

DECENTRALIZATION AND DECONCENTRATION - NECESSARY CONDITIONS FOR THE EMERGENCE OF LOCAL DEMOCRACY ELEMENTS

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Abstract:

The article deals with the issue of decentralization and deconcentration as specific elements in achieving local democracy, pursuing a comprehensive analysis of these principles. We can say that democracy is a form of organization and political leadership of society in consultation with citizens, taking into account their will and interests and the aspirations for the progress of the country. It is governance by the people, the supreme power being exercised by the people directly or through elected representatives under a free electoral system. The ultimate aim is to transform people's lives and eradicate poverty by giving political, administrative and financial power to people, in order for them to be able to control their own destiny effectively and to take action for the entire process to be supported. The objective should be to transform the Romanian administration into an efficient and performing administration, the local government thus becoming the true engine of development in Romania. At the end of this process, it is expected that both central and local government will be equal partners in developing the country. Also, it is desired that the entire civil society participation in governance, greater transparency and accountability, respect for rule of law, sound strategies for poverty eradication, main gender and other issues related to disadvantaged groups, were maintained and sustained.

Key words: democracy, decentralization, deconcentration, technical decentralization, principle of local autonomy

JEL Classification: H83

1. INTRODUCTION

The paper presents issues regarding the process of decentralization and deconcentration in the context of the reform strategy of local government, introducing the principles and rules that support the process of decentralization and the link between decentralization and deconcentration, on the one hand, and the emergence of local democracy elements, on the other hand. Decentralization involves democratization and involvement of people in their own development.

Democracy is a type of political regime, but also a way of life. It is the product of society, but is also producing life styles and collective styles of existence. The study of democracy includes a set of laws that govern collective life, social feelings, emotions etc.

To make and keep a democratic government in a given society is a difficult thing, a fact recognized in political science, whose history is based on the words of Aristotle, that "the purpose of a state is to be, where possible, a society of equal people".

2. DEFINITION OF DEMOCRACY

Trying to define democracy is very difficult. Democracy has evolved over history, taking very different forms nowadays. A definition of democracy shows that this means "rule by people for people".

In the Greek language it means "rule of the people", a form of state organization and management in which power comes from the people and the latter express it either directly or (and) indirectly. Democracy has emerged on the European continent, first in the Greek polis as a direct or immediate democracy.

The classical definition of democracy belongs to Joseph Schumpeter in his *Capitalism, Socialism and Democracy*: "Democracy is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."

Francis Fukuyama in "The End of History?" in *The National Interest* says that the world has become increasingly integrated into a capitalist economy and democracy does not appear to have any significant competitor. The main thesis of Fukuyama is that the disintegration of communism leaves free hand to democracy making it unique in the present ideological space without a visible competitor.

A democratic government is the basis for achieving the Millennium Development Goals and our need to be applied a comprehensive approach; therefore better governance is the key to a successful development policy. The key element of good governance is the recognition that the best decisions are made at the level closest to the citizen.

3. THE APPLICATION OF THE PRINCIPLES OF DECENTRALIZATION AND DECONCENTRATION LEADS TO AN ADMINISTRATIVE SYSTEM

In the administrative law theory, there are several government systems: a centralized and a decentralized system, as the predominant factor is the central or the local one. Between them there are a number of intermediate systems: deconcentration, a system in which local authorities, although with major powers are not elected but appointed by the centre and the administrative supervision, which implies the existence of a right of control of the central authorities on the local decentralized government.

The analysis of the legal framework regarding the organization and operation of the local public administration local detaches the following basic principles which the local public administration system is based on:

- The principle of local autonomy;
- The principle of decentralization of public services;
- The principle of deconcentration;
- The principles of subsidiarity and proportionality;
- The principle of eligibility of the local government members;
- The principle of consultation of citizens in local issues of particular interest.

Reforming any system in the direction of decentralization is always an extremely sensitive political process and a very complex one as well.

Decentralization and deconcentration are subject to serious divergences, polemics and effort in the whole world. From this perspective, decentralization is a long term effort that requires systematic actions of getting acquainted with institutions, public policies and public perception of local and regional actors on the whole phenomenon of decentralization. Decentralization is a constitutional principle and a tool for assessing the degree of local, financial and patrimonial and administrative autonomy.

The application of the principles of decentralization and deconcentration leads to an administrative system and institutions of government able to provide greater transparency and responsibility, respect for the rule of law, solid strategy for eradicating poverty and solutions to other problems.

We believe, along with other authors, that to qualify a system as decentralized or centralized means to determine what types of relationships exist between the authorities at the centre, on the one hand, and those in territory on the other hand. In administrative law theory, there are several management systems: a centralized and a decentralized system, as the predominant factor is the central or the local one. Between them there are a number of intermediate systems: deconcentration, a system in which local authorities although have major powers are not elected but appointed by the centre and the administrative supervision, which implies the existence of a right of control of the central authorities on the decentralized local government.

Public administration in any state will not be able to solve its tasks which are set only by central administrative bodies; they will necessarily have to be arranged throughout the country. In this context, decentralization means that administrative organization which allows collectivities (or services) to manage themselves. Therefore decentralization occurs as an administrative regime

opposed to centralization, local authorities are not hierarchically subordinate to the central ones, but have some autonomy, and their documents will not be canceled by the central authorities, although the state reserves the right to control the activity of these authorities. Local autonomy is a fundamental principle of functioning of the local collectivities and involves solving the local problems by the representatives of the administrative territorial units. This principle is enshrined in both international documents and national laws of each state. In the present context the reform of the administrative system is discussed more and more often. However, it is difficult to talk about a reform of the public administration in the absence of local decentralization.

Decentralization produces favorable conditions for the emergence of local democracy elements, as it delegates to elected local authorities the right to exercise their own responsibilities, confirmed by free and universal vote. Decentralization appears as a system based on the recognition of local interest which is different from the general one through making local collectivities within the state collectivity, the former having functional organizational structures and their own heritage for the fulfillment of local interest.

Decentralization is seen as an indispensable corollary of democracy, for the organization of public administration. Moreover, the problem about the relationship between democracy and decentralization has been quite frequently discussed. The experience of the Central and Eastern European countries prove the essential role decentralization and democratization of public administration in the territory played in the wide process of reform of the societies in transition. A difference must be made between established democracies with a long tradition, based on solid democratic political regimes and the democracies of the recently listed countries in the "wave " of democratization. Local territorial collectivities are intermediaries between the individual and the central power, generating rules adapted to each geographical framework and personalizing the state authority according to local problems. (1)

Decentralization is an expression of democracy applied to administration, providing a system in which citizens participate in the government through local authorities elected by them. The political foundation of decentralization is recognized by the European Charter of local autonomy as one of Europe's common democratic principles.

Citizens have many ways of local democracy through which they can participate in the self governing: the local elections, the right to petition and reclaiming, support in the deliberative meetings, participation in local referendums, and in some cases general initiatives, etc.

4. THE PRINCIPLE OF CONSULTATION OF CITIZENS - COMPONENT OF LOCAL DEMOCRACY

The principle of consultation of citizens on matters of local interest (or local referendum) is a component of local democracy, allowing the direct intervention of local communities in solving certain problems. The principle of consultation of citizens derives from local autonomy, as the local referendum is a genuine feature of it. [156, p.196]

In a democracy, power is designated by general elections, equal, free, secret and direct, those who come into its possession having a mandate limited in time. Elections are democratic only when there are several alternatives.

A true democracy involves the continuation of political and administrative decentralization, amplifying the meaning of direct and indirect involvement of citizens in decision making and in controlling this process. The transfer of power must be doubled by appropriate transfer of resources, without which decentralization fails and compromises itself. Local government is the first public space with which a citizen is in direct contact. It is known that the right to local autonomy belongs to local authorities who exercise it via the authorities chosen by them. Local collectivities keep their right to intervene directly in some cases in the administration, through a referendum or other forms prescribed by law. The principle of consultation of citizens on matters of local interest or local referendum is a component of local autonomy enjoying constitutional regulations.

The way to the modernization of public administration requires a new development phase in the development of states, of the democratic regime and in ensuring effective constitutional rights and freedoms.

In matters of local concern which is the concern of a part of the population of the administrative-territorial unit there may be organized, with this part, consultations, public trials and calls according to the law.

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The local referendum as well as the national one is an element of semi -direct democracy, as it provides local communities with the opportunity *to intervene directly* in resolving issues of local interest. For example, Article 8 of the Law on local government in the Republic of Moldova reads that in matters of importance for the administrative -territorial unit the population may be consulted by referendum, according to the Electoral Code.

It is however necessary to emphasize that this *direct intervention* in a consultative referendum cannot be considered as truly a form of participation of local communities to exercise local autonomy, since the referendum, the local collectivity expresses their attitude and not their opinions on the problem addressed, so the decision will be made by the mayor or the local council.

Therefore elections are the criterion that decentralization is based on which depend on the free exercise of rights and freedoms of citizens at the local level. The mayor or the local council should take into account the expression of will of the holder of the right to local self -governance. In matters of local interest which concern a part of the population of the administrative -territorial unit, consultations, public trials and discussions may be organized.

Democracy implies the participation of individuals in society and lack of participation endangers its democratic functioning. This implies a participation of citizens in the local government. But through this direct intervention, citizens express their opinion only on a specific issue, the decision having to be made by the mayor or the local council.

The active participation of citizens in making administrative decisions and in making laws aim to:

- To increase the level of responsibility of the local administration to the citizen as recipient of the administrative decision;
- To stimulate the active participation of citizens in making administrative decisions and in making laws;
- To increase the level of transparency throughout the public administration.

Public participation is an important tool in local development activities, adding quality in making decisions and enhancing the support offered by the public in their implementation. The harmonization of public governance with the technical, administrative and economic aspects of EU legislation requires the adoption of a strategic vision regarding the objectives, means and precise destination of decentralization in the state, linked to public sector modernization, the delineation of powers and the insurance of the functioning of the local and sub-national public administrations.

The principle of consultation is closely linked to the principle of local autonomy, which shows that addressing public and local administration is ensured not only by the elected bodies of the local government but also through direct participation of the public to the realization of the local administration's prerogatives. In this process of democratic representation, the transfer of administrative and economic powers from central to local and regional decentralization will be accelerated, decentralization and deconcentration being evaluated by criteria and assessment tools which actually measure the degree of citizens' satisfaction with the public services provided to them.

5. CONCLUSIONS

In conclusion we can say that due to decentralization, democracy has been strengthened and extended leadership has become clear and reliable, planning is from lower to higher levels and there are also projects owned by people.

We can say that decentralization is an essential element of the public administration reform, has been a priority of Romanian society as a whole and involves the transfer of decision and responsibility from the centre to each locality in the country (where people know their interests and can make the most of everything), as well as the transfer of financial resources, patrimony and human assets. To better meet citizens' expectations and the standards of Romania's integration in the European Union, it is necessary to achieve a profound reform of the institutions. These two phenomena deconcentration and decentralization of the management in the administrative -territorial units interfere with each other, there is no Chinese wall. As specialists in the public right claim, in the administrative organization of a state, there cannot be only the decentralization or centralization, between them there are many intermediate elements: deconcentration, administrative guardianship.

Although it is not a perfect system of organization and functioning, administrative decentralization has proven its effectiveness in all countries with developed democracy and market economy in which it has been applied and should therefore be promoted and applied, but this principle of local government should not affect the national and unitary character of the state, the organization and functioning of administration being done according to the law and to enforce its provisions, providing a balance between local and central authorities. No matter how wide the autonomy is and therefore the competence of the elected authorities to solve social problems, these authorities are engaged in an activity within a (unitary) state and not outside it.

Given the facts, we believe that decentralization should be an objective of national interest for Romania for the next years, a goal which should be endorsed and supported by the entire Romanian political class.

NOTES:

- (1) Verboncu, Ion, *Lifelong Learning in the Economic Field in the European Integration Context*, Review of International Comparative Management No:9 Vol.2 / 2008, pp. 33-45
- (2) Vida, Ioan. *Puterea executivă în administrația publică*, Editura Regia Autonomă „Monitorul Oficial București, 1994, p.196

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