair and transparent recruitment, training, assessment and remuneration;

(d) effective and professional human resource management and career development;

(e) the promotion of ethical values in the civil service (Law No.112)¹.

Thus, the advancement of the public administration towards modernization and democratization on European coordinates is both a cause and an effect of the expected developments in society. In other words, the adoption of European administrative models in the future will generate certain positive developments. Equally, the commitments undertaken by the Republic of Moldova are bound by dramatic changes, including the administrative level.

Effective management of public affairs and implementation of Moldova's European course has pushed development and adoption of the Public Administration Reform Strategy for the period 2016-2020 (Government Decision no. 911).²

The strategy focuses on five main components:

- empowering public administration;

¹ Published in the Official Gazette of the Republic of Moldova no. 185-199 of 18.07. 2014.

² Published in the Official Gazette of the Republic of Moldova no. 256-264 of 12.08.2016.

- developing and coordinating public policies;
- modernizing public services;
- public finance management;
- public service and human resources management.

We should mention that is for the first time when the Strategy has a complex approach of the public administration system with both of its components: central public administration and local public administration. Previous administrative reforms were segmented, which in our opinion did not give the expected results. (Șaptefrați, T., 2017, p. 5)

3. The strategic framework of public administration reform

The strategic framework of the reform started in 2016, essentially does not detract from the priorities outlined in the policy documents of the last decade. Thus, the general objective of the reform is to create a modern, professional public administration that is oriented towards providing quality public services in line with the needs and expectations of citizens and social and economic entities.

In the same hypothesis, and the specific objectives outlined include some outstanding elements of previously implemented public policies, such as: streamlining the Government structure, less bureaucratic, avoid duplication, the delimitation of policy-making functions from their implementation and regulatory functions, streamlining budget spending, etc.

In the context, three criteria were laid at the basis of the Government's reform: optimization, efficiency and stimulation. In the public space, at political level, the authors of the Government's reform have emphasized the following aspects of this initiative: depoliticizing and reducing ministries, staff optimizations and increasing the salaries of executive staff.

Government reform has also generated more criticism about the process of drafting and implementing this initiative: institutional-functional, socio-economic, transparency and information.

It should be noted that the information and documents relating to the actions undertaken for the implementation of the Strategy are either not made public or dispersed on different web portals (particip.gov.md, parlament.md, gov.md, cancelaria.gov.md, etc.), without the targeted information and discussion with all those concerned, with the subjects affected by these acts, the representative associations, experts and other stakeholders³.

The reform of the ministries, as well as the reform of some public authorities and institutions, also have some reservations regarding transparency and impact. It has not been made public and is not known about the analysis underlying the new Government structure, the criteria for merging ministries and assessing the impact

³ Monitoring report on the implementation of the Public Administration Reform Strategy for years 2016 – 2020 (23. 12. 2016 - 30. 11. 2017), Chișinău, 2017, p. 7.

of these improvements. At the same time, the draft of the Parliament's Decision for the approval of the list of ministries was not subject to public consultations.

In this respect, greater transparency is required of the work carried out by the National Public Administration Reform Council and the Reform Implementation Centre.

The analysis of the relations between the central public administration and the local public administration shows that a blockage has been created in the dialogue of the central power with the local power and the associative sector. In reality, however, we find that all actors are interested in advancing reforms and on this dimension, coming up with visions and approaches, largely complementary. In this context, it is necessary to overcome these disagreements, which can be achieved by building a real, participative, transparent, continuous, efficient and multilateral dialogue.

We mention that the reform agenda is, however, a priority for decision-makers. Thus, the Roadmap on the Priority Reform Agenda is being drafted half-yearly. The roadmap synchronizes the efforts of the Parliament and the Government of the Republic of Moldova to implement a series of urgent commitments under the Association Agreement with the EU.

At the same time, the Roadmap aims to strengthen the confidence of development partners and the citizens of the country in governance by promoting a number of priority policies in two core areas:

1) the development of good governance and the rule of law, with emphasis on public administration reform, justice and the fight against corruption; and fundamental rights and freedoms; and 2) economic development and ensuring a functioning market economy, focusing on the financial and banking sector governance; investment climate and business environment; agriculture and food safety; education, culture, science; and social programs.

In other news, although the authorities have begun plenary to implement the Roadmap on the Priority Reform Agenda, the process takes place with multiple delays and has numerous content and procedure reservations.

Thus, according to a study conducted during the 2017 year of the 51 actions set out in the Roadmap (Government-Parliament), 26 were planned for the period (July - November 2017), of which only 11 were achieved, the others are in the process of realization. Of the 11 actions performed, 4 were rated as "achieved with reservations", the reasons ranging from the strict non-observance of the decision-making process to content aspects requiring substantial improvements.⁴

The main reasons for breaking the deadlines are setting too ambitious calendar targets, as well as public administration reform that temporarily affected the pace of reforms in general and the implementation of the measures set out in the Roadmap in particular.

⁴ Monitoring report on the implementation of the Roadmap on the Priority Reform Agenda (5 July – 22 November 2017), Chișinău, 2017, p. 5-7.

However, we draw attention to the fact that the actions taken in the Roadmap are aimed at establishing the strategic and institutional framework necessary for the implementation of the reform, not the proper realization of the reform.

We note that the main action of public administration reform was the approval of the new Government structure, on the basis of which several ministries were merged, the main innovation being the replacement of the position of deputy minister with that of general secretary of state and state secretary and approval of the list of ministries by Parliament's decision.

However, the process raised several concerns because it was not accompanied by a functional analysis presenting the analytical reasoning and financial basis of this restructuring. This indicates the probability that the reform was driven by rather political considerations, (reducing the number of ministries, the number of civil servants and the economies thus created), rather than streamlining processes. Most draft normative acts in this chapter have not been subject to public consultations.

4. The challenges of public administration reform

The results of our research show that there is not enough and convincing communication of the reason for the change, the aims, objectives and directions of progress, the impact of reforms and EU support on public institutions.

By virtue of the reforms of the Government and the submitted recommendations, cannot be ensured that it is reorganized according to good practices, without the appropriate responsibility of the decision-makers and without the necessary financial resources, so the initiative risks remaining only at the level of intentions.⁵

Although elements of a potential European governance model sketch have been identified with regard to the ministerial administration, we find that the political, legal and administrative institutions of the Member States have preserved their identity and pre-accession characteristics and subsequently simplified the crystallization of reforms in the central public administration.

We take into account that the Europeanization of the Moldovan public administration has so far experienced a sinuous route, the concrete effects being relatively little visible despite the reform projects and changes in the legislation in the field. In fact, EU requirements are often formulated in the form of abstract principles and rules, with no customized action at national level. It is true that, in terms of administration, there are no pre-established models. In other words, reform is more a matter of will, consistency and coherence.

It follows that the formal incorporation of Community rules leaves enough space for local interpretations, tests and practices, and the processes themselves can be carried out in large part by public employees.

⁵ Analytical Note. Some Problematic Aspect of the Government Reform, Chișinău, 2017, p. 10 - 17.

The Government Reform of 2017 is the second attempt, in the last 10 years, of the Republic of Moldova to reform the central public administration.

We note that reforming the structure of the Government is not an end in itself, but a way of achieving the Government's objectives according to the social economic development priorities, as it is also envisaged in the Strategy on Public Administration Reform.

However, in developing and promoting the current reform of the Government structure, a greater emphasis was placed on reducing the number of ministries, the number of civil servants and therefore created economies.

Thus, the Government's reform aimed at optimizing the staffing of the ministry staff and saving money to be reinvested in the salary increase of civil servants. After the reform, it is desirable to reach attractive salaries for civil servants in the state administration.⁶

However, staff optimizations bear certain risks. In the case of quick dismissals, several errors may occur. There is no certainty that the most prominent will be selected to stay in office. Employees transferred to other positions will need time to meet the requirements of the new job descriptions. This may affect the moral and professional climate in the ministerial apparatus, which could create negative consequences of inefficiency and institutional bottlenecks in the act of governance.

We mention in context the importance of performing a functional analysis of the entire system that must precede and substantiate decision-making, providing bases for the restructuring of public administration institutions to bring them to the position where they will perform the necessary functions in the most efficient way.

In this respect, the functional analysis should investigate the possible reorganization alternatives in order to inform the strategic decisions about possible restructuring and reorganization.

We note, however, that at present the reform of the public administration is limited to the approval of normative acts, without resorting to analysis of alternatives / reform options, according to the actions included in the Action Plan of implementation the Public Administration Reform Strategy for the period 2016-2020, which could seriously erode the impact of public administration reform.

According to the provisions of the Reform Strategy and its Implementation Plan, the Government's reform aims to achieve the institutional depoliticization of ministries. Conceptually, following the Government's reform, the ministries should remain only centres of policy making, monitoring and evaluation.

All the instruments that concern the implementation of the policies under the ministries have been transmitted to agencies subordinated to the Government.

⁶ The Government Decision no. 1351 of December 15, 2016, approving the Action Plan for the years 2016-2018 for the implementation of the Public Administration Reform Strategy for the years 2016-2020.

On the scale of depoliticization of the Government, one of the major innovations of the reform refers to the fact that deputy ministers are replaced by state secretaries. In fact, the secretary of state function was established prior to the Government's reform. In accordance with the central specialized public administration Law adopted in 2012, the following in the hierarchical structure after ministers are the State Secretaries-General and State Secretaries responsible for domains. (Gheorghiu, T., 2017, p. 24)

After the implementation of the reform, the minister position must be the only political position in the ministry, and the heads of the structural subdivisions of the central public administration authorities must be civil servants. This implies that the political functions are divided by the administrative ones.

However, the depoliticization of ministries is not certain given that the criteria and assessment indicators underlying the decisions taken by the reformists in the process of recruiting secretaries-general / secretaries of state are not clear.

Conceptually, by excluding vice-ministry functions, it is intended to establish the status of top managers of civil servants in the system. The number of state secretaries for each ministry has been set by the Government, depending on the areas of activity of the Cabinet of Ministers, transmitted to the authority. The Secretaries-General of the Ministries and State Secretaries were appointed following the conducting of competitions for the occupation of the leading positions by special commissions and created by Government decision of August 16, 2017.⁷

A crucial role in achieving the depoliticization of the ministries lies with these specially organized commissions for the selection of persons in senior positions in the ministries. In this respect, the committees must be independent and the results of the contest should not be influenced by the political factor within the government.

They must be guided by the principle of meritocracy and choose the best specialists in the selected field. This can only be done with the maximum transparency of organizing competitions for the selection of candidates. Otherwise, the depoliticization of ministers will be reduced to structural changes within ministerial institutions.

Also, the credibility of the depoliticization of ministries will be diminished if many of the former deputy ministers are automatically transformed into secretaries-general or state secretaries. The analyses made in this research study reveal a low level of transparency in the process of selecting and employing state secretaries. So, there is no public information about the results of the contests, the ranking of the participants, including the commission's assessment.

In these circumstances, we consider it necessary for the responsible public authorities (State Chancellery) to ensure public access to all information concerning selection and appointment to the public office, including: the number and names of

⁷ The Government Decision no. 654 of 16.08.2017, on setting up committees for organizing and conducting the competition for the employment of senior management public positions.

the candidates who participated in the selection competitions for vacancies; the minutes of the selection board for the vacant position, including the commission's assessment and the ranking of the applicants at both stages: CV competition and interviews.

We also assist situations when top-level senior civil servants do not have the appropriate specialization / studies for the field to be managed, or even the specificity of the central public authority in which they are to be employed.

Thus, the problematic / unprofessional quality of the body of civil servants of all categories may affect the achievement of the reform targets. In this context, it is important to increase transparency in the process of selecting and promoting civil servants, increasing the level of training of civil servants at all levels.

In order to support the process of transformation of the public administration, in accordance with the requirements of the reform process in this field, a coherent set of measures is to be taken in a well-defined period, in the field of civil service, which aims to create a professional body of civil servants, stable and politically neutral, in the field of public administration. Only in this way will the premises of the real transformation of the Moldovan public administration be ensured.

The visible effects of the reform will be felt when all its components are implemented, with the accountability of the public administration, efficient management of public money, transparency of public procurement, ensuring citizen participation in the policy-making process, modernizing and delivering quality public services to citizens, ensuring the employment and promotion of civil servants based on meritocracy, adequate remuneration and motivation of civil servants on the basis of performance, ensuring decentralization and autonomy at local level, etc.

Concluding remarks

We believe that public administration reform on European coordinates is not consistently promoted, reducing the chances of success of the country's EU integration.

From this perspective, the reasons for the modest successes in the reform of the public administration in the Republic of Moldova it was the adoption of superficial measures in the detriment of the essential's ones. It was preferable to intervene exclusively by legislative means, instead of trying to define policies that have components other than simple regulation.

As a result, measures that have a direct and palpable impact on the standard of living of the population need to be conceptualized and implemented, with the most concrete effects and the most obvious exemplary force.

It is true that, in terms of administration, there are no pre-established models. But so that the administration can actively support EU integration, have to adopt rules, respect them and form People. In other words, reform is more a matter of will, consistency and coherence.

It follows, therefore, that the formal incorporation of Community rules leaves enough space for local interpretations, tests and practices, and the processes themselves can be achieved largely by public employees. It should be borne in mind that, largely, the implementation of the reforms is carried out by civil servants in the stage of knowledge and adaptation, which requires their adequate training.

We believe that overloading the system due to the implementation of the reform poses a threat to it.

The rhythm, volume and scale of changes brought by reforms and public policies, drafted abundantly in this respect, can be overwhelming.

Decision makers need to have time for other decisions and tasks, so they can be reluctant to implement full reforms. To avoid such a situation, it is important that the reforms are gradually introduced so that the system is not overloaded and the benefits are visible.

At all stages of implementation of Moldova's reforms is visible another threat to its effectiveness, ie "reform fatigue".

Most administrative reforms are experiencing this problem. The reforming process usually starts well; the legislation is formulated, the procedures are changing, the new job descriptions are approved and training sessions are organized. In time, however, the scale of the reform becomes evident, and line ministries resume their old habits and start looking for ways to dodge.

If the reform will not be strongly pushed by the central institutions with responsibility and the line ministries will find no advantage in the reform (performance rewards must be considered), it will be very difficult to maintain the rhythm.

We reiterate another threat to this process, namely the insufficiency of policy development and evaluation capacities.

The ability to develop policies is not a simple ability and policy analysis within government involves learning through exercise. Skills of a good analyst needs to be developed, and investment in experts, which is still incomprehensible, is very important. Here we mention the appropriate motivation, guaranteeing performance and hopes of prodigious activity for the public system, so it is a challenge to attract and retain competent people.

Any reform in the field of public administration in the Republic of Moldova presents the risk that a government change might hinder or reverse the measures taken.

It is necessary for the persons who take up certain positions of public dignity or decision-making area to be informed correctly and transversely about the ongoing reforms, the partnerships in the process and the expected prospects, elements that need to be rationalized.

Bibliography

1. Law No. 112 of 02.07.2014 of the ratification of the Association Agreement between the Republic of Moldova on the one hand and the European Union and the European Atomic Energy Community and their Member States on the other. Official Gazette of the Republic of Moldova no. 185-199 of 18.07. 2014.
2. Government Decision no. 911 of 25.07.2016 of the approval of the Public Administration Reform Strategy for 2016-2020. Official Gazette no. 256-264 of 12.08.2016.
3. Monitoring report on the implementation of the Public Administration Reform Strategy for years 2016 – 2020 (23. 12. 2016 - 30. 11. 2017), Chișinău, 2017, p. 7–15. [On-line]: <http://viitorul.org/files/library/RAPORT%20DE%20MONITORIZARE.pdf>, (accessed la 21.05.2019).
4. Monitoring report on the implementation of the Roadmap on the Priority Reform Agenda (5 July – 22 November 2017), Chișinău, 2017, p. 5-7. [On-line]: https://crjm.org/wp-content/uploads/2017/12/Raport-intermediar-RO_final.pdf, (accessed la 21.05.2019).
5. Analytical Note. Some problematic aspect of the Government Reform, Chișinău, 2017, p. 10 - 17. [On-line]: http://fes-moldova.org/fileadmin/user_upload/Policy_Brief_RAPC-rom.pdf, (accessed la 21.05.2019).
6. Government Decision no. 1351 of December 15, 2016, approving the Action Plan for the years 2016-2018 for the implementation of the Public Administration Reform Strategy for the years 2016-2020.
7. Government Decision no. 654 of 16.08.2017, on setting up committees for organizing and conducting the competition for the employment of senior management public positions. / <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=371275>, (accessed la 21.05.2019).
8. Gheorghiu, T., Funcția de secretar de stat în Republica Moldova: prezent și perspective. În: *Administrarea publică*, revistă metodică-științifică trimestrială, nr. 2, 2017. Chișinău, 2017, p. 24-30.
9. Sîmboteanu, A., Reforma administrației publice în Republica Moldova din perspectiva Acordului de Asociere cu UE. În: *Administrarea publică*, revistă metodică-științifică trimestrială, nr. 3. Chișinău, 2014, p. 16 sqq.
10. Șaptefrați, T., Provocările reformei administrației publice la nivel local. În *Materialele conferinței științifico-practice cu participare internațională „Teoria și Practica administrației publice”* din 19 mai 2017, Chișinău, 2017, p. 5 sqq.