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CITIZENS RIGHT TO INFORMATION – BENEFICIARY OF ADMINISTRATIVE REFORM

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Abstract:

Citizens right to information, beneficiary of administrative reform represents a major concern both in government programs and in citizens expectations. The topic discussed may have a significant impact and to provoke the interest to specialists of Legal and Administration Science, students, politicians and public officials or civil society through nongovernmental organizations that are militating for the compliance of this right on national level, and by organizational entities that monitor the protection and enforcement of the law worldwide to follow the citizen's right to information, on international level. The right to information is premise not only for national objective, to accept the information, but also its exigency to request quality information corresponding to the principles of truth and fairness, with the consequence of state duty, to provide the legal and material support necessary to achieve free access to all the public interest information. The strong points of an informative collaboration between the administration and citizens would be: the consensus and unanimous cooperation especially at the local level, transmitted afterwards to the central structures, responsible and convenient decision making to both parties, stimulation of the direct dialogue between public administration representatives and citizens through which shall be made known another points of view taken in the debate, the corollary which represents the transparency in the decision act made by decision makers from public administration.

Keywords: *right, information, administration, citizen.*

General consideration of right to information

Citizen's right to information and administrative reform represents a major concern both in government programs and to the expectations of citizens of a country.

The topic discussed may have a significant impact and to provoke the interest to specialists of Legal and Administration Science, students, politicians and public officials or civil society, through nongovernmental organizations that are militating for the compliance of this right on national

level and by organizational entities that are taking care by monitor the protection and enforcement of the law worldwide to follow the citizen's right to information, on a global scale.

The right to information represents for the citizen not just a objective premise to accept information but also the legal ability to request quality information, appropriate to the truth and fairness principles, having as consequence the correlative obligation of the state to ensure the legal material and support necessary to all free public information. The need for better informed citizens claims that peoples should always know what is happening in their community to can propose meanings and methods to the local administration.

The strengthens of informational collaboration between local administrations and citizens would be: consensus and unanimous cooperation especially at local level transmitted afterwards to the central structures, making responsible and favorable decisions for both parties; encouraging direct dialogue between citizens and responsible of public administration that make known the points of view taken into debate. Those mentioned above shown the necessity of informational transfer between collective and administrative sector, the honest partnership between citizens and local administrations, and the requirement of citizen inclusion like equal partners into the governance process.

Certainly this concern for citizen information involves certain costs related to availability of human resources, the time had at disposal, the budget provided for financing the meetings and the means of communication.

The sustainability of this theme is based on the following central theme: the information is a vital source for the decision making process into a democratic society. Selection of this objective was made after a prior evaluation of data utility of theory approach and the existing results and concerns about the research from the literature updated until now, about the significance of information for citizen activities as center of gravity of public administration progress reform. Thus bring to the forefront the importance of citizen's rights especially the right to information in the

context of a democratic society characterized by decisional transparency and free access to information, considerate as essential goal to bring together under the same title: „Citizen Right to information – Beneficiary of administration reform”.

Public administration reform involves substantial changes to the major components of public services, local and central public administration. On the other hand, the development of democracy requires the establishment of a new model of relationship between citizens and local administrations, by increasing and reconsidering the partnership between civil society and local officials. In the recent years, public service reform was a major concern for governments, social partner and international organizations.

This reform is liked to redefining the role of the state in the context of globalization and liberalization, it responds to criticism on the efficiency and effectiveness of public services. The decentralization and privatization are means encounter in all public service reforms.

Therefore to determine the administration to become more and more oriented toward the citizens it is the central aspect of the changes made and also the path to be followed for performance. Of course, this orientation is focused equally on increasing the rank of public sector receptivity and by setting up standards for services with the aim to transformation from „recommended goods” to „experimental goods” and finally to „wanted goods”¹.

Public services must offer a wide variety of services to the community. Radical improvements are needed to deliver them. Quality and speed of service is crucial, courtesy and efficiency must be simultaneous².

One major aspect of public administration reform is to ensure appropriate management in the process of implementation³.

A serious risk in public administration reform is crowded daily tasks, which are leaving too little time to seek for new solutions

¹ Matei L., 2004: 29.

² Serving the Country Better: A White Paper on Public Service, Dublin, Govern of Ireland, 1985: 57.

³ Profiroiu, Marius ,2005: 2.

to dysfunctions encountered or reported. Consequently, for public administration reform is necessary to succeed as a large number of target groups (in particular, key management levels and decision) to express support, commitment and recognition that changes and their implementation.

Activity of the government and the citizen's fundamental right to information is the mirror through the importance given to all theses presented in previous chapters applicability fundamentals valued by research. Regarding access to information, the Council of Europe Parliamentary Assembly evident to the Member States that any information of public interest must be decided within a reasonable time.

If public authorities evade or delay the provision of public depriving citizens of their right to information, they must give reasons for refusing to provide information, and any refusal on an application is likely to be appealed.

Right to information and freedom of information can be found both in the Romanian Constitution and in: Universal Declaration of Human Rights, European Convention on Human Rights and Fundamental Freedoms, the International Pact on Civil and Political Rights, the Aarhus Convention on access to Information, Public Participation in Decision Making and access to Justice in Environmental Matters.⁴

France established administrative duty to state reasons in writing refusing to grant a request for information, the applicant having a right to appeal the Commission access to administrative documents. Also, in art. 9 of resolution no. 1003 / (1993) on journalism ethics, Council of Europe Parliamentary Assembly, it states: "Public authorities should not be considered proprietary information." Nationally, the Romanian Constitution makes a provision that aligns to the most modern on European Constitution on the right to information and framework to restrict this right. Thus, art.31 Point 1 states: "A person's right to access any public information cannot be restricted". State's obligations to ensure the

realization of this right are set forth in section 2: "Public authorities, according to their competence, are obliged to provide correct information to citizens on political affairs and matters of personal interest." Of course, personal information can not only inform the person directly concerned subject. It is noteworthy that Article. 31, called "right to information", regulate the right to information and its correlative obligations, far more accurate than the constitutions of other states that include the phrase "freedom of expression". In addition, all compared to the constitutions of other states, the reduction of right to information is not left to the Parliament, in art. 53 of Romanian legislature setting limits, situations in which Parliament may restrict the right to information under the following conditions: only by law and only if necessary, as appropriate, to protect national security, public order, health or morals the rights and freedoms; conducting a criminal investigation, preventing the consequences of natural disasters, of a disaster, or an extremely severe catastrophe, and the restriction must be proportionate to the situation that caused it to be applied without discrimination and without prejudice to the right or freedom. Public intervention in the sphere for the exercise of fundamental rights is not unique to Romanian Basic Law, but important international documents contain similar provisions. So through International Pact on Civil and Political Rights, ratified by Romania through Decree no. 212/1974, expressly states that only in times of public necessity and threatening the life of whose existences proclaimed, the signatory may use the exemptions to the obligations they have assumed by taking to that pact, and this only if the situation demands an urgent requests and exemptions does not conflict with other obligations they have assumed states and internationally and do not lead to discrimination. Even under these conditions, states cannot derogate from some rights specifically enumerated in the Pact, which included the right to life, protection from torture and slavery, the principle of legality of

⁴Environmental Experts Association, 2005, p.33

offenses and penalties and non-retroactivity in criminal law and freedom of conscience.⁵

The Law no. 544/2001 contains provisions on organizing and providing access to public information, the procedure for requesting and obtaining information from public authorities, limits and exceptions right to information specific provisions regarding mass media access to public information, and penalties to violators of this right.

All this laws gives a legal definition, but the narrow notion of "public information" - any information concerning or resulting from activities of public authorities or institutions, whatever their medium or form or mode of expression information ". But the sphere of public information is more extensive, including any information of interest to society, not only information about the activities of public authorities or public institutions.

Many citizens wonder which might be the utility this right? The answer can be nuanced: we must be aware that this is one of fundamental human rights, because the information is vital for human existence, because it must harmonize our daily work we relied on information what is happening around us because every citizen pays taxes and the state by its servants are obliged to inform citizens of what happens to the money. The existence of an efficient and democratic administration is one of the most important criteria that define a country's modernity. Currently, Romania is making efforts to try and reform the administration. So, a major priority of the Romanian Government is achieving, in a few years, a real reform through which the government of our country to be at European standards and characterized through transparency, through predictability, accountability, adaptability and effectiveness.

Therefore requires a deep reform and to succeed, reform cannot be achieved only by effort and political will of the Government but it takes a concerted effort and the whole society structure. To meet these priorities, the Romanian Government in the last 22 years has adopted various strategies for developing

administrative reform, but acknowledged that the results were quite modest. Objectives were perhaps too ambitious, requiring considerable financial means to compete with other priorities or were taken by people without skills in public administration management. There has been real progress by adopting a comprehensive package of laws on civil service, decentralization of public services, local public finances, fighting corruption and creating new institutions to prepare and implement reforms. Experience shows, however, that many of these laws were tight, and new institutions have not fulfilled its mission. That general was often expressed in terms of critical European Commission reports.

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In accordance with the requirements of the modernization of public administration and alignment with the "acquets communautaire", have been identified priorities for public

⁵ I. Muraru, E.S. Tanaescu, 2008:530

administration reform: civil service reform which will ensure creating a professional civil servants, stable and neutral the policy through: implementing unified and coherent framework, cohesion development of human resources management strategies and professional training, the full commitment of ministries, agencies and other government bodies, the reform of local government decentralization process and the deconcentration of public services which must ensure: improving management of public services locally and increase their quality, allocation of responsibility, financial resources and rights related services, improve policy formulation process by creating systems of coordination and improving management capacity of government structures.

However, in insufficient incentives for civil servants, the manifestations of corruption in the system and bad image to the public, are real shortcomings and malfunctions in the system of public administration in Romania, weaknesses, such as financial and human resources allocated insufficient National Agency of Civil servants and institutions responsible for the recruitment and improvement of civil servants, lack of complete information database to meet the real needs of an efficient management of public service to operability of data can facilitate the collection of information necessary for better human resource management in public administration.

In the process of decentralization of public services, although many laws have been adopted, the allocation of responsibilities between central and local government remained unclear. In practice, due to insufficient funds, there is a kind of decentralization process taking part in some of the ministries.

In public policy formulation, the efficiency is reduced by insufficient inter ministerial coordination and partial compliance with regulations and administrative procedures related to the process of formulating and implementing public policies.

Aspects concerning the applicability of administrative reform come with ideas that

are based citizen participation in decision making as it follows:

- Citizens desire to be consulted in decision making in local government;
- Citizen participation in decision making process depends very much on the level of satisfaction related to government services;
- Citizens get involvement into the decision making process only if it finds that their opinion influence decisions in the public administration;

Solutions and proposals to citizen support:

- ✓ To encourage public involvement in decision making is not sufficient merely receptive attitude of the administration, but need a confirmation of this participation, which can be achieved by developing documents, include how to implement the proposals made by the population and informing the public about these results.
- ✓ Editing newsletter quarterly town halls across the country, including information about decisions that were taken or will take, schedule hearings, council meetings agenda, some information of interest to communicate. A key feature of this newsletter would be that the information be written in a form understandable by citizens. With this bulletin informed citizens will be much easier will know in advance what will be discussed, the project will take place. Through this newsletter citizens interested in a particular issue will be the time to prepare to support their own point of view.
- ✓ It should also be created a mechanism to direct information to those interested in issues important to participate in the discussion. Thus it is a debate on a topic, they will be required to inform the people affected by this problem. This eliminates the discontent of citizens, who are obliged to respect the decision by the authorities, even if they are in unknowingly.
- ✓ Another recommendation would be the citizens identified and that is organizing public meetings with citizens, regularly. Through these meetings, will benefit both citizens and public administration will benefit, promoting the image of the

institution, increasing public confidence, getting information from them, or even viable solutions in solving community problems

- ✓ Setting up a Citizens Advisory Committee, thereby the development of community acts of public or local budget decisions and then to allow citizens with information on budget execution, its role being to underpin informed and concerned citizen perspective on how to obtain and spend public money.
- ✓ As a "ferenda" law proposal, violation of this fundamental human right - the right to information by public authorities and institutions in Romania, to be more severely punished, the official who is guilty of violating this right knowingly applying them additional penalty is the right to practice for a period of time established by law.

Until this moment the legal system that should provide access to public information and to allow the Romanian society to regain confidence in state institutions has many deficiencies.

We are contemporary with an impressive crisis of public authority, which is also based on lack of transparency, perhaps more striking than for the other former countries with communist administration, that have gone through similar situations

This lack of transparency is deeply rooted in past and unfortunately it has projections until present; we stills hope that in the not too distant future to express its top priority.

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