

GOVERNANCE: A DEMOCRATIC RESPONSE TO CURRENT CHALLENGES

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Abstract

The present article proposes an analysis of the current situation in Romania concerning the capacity of the political system in Romania, as well as of the entire society to accept the transformations imposed by reality of the necessity of adopting a new governance system. The conclusions of this study provide a theme of reflection concerning the gap between what means a new approach for the governance process and the degree of its acceptance in Romania.

Keywords: governance, good governance, transparency, participation, efficiency and effectiveness, coherence, responsibility.

1. Introduction

The current interest in governance originated, first of all, in the public management reform, started in the beginning of the 80s. The new governance concept refers to creating markets and networks. There are countless ways through which informal authorities of the markets and networks replace or complement formal governmental authorities. These aspects influence citizens expressing different points of view on authority and the relationships with civil society.

Roderick Rhodes pinpoints that the governance concept in contemporary social sciences has at least six different meanings: minimal state, corporatist governance, new public management, good governance, cyber social systems and self-organized networks. The terms of governance and good governance are to be found more often in the specialized literature. The governance concept represents the decision making process

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and the process through which decisions are implemented (or not). Governance can be used in certain concepts such as corporate governance, international, national and local governance.

The new governance can be interpreted as a political strategy whose appeal is based on: (1) creating a favorable framework for the involvement of private actors in providing public services under serious budgetary restrictions; (2) a better understanding of the need to cut down expenditures, by new participative arrangements leading not only to cooperation but also to citizen awareness.

If the governance is the decision making and implementing process, the governance analysis involves focusing upon formal and informal structures that have to be taken into account in order to reach a decision and to implement it. The number of actors is large enough at the national level, every one of them being able to play an active role either in taking a decision or in influencing the decision making process. In the situation in which informal structures are favored at national level for decision making, this is the result of corruption practices or can lead to "corrupted practices".

2. Good governance principles

The White Book of European Governance (2001) includes a set of proposals approaching the need of participation intensity, improvement of policy effectiveness and the need to redefine the role of EU institutions.

The White Book provides five principles of good governance: participation, transparency, responsibility, effectiveness and coherence - all of them additional to the principles of subsidiary and proportionality, already set up in the treaties.

Satisfying these exigencies means taking into consideration the need to revise both the horizontal dimension (relationships between institutions and citizens, as well as relationships built along sectorial policies) as well as the vertical dimension (relationships between the levels of policies) within the decisional and European policies implementation process.

A "deeper involvement" means, under these circumstances, communicating with citizens at a regional and local level and under a

democratic framework. This undertaking involves a major responsibility on the "general policies' coherence" assumed by the territorial impact of the EU policies in fields like transportation, energy or media. These policies should be part of a coherent construction. It is necessary to avoid fragmenting specific sectors. Local and regional decisions should likewise be coherent with a broader set of principles referring to the sustainable and balanced territorial development at the EU level.

2.1. Participation

Participation is a real touchstone for the good governance. It manifests either directly or by means of legitimizing mediator or representative institutions. It is important to mention that representative democracy does not necessarily involve taking into account the most vulnerable voices of the society in the decision making process. Participation involves being informed and organized. This manifests in the freedom of association and of expression, on one hand, and on the other in the organization of the civil society.

The adoption of a model centered on the citizen in policy making is a manifestation of the fundamental commitment to enroll citizens into the governing process - a characteristic of any democratic political system. From a broader perspective, the commitment reflects in the efforts of activists and theoreticians to promote what has been labeled as "deliberative", "direct democracy" or "participative democracy". At a much tighter level, the commitment reflects in local initiatives through which various governments aimed at involving citizens in the decision making process for the decisions that directly affect them.

Public participation can be interpreted as an opportunity to strengthen representative processes but also as an "antidote" for national political elites or technocrats (European Institute for Public Participation in Europe: An International Perspective, 2009).

From an etymological and conceptual point of view, participation has an active component; it refers to "being part of" or "taking part in".

The wisdom, knowledge and expertise of citizens offer reasons in favor of the previous statement. Both the increase in decision quality and

the achievement of better regulations are based on this hypothesis (Surowiecki, 2004)

Moreover, as a result of diminishing the resistance to change, resources used in the implementation process could be fewer.

According to the European Institute for Public Participation (EIPP), there are four conditions for a successful public participation:

- clearly defined constitutional framework for public participation;
- an increase in the degree of trust and public participation can be reached only by an explicit agreement accepted by politicians and citizens, and this will lead to realizing the democratization potential;
- systematic approach of public participation methods that will help organizers of public participation processes to choose the most appropriate and effective methods;
- strict evaluation of public participation in view of developing a participative culture and systematizing participative methods (European Institute for Public Participation, 2009).

Citizens can be more or less open to public involvement, function of a variety of reasons such as the urgency of preoccupations, issue relevance, nature of previous participation experiences (if case).

Citizens, as participants, should ideally be informed in order for the public dialogue to really take place and for the motivation to exist. They need the courage to articulate and defend their own points of view (and to change them when appropriate), politeness to listen to the reasons of other participants and to take into account adverse opinions, as well as the ability to appreciate the obvious and evaluate "losses". They should be able to postpone their immediate needs or personal preferences in the interest of long-term benefits or of public well-being.

Even if the network center has initially reigned supreme, it gradually releases control over to other actors within the network. The government gets, under these conditions, a special significance, because it includes the cooperation efforts of all actors within the network (Popescu, 2011). Network political systems can be seen, like within organizations, as mixed structures of vertical and horizontal interdependence.

One advantage of the network system is that it can be used to divert attention to a structure with a higher degree of independence. Instead of supposing that influences manifest through direct and visible interactions (such as personal relationships or relationships between representatives of institutional interests), the network structure approach facilitates the examination of the way in which a structure influences the behavior of individuals, the content of decisions and the public policies' implementation efforts.

The functions of the governance network differ from the ones of other network types. Dominant functions, within companies'-created networks, are transactional and cooperative. Coordination and regulation functions within policies' networks are significant; horizontal interdependency is much more important than the vertical one, as in the bureaucratic vision.

Pragmatically, the achievement of such a structure involves taking into consideration a multitude of changes.

2.2. Transparency

Transparency means decision making is done in such a way so that rules and regulations are observed, information be available and directly accessible for those to be affected by the decisions, and so that a large enough and easy to comprehend volume of information be provided to those affected.

The difficulties of the period we are crossing represent a major challenge for citizens, who are extremely worried about the current crisis and also about the potential economic comeback solutions adopted within the EU and within the country. This state of uncertainty also illustrates a relative lack of trust in the main democratic institution of the state.

Table 1 illustrates a percentage representation of these values in five European states.

Table 1. Citizens' trust in national institutions within certain European states

	June 2009	June 2010	May 2011
Citizens trust			

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Sweden	Government	57%	57%	65%
	Parliament	64%	66%	73%
Germany	Government	45%	32%	40%
	Parliament	46%	39%	46%
Portugal	Government	28%	20%	20%
	Parliament	36%	28%	26%
Austria	Government	58%	54%	54%
	Parliament	58%	52%	64%
Latvia	Government	10%	13%	13%
	Parliament	6%	6%	11%

Source: European Commission, Public Opinion analysis – Euro barometer
Interactive Search Surveys, http://ec.europa.eu/public_opinion/cf/step1.cfm

Figure 1 presents the dynamic of Romanian citizens' trust in the representative democratic institutions between 2009 and 2011.

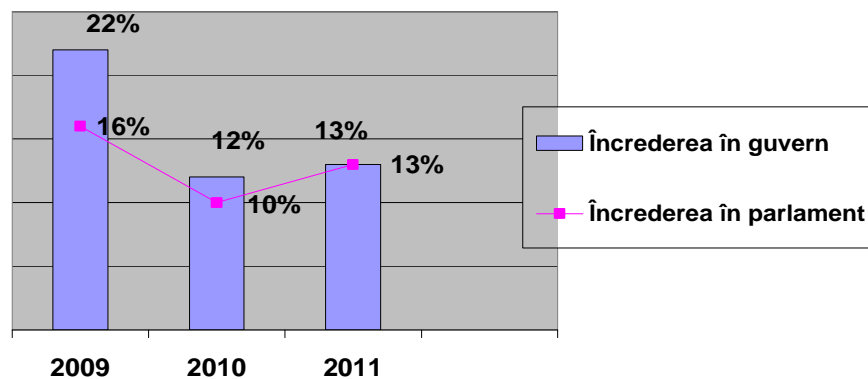


Figure 1. Dynamic of Romanian citizens' trust in the government and parliament

This profound lack of trust manifested by citizens is the expression of their refusal to accept public policies made behind closed doors, practice

by which decisions are not transparent and without public consultation (Popescu, 2011).

In an ideal world, elected officials are making all decisions on public policies. In fact, the border between administration and politics is pretty difficult to note so that cases when bureaucrats get involved in political decisions or when politicians cross this border are pretty frequent.

The administration is directly involved in the development of the whole process of public policies. In certain cases, this can even be a source of new public policies proposals, thanks to the links it has with the ministerial agencies and departments responsible with policy implementation. In other words, the success or failure of a policy is determined by the actions of administrative structures responsible for the implementation of the respective policy, by the knowledge and expertise of the administration, absolutely indispensable to the implementation of any specific policy (Popescu, 2011).

The power of bureaucracy derives therefore from the knowledge, expertise and discretionary authority it holds. This power can be strengthened by gaining support from the interest groups involved in the development of a certain policy - for instance parents, students, teachers (in case of educational policies), farmers (in case of agricultural policies), etc. These groups are capable of exercise considerable influence in support of the policies of any interest to them.

The pressure exerted by these groups in view of directing budget resources to certain fields of activity can lead to compromising governmental investment programs, especially during difficult periods such as the current one.

Moreover, the existence of these groups is a significant capital for certain administrative structures to which they resort when they want for a new program (not specified in the parliament-approved budget) to be financed or to increase the financing of already running programs. This is a method to involve these groups in various political disputes, leading to the decredibilization of their participation in the public policies process and to the decrease of public trust in the institutions responsible for the policies' process management.

It is imperatively necessary to adopt the principles of decisional transparency within the current context of the total mistrust of citizens in the state institutions, in order to increase participation and public trust.

In other words, decisional transparency is an answer to citizens' and stakeholders' pressure to achieve better regulations that should contribute to giving back citizens their trust.

According to Romanian Law 52/2003 on decisional transparency, citizens and organizations will be able to express their opinions and interests on elaborating normative regulations and on administrative decisions. The instruments that Law 52/2003 provides citizens are: being consulted by public authorities on draft laws and participating in the public meetings of these authorities.

The lack of decisional transparency, together with other deficiencies of the regulatory activity, leads to a low degree of trust in the force and importance of legislation. The lack of consultation leads to norms being frequently modified or replaced, fact that determines a strong legislative instability and does not offer the necessary security to the already existing Romanian legislative framework.

A real implementation of the transparency principle leads to a higher degree of trust in legislation and regulations, since they were adopted with the consultation of all interested parties. Trust in the legislative framework will result in a higher degree of law observance and positive consequences on the development of economy and on maintaining cooperation between government and the citizens.

The transparency can lead, under certain conditions, to a policy vacuum (Powell and Leiss in R., Lofstedt, 2004, p. 10).

An example of policy vacuum is the state of confusion, negatively perceived by those directly interested by the result of these negotiations, generated by contradictory pieces of "almost certain" news sent out to the public all during a negotiation process.

We present below a 2010 study based on a questionnaire addressed to 296 public servants from 67 municipalities.

Question 1. Are you familiar with Law nr. 544/2001 on the free access to information of public interest?

85% of the answers were affirmative, 9% negative, 3% answered "do not know" and 3% did not answer.

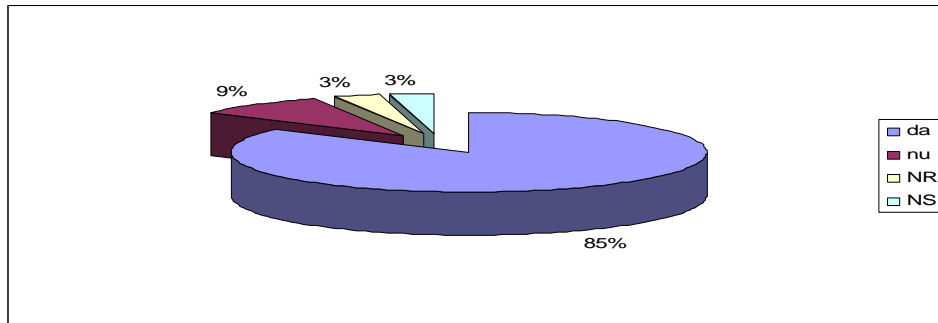


Figure 2. Investigation on Law nr. 544/2001 on the free access to information of public interest

Question 2. Are you familiar with Law 52/2003 on decisional transparency? 76% of the answers were affirmative, 19% negative, 3% answered "do not know" and 2% did not answer.

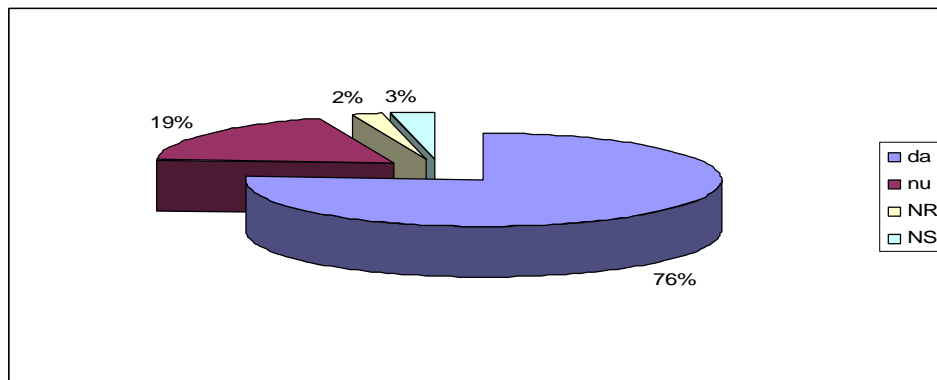


Figure 3. Investigation on Law nr. 52/2003 on decisional transparency

Only 76% of the questioned have heard about Law nr. 52/2003 on decisional transparency. Law nr. 544/2001 is much more known by public servants. The study revealed that 85% of the respondents are informed about the existence of this law. Therefore, despite the clear benefits

transparency brings, Romanian authorities' efforts are, at least until now, insufficient.

From the point of view of citizens' interest in getting involved in the process of public interest, the answer is also unsatisfactory.

Empiric analysis also signals the presence of another negative factor: low citizen participation in initiatives and projects aiming at helping the community's general interest. We are presenting below a series of relevant figures, according to the information received from the Agency for Governmental Strategies.

In the first study, subjects had to answer whether they have been involved during 2010, voluntarily contributing with workforce or money, in solving local issues.

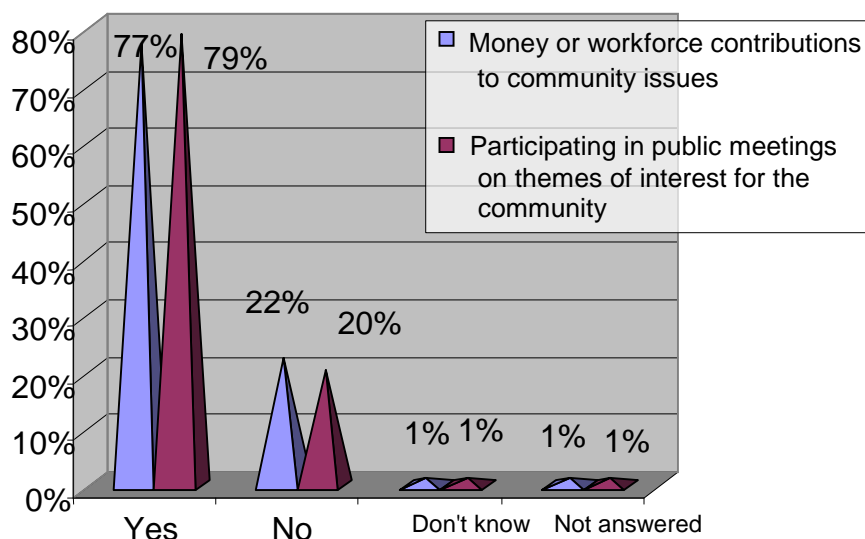


Figure 4. Study on the involvement in solving issues of interest for the community.

Secondly, subjects had to answer whether they performed any activity to influence public policy decisions that either affects them or the whole community.

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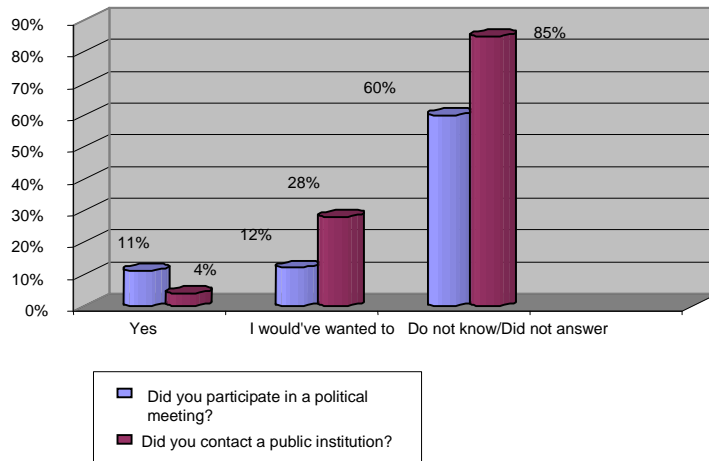


Figure 5. Study on the participation in view of influencing public policies' decisions

The main difficulties in implementing Law nr. 544/2001 can be grouped as follows:

Institutional issues: organizational deficiencies in providing free access to information within public institutions. Solutions adequate to this type of difficulties have to be looked for first of all at the management level, by improving work procedures within institutions and by increasing the professional training of the public servants involved. One can also take into account the clarifications and additions, by Government Decision, of the methodological norms for the implementation of Law nr. 544/2001.

Issues related to justice functioning: difficulties especially related to the enforcement of court rulings in favor of information requestors and to the possibility of sanctions. Although courts rule more and more often in favor of people whose right to free access information has been breached by public institutions, real access to the information requested can still be obstructed by the information holder. Possibilities to enforce sanctions or to grant repairs by the courts have to be taken into account.

Issues of a legal nature: difficulties tied to insufficiencies of the Law nr. 544/2001 or faulty correlation with other legislative texts. Practice gathered

in more than three years of implementation indicate that Law nr. 544/2001 should also cover other entities using public funds. On the other hand, a legislative modification effort does not only concern the framework law but also other normative documents restricting free access.

Changing the legislative framework of access to information has to be done in a careful and prudent manner. A good part of the identified issues and difficulties can be solved by internal management solutions and by a better functioning of justice. Any possible changes of Law nr. 544/2001 has to exclusively take into account widening the scope of providing free access to public interest information.

Such a step should have the approval of all interested parties and should not be unilaterally forced as long as the approval is not obtained. The risk of law being changed by the Parliament of Romania has to be evaluated and minimized through a coherent lobby effort which needs time, careful planning and coordination of efforts from all parties involved.

2.3. Efficiency and effectiveness

Good governance means processes and institutions producing results which correspond to the needs of the society while available resources are best distributed.

The concept of effectiveness, within the context of good governance, also refers to the sustainable usage of natural resources and environment protection.

Focusing on resources (inputs) necessary to a ministry/department says very little (or nothing) about how that ministry/department intends to use the assigned resources. This input-based approach represents a substantial threat both to the parliament, who controls the government, and to the policy makers, who should know how well a certain ministry/department works. It is difficult enough to appreciate how well resources have been spent.

A second option is where the budgetary distribution is done in such a way as to provide more information about the outputs either produced or acquired with the resources assigned.

The outputs represent products/services of an institution according to its own objectives, for which the institution is fully responsible.

In case of a university, for instance, concentrating on inputs involves taking into consideration amounts necessary for personnel payments, building maintenance and logistics acquisitions. In the second example, that of focusing on outputs, budgetary issues concern the number of students who can be admitted every year, the annual number of graduates, the number of programs that can be introduced.

The output-based approach provides the parliament or the decision factors (policy makers) consistent information on how well did the government use public funding. Yet the output-based approach generates a series of controversies.

For instance, although the parliament or the policy makers have clear information on the number of graduates of a certain university, they cannot judge whether they all deserved their diplomas, whether all major subjects really are necessary on the labor market or whether public funds assigned by the government could have been better spent in other fields of activity. The necessity to get answers to such questions determined a shift in attention from outputs to outcomes.

Outcomes represent changes/benefits produced in economical, social or cultural environments. These benefits are preceded by outputs within a certain timeframe. For instance, just a certain percentage out of the total number of graduates (outputs) manages to get employed in the field of activity they studied for within 12 months since graduating. This is the result (outcome) expressing the fact that funding has indeed been effectively used.

Current talks on outcomes state that what matters in the analysis made by the policy-makers or citizens are first the outcomes and then the inputs and outputs.

Governments create public policies in order to change something within the society. Inputs and outputs are just the necessary means to achieve the expected change; the change is defined by its outcomes.

Configuration this link between outcomes and resources is a necessary step in the results-oriented management (MBR) approach. It leads to a better management of resources, a greater degree of responsibility and it offers the government a possibility to consolidate its horizontal coordination efforts.

2.4. Responsibility

Responsibility is a key requirement of good governance. Governmental institutions, the private sector and also the civil society organization have to be held accountable by the public and by all actors interested.

An organization or institution is generally held responsible by those affected by the decisions taken or by actions initiated. Responsibility cannot be assumed without transparency or without the rule of law.

By presenting the principles of good governance, one can see that this is an ideal and hard to achieve model. Very few countries and companies got close to achieving good governance in its integrality. Responsibility can be seen as policy acting upon bureaucracy from the outside. The objectives of this accountability policy (customer and customer interests' identification) are vaguely defined and the pressure towards accountability places the administration in front of a major battle.

A series of well-known models, including managerial approach models, have been abandoned upon wide citizen request, whose exigencies are increasing in number and complexity. This is, for instance, the case with the objectives-based management (MBO), dropped in favor of the MBR.

Within a hierarchical bureaucracy, activities are performed as per general rules and previously established norms. The main objective of the leadership and control structures is to ensure the observance of these rules and norms. In such a system, the improvement of effectiveness and efficiency involves the adoption of changes in legislation.

Knowledge of the objectives and measurement of results represent two imperatives of the change type public managers should focus on, proving they are capable of effectively organizing and using resources (including informational resources), of getting involved in achieving objectives and in identifying ways to motivate employees.

In other words, a different focused managerial approach is needed that should focus on defining and accepting performance. The configuration of a new MBR constitutive context involves first of all the need of designing new models for developing relationships between central and local administration, between administrations and citizens from

local and regional communities, between administrations and various citizen groups.

Secondly, there is an imperative demand for a structural reform at the level of central and local administrative structures, in view of streamlining them (so that they become compatible with network-type flexible structures) but also of increasing their decision making capability by involving citizens and community-representative interest groups in this process.

Pragmatically, the achievement of such a structure involves overcoming a variety of changes. On one hand, are citizens aware of the importance of their engagement? Are they really motivated to get actively involved in such a structure?

On the other hand, how prepared are the representatives of public and political authorities to accept to cooperate with various categories of citizens? One has to first of all emphasize the quality of civic culture necessary for the achievement of such construction. Secondly, it is about responsibility proven by political factors and public authorities in what concerns focusing their efforts to the development of a civic culture meant to change this structure into a functional form.

2.5. Coherence

There is an important number of actors and a multitude of viewpoints within a certain society. Good governance involves mediating various interests within society both to reach a consensus on what is the interest of the whole community and on the ways in which it can be achieved.

Good governance also needs a much broader perspective on the long term on what is necessary for a sustained human development and for the way in which it can be achieved. These aims need the understanding of the historical, cultural and social context of a society/community.

The holistic approach on public policies If one is to focus on results, this involves major changes in the public policy making, in the sense of stressing on the importance of results. Within the national approach, for instance, the health policy involves concentrated efforts on curing diseases. The new changes bring a radical change of the way efforts and, of course,

resources are distributed. The new policy shifts focus from curing disease to maintaining the health/well-being.

The wellness represents the result of a well implemented and led health policy. A healthy life involves a series of health determinants (diet, stress level, environment factors, relaxation habits etc.) that have to be taken into account in the development of policies to aim at disease prevention and health preservation. This undertaking represents a holistic approach of the health system. Pragmatically, it means integrating the health policy into a complex network of policies.

The holistic approach includes the citizens in the actors category, actively involved in the public policy making process. This is a totally different vision compared to the traditional one in which the citizen was seen as just the beneficiary, or target, of the public policies. Within these new coordinates, the policy makers face challenges resulting from the need to share expertise and information and to work together to solve issues.

In other words, the new challenges bring the demands of strengthening horizontal cooperation, between governmental departments or between governmental levels, the private sector and citizens, in the spotlight.

According to this approach, the responsibility to provide security to vulnerable groups is mainly an issue of the citizens and of the community. The vulnerability of these people is determined by the convergence of certain factors (education level, health issues, and cultural attitude) with social protection policies implemented within the community (policies which have to take into account all these factors). The issues of vulnerable groups cannot be solved by the authorities just by providing some form of support (most often of a financial nature).

The "winning strategy" in case of these policies is that in which the community is being actively involved.

A good health policy means a vision centered at least on maintaining, or even improving, the health state of the community members. This type of vision is supported by a proactive approach, totally opposed to the reactive approach specific to traditional policies centered mainly on treating diseases and providing offset recipes.

Although at first sight preventing a disease seems easier than treating it, issues are far more complicated than that in real life. Maintaining the health state means sport, healthy food, positive thinking, clean environment, entertainment, relaxation and so on.

All these elements should be taken into account in elaborating the health policies. This is possible just under the conditions when a share of the responsibility it brings is transferred towards citizens and the community.

In other words, the implementation of this approach, with the help of the governmental agreements among various society groups means giving up the traditional hierarchical relationships model, established between a governing center and a governed system, in favor of new and complex relationships established between a varieties of interdependent centers.

Solving the issue of homeless people involves, for instance, a complex approach. Social homes building represent just a partial solution. The complete solution has to also approach issues referring to education, health, culture, etc.

This new public policy vision reflects, therefore, the belief that the results policy makers aim at obtaining need a multi-sectorial approach.

In order to reach their objectives, the policy makers need to share expertise and information and work together with other ministries, NGOs, local authorities, and this means putting a strong focus on horizontal cooperation among all these actors.

Moreover, this type of building can take over a series of services that the government cannot provide. For instance, educating citizens on how to maintain good health can probably be better done, in a more effective manner (and maybe with a higher degree of credibility) by other actors than the governmental ones.

Such a multisectorial approach can vary from higher levels of inter-governmental agreements to community level partnerships involving NGOs, associations and groups from the private sector as well as local authorities. Justifying certain choices governments make is easier when citizens affected by the respective choice are involved.

In other words, it is more and more difficult for the governments to enforce top=down choices, especially in the case of controversial policies.

From a strategic point of view, it is more than necessary to get citizens involved, including in the implementation process. An anti-obesity strategy, for instance, can contain requests referring to diet changes and/or sports practicing. The citizens' availability to participate represents an encouragement to take over the personal responsibility for the success of the strategy. Citizens become directly interested in the development of the project and, as a result, they will change their habits; this will essentially contribute to the general effectiveness of the project.

Fourth, citizens' participation is a gain from the point of view of the modern economy based on the creative usage of resources, innovation and learning. The "profit for society" resulted from community involvement is generated by:

transposing the expertise of the community members into innovative solutions for the community issues; solutions can be turned into good practices for solving the issues of other communities;

the benefits of diversity; in a knowledge-based society, diversity is a major resource, source of new networks and connections with other areas

Therefore, the policy coordination efforts of the central government are important, but they will also be sustainable to the extent they lead to coherent interventions, significantly contributing to the achievement of objectives.

Conclusions

Strengthening the administrative capacity by public administration reform, achieved and structured by the political tiers, namely the governmental one, would finally lead to „good governance“. However, the concept of good governance should be understood in view of the capacity to govern, capacity direct depending on the administrative one, the latter being the pillar for achieving the governmental policies. Thus, in the framework of the democratic state system, a circular relationship is established between citizen/society – administration – governments – the European Union.

Taking into consideration this relational system, we shall notice that the weak development capacity of an actor, element will produce influence on the others and finally on the integration process. A public administration reform should not be developed distinctly, separately; it should be promoted and supported by the entire social system.

For the time being, the political power of the democratic state is limited due to several causes. Firstly, the governments, as expression of political power should respect and take into consideration the bureaucracy of different administrations, as well as the judicial authority, which has the advantage that it lasts longer than governments and knows better „the files“. Then, the governments should agree with the trade leaders and conclude various „social pacts“. Contrary, both bureaucracy and justice or trade unions may hinder the reforms not agreed (fact happening frequently).

Both inside the country and within the foreign relations, the governments are enforced to respect the legislation of international bodies (for example, European Union Member States), as well as the norms embodied in treaties and conventions of international law.

All the above causes reduce the governments' capacity of action, generating a status of self-satisfaction and measures taking, possible to be expressed under the mentioned conditions, so that finally, constrained by time and the possibility to miss another mandate, several times, they renounce to long term structural reforms and manage just the current affairs.

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