

The contribution of local public authorities to perform the tasks, which were settled out in the EU-Moldova Association Agreement

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Abstract

Legal status of the staff from local government, which is well defined, provides these public authorities efficient governance.

Purpose of the present article is to study the normative acts and the literature concerning of the legal status of persons of local public authorities, for based on the analysis to make some proposals for improving the Moldovan law on the modernization of the activities of the staff from public local administration.

Keywords: *local public authorities, association agreement, reforms*

After the collapse of the Soviet Union, Republic Moldova became an independent state and the Constitution, adopted in 1994 abandoned the socialist regime of the government with the transition to a democratic regime based on market relations. This change could not be achieved only through a whole series of reforms in all fields of the state activity: political, legal, social, administrative, etc. For this purpose, have been developed the National Strategies, laws and other normative acts to ensure implementation of reforms in public administration.

In this context, were elaborated and implemented new principles of public administration, in general and local public administration, particularly, arising from provisions of the European Charter: autonomous exercise of local power, a document ratified by the Republic of Moldova on July 16, 1997[1].

Moreover, the Republic of Moldova has chosen the path of European integration, which has accelerated the process of democratization but, Joint Action Plan EU – the Republic of Moldova from ENP, from February 2005 contributed to the gradual economic integration and political development and social-economic development of our country. Cooperation has manifested itself in multiple areas of common interest, including in the areas of good governance, justice, freedom and security, trade integration and enhanced economic cooperation, political framing in the labor and social, financial management, public administration and reform of public services, institutional development, poverty reduction and sustainable development. Consequently, cooperation has changed for the better image of public administration and improved relations between them.

Meanwhile, based on European requirements, it was drafted a new legal framework for regulating public administration, under the new democratic principles, generally recognized, which contributed to the improvement of relations between government and civil society by creating a climate favorable of its manifestation.

These and other changes wrought to the government in Moldova, represent a positive trend and constitutes roughly a size that synchronizes with the process of democratization and gradual adjustment, although incomplete, the government of our country to European norms.

To implement the provisions of the EU-Moldova Association Agreement: "... *the development of an efficient and accountable public administrations ...*", according to the National Action Plan for implementation of the Agreement [2], Moldova will develop a range of activities the governance both at central and local level in various fields. The most important domains are: "*institutional development and functioning of public authorities to ensure the process of decision making and strategic and effective planning, participatory and transparent; modernization of public services, including introduction and implementation of e-governance, in order to increase efficiency of service*

provision for citizens and reduce their costs; creating a professional body of civil servants based on managerial accountability principles and the recruitment, training, assessment and their remuneration, carried out in fair and transparent conditions; effective and professional management of human resources and career development; promoting ethical values among public officials”.

The most important activities that must be undertaken to achieve these administration tasks laid down in that plan are: *“adjust the legal framework to constitutional principles on local autonomy and decentralization of public services, as well as the European Charter of Local Autonomy; local public bodies competencies review of the first and second level, in accordance with the principles of decentralization; developing an effective mechanism for transfer of local authorities competencies based on administrative capacity of communities; application performance management system based on objectives (public authority, subdivision, public servant) and performance evaluations at every level: modernisation of public services, including introduction and implementation of e-governance; coordination, monitoring and evaluation of implementation of personnel procedures in public authorities: monitoring and evaluation visits and reports elaboration; ensuring transparency and increasing access to vacant public function using governmental portal www.cariere.gov.md; implementation of all instruments of financial motivation of civil servants (advancement on the salary, performance, suppliment for collective performance, annual award); elaboration of the Programm of Professional staff development from central and local public authorities for 2015-2016 years; advisory necessary support for leaders of public authorities, civil servants from human resources services, on the implementation of procedures/tools of , human resources management; takeover best European practicies in the domain: organization of training courses attended by partners from EU member states; ongoing study visits, etc”.*

In this context, we should mention that the Moldova-EU Association Agreement establishes both general tasks for the whole public administration, and, specific tasks, realization of which related to local public administration.

Within general tasks, we can mention: *“ continuation of public administration reform and capacity building of civil servants accountable, efficient, transparent and professional; ensure effectiveness in the fight against corruption; policy development and reforms in the Republic of Moldova; development of a modern public financial management in Moldova, which is compatible with the basic principles of EU and international principles of transparency, accountability, economy, efficiency and effectiveness; improving and systematizing regulatory documents related to budget systems, accounting, treasury and reporting; near the existing procurement practices at EU level; improvement of the internal control system in state and local authorities, taking into account, generally accepted international standards and methodologies and EU best practices; implementation of external audit standards accepted on the international level by the International Organization of Supreme Audit Institutions; development of adequate financial inspection that will ensure adequate control of revenue and public expenditure; regulations adapting in the financial services needs of an open market economy and ensure adequate and effective protection of investors, etc”*.

But, the commitments of our country through the Association Agreement, which have direct impact on the functioning of local public administration are as follows: *“tax reform and strengthening of good governance in the tax area with a view to further improving economic relations, trade, investment and fair competition; improving and developing the tax system and tax administration in Moldova, including collection and control capacity building to strengthen the fight against tax fraud and tax evasion; administrative capacity building at local level in the planning, evaluation and implementation of agricultural policies based on the exchange of knowledge and best practices related to rural development policy to promote the economic well-being of rural communities; promote the*

modernization and sustainability of agricultural production and improving the competitiveness of agriculture, efficiency and transparency of the markets; sustainable development and greening the economy by developing a comprehensive strategy on the environment, regulating the planned institutional reforms and the division of powers in the environmental management at national, regional and municipal level; development of sectoral strategies on air quality; water quality and water resource management; waste management and resources; biodiversity and nature protection; industrial pollution, industrial risks and chemicals, noise, soil protection, urban and rural areas, eco-innovation, including timetables and benchmarks defined in terms of implementation, administrative responsibilities and financing strategies for infrastructure investment and technology; develop and promotion of local tourism by strengthening a competitive and sustainable tourism sector while respecting the integrity and interests of local communities, particularly in rural areas; decentralization of decision-making from central level to regional communities and enhancing of the partnerships between all parties involved in regional development; involving of local and regional authorities regarding cross-border cooperation and regional development, improvement of the legal empowerment, capacity building and promoting cross-border, regional, economic and trade networks; implementation of regional policies, governance and partnership on many levels, with particular emphasis on the development of disadvantaged areas and territorial cooperation; developing the capacity of local public authorities to promote cross-border cooperation in accordance with EU regulations and practices, to ensure the economic welfare of local communities and homogeneous development of the regions; European territorial cooperation with regions of the Eastern Partnership with the EU bodies, including the Committee of the Regions, as well as their participation in various European regional projects and initiatives, etc”.

As we see, the tasks which our country has taken in the process of European integration, are as diverse as complex, but, the successful

implementation thereof, depends largely on the efficiency of all categories of staff within public administration, both central and local.

At the same time, these tasks depends on the integration of Moldova into the European Community, because, all countries, which aspiring to its membership, must submit to strange reform of public administrationf for to meet the membership criteria imposed by the Treaties of Copenhagen and Madrid. Also, candidate states have the task to adjust national legislation to EU legislation.

According to some authors, public administration in Moldova will be European brand, in the direct sense, and will be supported by these structures under the complex system of organization and state management will serve as a foundation for the successful implementation of the principles of decentralization and local autonomy, the main elements of the progressive forms of disposition state [3].

We support the view prof. Manuel Guțan as the public administration, through its fate, is permanently connected to socio-economic and political changes in society and thereby permanently ready for reassessment and restructuring components and even its general principles of organization and operation. Therefore, we can say, without generalizing, that public administration is consistent to its mission to satisfy public interests by the most useful, rapid, and efficient new mechanisms, levers, institutions or principles. Legislation applied to public administration is in constant motion and involves a constant search of the quality of administration. From this pragmatic perspective, any other values are relative. Pragmatic vision, exclusively synchronic, focusing on a constant juggling with legal institutions, which outlines the public administration as a whole, is threatened, on the one hand, the danger of irrational legal import. In both cases, it can flagrant neglect clerical body's ability to respond competently and efficiently to institutional transformations designed in the law abstract. It is true, however, that a legislative building is not achieved by the ability of "absorption" of it in the application and enforcement of the right. But

legislative building should be interested in detecting and removing obstacles that could make that process a failure [4].

Therefore, the contribution of LPA in the process of European integration is indisputable but, the efficiency of local public administration, in our opinion, depends very much on the professionalism and legal regulation clear to each staff within these authorities (elected officials, dignitaries, official public employees), which currently requires modernization.

This is argue the necessity of forming a network of faculties (schools) of administrative sciences in our country. As an example, schools of administrative sciences serve from the European Union.

From this point of view, it is important to pay attention to the training of personnel from the local authorities, so that they can exercise local function effectively. This is possible, in our opinion, by opening at the State Universities, apart from Bachelor studies, Master and Doctorate studies in Public Administration specialty, the different types of courses both for preparation of local elected officials and local civil servants, granting several budget places in the creation and development of local professional body of civil servants, stable and impartial.

Referring to adjust the legislative framework in the domain of local public administration, we welcome, systematize all the documents in this area by developing a code, for example, Code of local bodies, after the French model [5], ie encompassing both substantive rules and procedural and regulate this area as a whole and contributing greatly to the improvement of local government activity. Much simpler it would be if we could found all provisions related to the organization, functioning, powers and jurisdiction of the local government staff systematized in a single act. This Code, further, will enable local institution in a particular branch or a sub-branch of administrative law – Law of local authorities, deeper study and improvement of rules that right.

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