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## MOVING THE SIGNPOST: GOOD GOVERNANCE AND DEVELOPMENT IN THE CONTEXT OF PUBLIC ACCESS TO INFORMATION

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**ABSTRACT<sup>1</sup>.** *In both economic and political terms, Romania lags behind most of the CEE developing countries. This situation deteriorates on a constant basis and is largely accounted for by very poor governance practices. The solution proposed by this study consists of recommending the implementation of a reformist agenda of e-governance based on two pillars: robust development of public sector information and large-scale application of Information and Communication Technologies. In conceptual terms, this strategy is assumed to produce a gradual shift from the citizen-as-customer to the more participative citizen-as-shareholder model of governance. In concrete terms, the medium-term benefits of this policy are political (enhancing the democratization process, increasing political accountability, and improving the tattered government-citizen relationship), economic (combating corruption, creating a transparent and competitive economic environment, and speeding up standard administrative processes for citizens and business), and social (restoring public trust, rebuilding social capital, and increasing the transparency, quality and efficiency of public services).*

### 1. Introduction

The development of the information society is definitely one of the most important challenges that Central and Eastern European (CEE) countries must face in the near future. Concepts like good governance, IT-enabled development strategy and public sector information (PSI) have increasingly become interdependent and hence, critically relevant, especially in the economic and socio-political context featuring the developing efforts of the CEE countries. In short, *PSI is generally expected to become the future engine of political and economic development as well as the critical ingredient for any good governance practice.* However, weak institutional, legal and technological

infrastructure, dearth of financial and human resources, bureaucratic resistance to change, as well as lack of leadership and strategic thinking constitute the main obstacles against the effective implementation of PSI in the CEE region.

By taking Romania as a case study, the objectives of the research project are the following:

- Examine the positions and action strategies of governmental bodies, EU institutions, and relevant civic interest groups with respect to the development of the Romanian PSI, ICT and e-governance sectors;
- Discuss the medium-term implications of these strategies for the perspectives of the

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Romanian economic and political development;

- Devise recommendations for *PSI* regulations for implementing a three-stage reformist agenda of *e-governance* based on two pillars: robust development of public sector information and large-scale application of Information and Communication Technologies.

## 2. General Description of the Issue:

The industrial-era model of government business is gradually coming to an end. Growing alienation of citizens vis-à-vis their political system, mediocre economic performances, and crumbling social bounds provide testimony against the piecemeal efforts to improve traditional governmental capacities of providing public services and collecting taxes. The rise of the "knowledge society" asks instead for the *reformulation of the very notion of governance*, according to which the traditional citizen-as-customer model must be replaced with the more participative citizen-as-shareholder concept<sup>3</sup>. Table 1 tackles comparatively the four major dimensions of governance across the two models:

The role of government in the digital era rests thus on its ability to *harness efficiently Information and Communication Technologies (ICT)* in three main domains<sup>4</sup>:

- Improving government processes: *e-Administration* (cutting process costs, managing process performance, making strategic connections in government, creating empowerment).
- Connecting citizens: *e-Citizens and e-Services* (talking with citizens, listening to citizens, improving public services).
- Building interactions with and within civil society: *e-Society* (working better with business, developing communities, building civil society partnerships).

While no receipt is universally applicable, a minimum set of recommendations for a successful implementation of ICT-enabled governance projects should pay attention to the local prospects of political and social stability; macro-economic conditions, supporting infrastructures, human resources, sustainability of

Table 1: Models of Governance

	Industrial Era	Digital Era
Democracy	Representative	Participatory
Citizens	Passive Consumers	Active partners
Politics	Broadcast, Mass, Polarized	One-to-One
States	National, Mono-cultural	Global, Local, Virtual, Multi-cultural

Source: A. Samuel, "Governance in the Digital Economy: Beyond the Reinvention of Government," (May 1999), 5

<sup>3</sup> Alexandra Samuel, "Governance in the Digital Economy: Beyond the Reinvention of Government," Alliance for Converging Technologies (May 1999): <http://www.actnet.com>, 2.

<sup>4</sup> For more details see Richard Heeks, "Understanding e-governance for development," University of Manchester: Institute for Development Policy and Management, Working Paper No. 11: 2001, [http://www.man.ac.uk/idpm/idpm\\_dp.htm#ig](http://www.man.ac.uk/idpm/idpm_dp.htm#ig), 4-14.

the projects, timescales, and the balance between the internally and the externally-driven e-governance initiatives<sup>5</sup>. Figure 1 presents an exploratory strategic framework for addressing the e-governance challenge.

key resource for good governance, sound business, economic growth, and social harmony.

The 1999 EU Green Paper highlighted several important contributions that public sector

**Fig 1: Strategic Framework for E-Governance initiatives<sup>6</sup>**



Participative notions of governance based on ICT strategies bring distinctly to the front *the issue of public sector information*. High levels of mismanagement, corruption and inefficiency have taken a great toll on the developing efforts of the transitional CEE countries and have thrown their public sectors into a deep crisis. Consequently, the new paradigm of public sector reform evolves now around five dimensions: increased efficiency, decentralization of the decision-making, increased accountability, improved resources management, and the use of market forces and partnerships with the private sector<sup>7</sup>. As a result, public sector information started to be more and more acknowledged as a

information can make in order to bring the Union closer to its citizens<sup>8</sup>. The launch of the eEurope initiative by the European Commission in December 1999 was the first concrete response taken at the European level to address the challenge of e-governance. In June 2000, the Feira European Council adopted a comprehensive eEurope Action Plan and called for its implementation before the end of 2002. The Action Plan was structured along three main lines:

- Objective 1 - A cheaper, faster, secure Internet;
- Objective 2 - Investing in people and skills (learning, working, and participating in the knowledge-based economy);

<sup>5</sup> Richard Heeks, "Building e-governance for development: A Framework for National and Donor Action," University of Manchester: *Institute for Development Policy and Management*, Working Paper No. 12: 2001, [http://www.man.ac.uk/idpm/idpm\\_dp.htm#ig\\_23-24](http://www.man.ac.uk/idpm/idpm_dp.htm#ig_23-24).

<sup>6</sup> R. Heeks, "Understanding e-governance for development", 23.

<sup>7</sup> Richard Heeks, "Information Systems and Public Sector Accountability," University of Manchester: *Institute for Development Policy and Management*, Working Paper No. 1: 1998, [http://www.man.ac.uk/idpm/idpm\\_dp.htm#isps\\_wp\\_7](http://www.man.ac.uk/idpm/idpm_dp.htm#isps_wp_7).

<sup>8</sup> For more details see "Green Paper on Public Sector Information in the Information Society," COM(98)585 (20 January 1999), [http://europa.eu.int/comm/off/green/index\\_en.htm](http://europa.eu.int/comm/off/green/index_en.htm).



- Objective 3 - Stimulate the use of the Internet (e-commerce, e-government, health on-line, European digital content for global networks - eContent, intelligent transport systems).

In December 2000, the Council adopted a set of 23 indicators for benchmarking the eEurope Plan, each of them being further sub-divided into a number of operational indicators. For e-government, the basis for benchmarking was set by the following three indicators:

- Percentage of basic public services available online;
- Use of online public services by the public;
- Percentage of e-procurement carried out on-line.

Both of them were further operationalized on the basis of a list of 20 essential public services, 12 for citizens and 8 for businesses. A four-stage framework was devised to measure progress in bringing these services online: 1) posting of information online; 2) one-way interaction; 3) two-way interaction; and, 4) full online transactions including delivery and payment.

Equally important, at the European Ministerial Conference held in Warsaw on 11-12 May 2000, the CEE candidate countries to EU membership agreed to embrace the challenge raised by the EU-15 with eEurope and decided to launch an "eEurope-like Action Plan" by and for the candidate countries<sup>9</sup>. The initiative, named eEurope+, mirrored the priority objectives and targets of eEurope but provided for actions that

tackled the specific needs of the candidate countries. Therefore, besides the three main objectives of eEurope, the CEE version included one additional chapter aimed at accelerating the putting in place of the basic building blocks for Information Society (liberalization of the telecommunication sector; transposition and implementation of the *acquis* relevant to the Information Society). The eEurope + initiative was followed by a call for an eEurope + Action Plan prepared by the candidate countries for the June 2001 Göteborg European Summit. Similar to eEurope, the eEurope+ Action Plan took aim at accelerating reform and modernization of the economies in the candidate countries, encouraging capacity and institution building, and improving the overall competitiveness<sup>10</sup>.

### 3. Local background to the issue:

Ten years after the breakdown of the communist system, the process of democratic consolidation in Central and Eastern Europe (CEE) remains an ongoing task, save for a few noticeable exceptions such as Czech Republic, Hungary, Poland and Slovenia. Besides the much-debated economic and political legacies, the quality of the model of governance applied in each country has exerted a decisive influence on the political and economic performances of these countries. Romania provides a critical illustration of this case, but its situation can be easily extrapolated to other countries from the region (i.e., Bulgaria, Albania, Ukraine, or some of the former Yugoslav states). In general lines, the Romanian "model of governance" has been

<sup>9</sup> "eEurope+ A co-operative effort to implement the Information Society in Europe," Draft Outline of the Action Plan prepared by the Candidate Countries for launch during the Göteborg European Summit 15-16 June 2001 (23 March 2001), <http://www.mcti.ro>, 1.

<sup>10</sup> Ibid., 1-2.

characterized by the following features:

- Highly centralized decision-making;
- Large governments and fragmented administration;
- Unclear coordination mechanisms;
- Strong reluctance to delegate authority;
- Slow, inefficient and non-transparent administrative structures;
- Weak institutional framework and poor inter-departmental communication;
- Politicized law-enforcement structures and judiciary;
- Overlapping administrative competences and responsibilities;
- Shortage of professional and stable civil servant bodies;
- Absence of feedback systems and channels of communication between society and the state.

Recent EU transfer of institutional expertise via the PHARE Institutional Building, TAIEX (Technical Assistance Information Exchange Office), and Twinning programs, as well as of financial assistance for infrastructure development (ISPA, SAPARD) has been basically intended to tackle the core of the governance problem and to move it on a more positive track. However, even in the most optimistic scenario (committed political reform, strong FDI flows, improved economic environment), the effects of the current pre-accession program will start to produce significant results only in the second half of the decade<sup>11</sup>. In addition, it remains questionable whether the present institutional

framework can resist the pressure of a sudden import of EU assistance, without solid preparation.

#### 4. Current Situation

##### A. State of play

The Romanian ICT sector has constituted the object of several governmental strategies since 1990, but the overall results have been rather modest. The first Romanian Strategic Planning for the informatization of the country was developed in 1992, with French and Danish governmental support, by the National Commission for Informatics (CNI) had started its activity a bit earlier in 1990, as a specialized governmental body. Subsequently, the Romanian Ministry of Research and Technology (MCT) supported the launch of the National Research and Higher Education Network (RNC), run by ICI, while the national R&D program in IT (CEDINF) took off based on the EU ESPRIT project (1991) and the subsequent EU Fifth Framework and the IST Programs. Since then, the Romanian government has regularly adopted various plans for assisting the transition towards the Information Society (1997, 1999, 2000, and 2001).

The decision of the Helsinki European Council to start accession negotiations with Romania stimulated a more applied approach of the Romanian government to the IS policy. The recently adopted *eEurope + 2003 Action Plan* determined the Romanian government to accelerate the implementation and to extend the scope of the short-term IS objectives<sup>12</sup>. The first projects that were approved in view of opening

<sup>11</sup> EU Directorate General for Economic and Financial Affairs, "The economic impact of enlargement," *Enlargement Report*, No. 4 (June 2001), 31, [http://europa.eu.int/economy\\_finance](http://europa.eu.int/economy_finance).

<sup>12</sup> Romanian Government, *Report on the Progress in preparing the Accession to the European Union*: September 2000 – June 2001, (June 2001), <http://www.mie.ro>, 178-9.



public tender dealt with:

- Accelerating the introduction of computers and Internet access in schools;
- Introducing electronic information services for citizens – Info-kiosks;
- Building a development portal – Romania Gateway;
- Extending national networks for IT services;
- Extending the IT system for monitoring balance sheets and fiscal liabilities of companies with declaration capabilities on the Web;
- Stimulating Internet-based applications for e-government and e-business (videoconferences on the Web; electronic system for public procurement; web-based system for loading suppliers' invoices; cyber centers; virtual market; electronic referendum; B2B solution for customs services).
- Full liberalization of the telecom sector after January 1, 2003.
- Developing and upgrading the network infrastructure for data transmission and communications.

The agenda of the *Parliamentary Committee on Communications and IT* (PCCIT) overlaps only accidentally with that agreed in the eEurope 2003 + Action Plan. Falling prey to a traditional public culture of over-regulation, the PCCIT seems determined to flood the ICT sector with a laborious legislative package that lacks a coherent direction. While limited aspects of the e-signature, e-commerce, e-data protection, or anti e-fraud legislation are indeed necessary, the general tendency embraced by PCCIT is to duplicate legislation (such as the laws on e-documents, e-transactions, e-private currency, e-public attorney etc.) and to regulate excessively

the private sector while failing to provide the much-needed leadership for expanding ICT applications and services to the public sector. Moreover, lack of a similar committee in the second chamber of the Parliament and especially, marginal political interest among the PCCIT members has given the current president discretionary control over the agenda of the committee. Hence, most of the activity of PCCIT consists either in rubber-stamping governmental initiatives or in providing a lobbying platform for the IT private sector.

Although concentrated largely on fiscal and legal facilities, telecommunication liberalization, as well as on a stricter enforcement of the existing copyright regulations, the objectives of the private sector have become increasingly visible for the government. Inspired by the eEurope initiative, an "eRomania group" was formed in 2000 that included local representatives of IBM, Compaq, Microsoft, Hewlett-Packard as well as of Romanian companies. The group advanced a concise document outlining a set of principles and objectives necessary for creating the Romanian IS. The project was relatively well received by the government and included:

- financial and institutional support for the local software industry and for ICT imports;
- credit facilities for SMEs which offer IT services;
- promotion of electronic services among public institutions (plastic cards for payments, online banking services, electronic tax forms, online access to public information);
- legislative reform: e-signature and e-protection of personal data;
- liberalization of the telecom market;
- strong investments in the ICT

infrastructure;

- introduction of computer courses at all levels of education;
- creation of "technological parks" for the production of software.

The less fortunate situation featuring the Romanian economy has left a heavy imprint on the development stage of the Romanian IS. Recent estimates put basic data on *IT infrastructure and Internet availability* at very low levels<sup>13</sup>. The total Romanian Internet market is around 90,000 accounts, 30,000 being corporate and the rest private. 95 percent of private Internet subscriptions is formed of dial-up subscriptions, while business access takes place mainly through dial-up (73%), rented line (16%) and TV cable (4%). GSM Internet connections account for only 1% of total business Internet subscriptions. In terms of Internet access, only 9% of Romanians ever used the Internet, 44% from public places, 31% from the office, 13% from the universities (the Romanian Education

Network – RoEduNet – provides free Internet access to students) and 11% from home<sup>14</sup>. Despite a recent 50% discount for Internet access provided by the national operator RomTelecom, high telephone access fares represents the main obstacle to better Internet penetration, together with the relatively high prices of computers, and the low-to-moderate level of Internet literacy. This situation might change in the near future once full liberalization of the telecom market takes effect after January 2003 and the increasing competition in the computer hardware market will force prices to go down.

Leaving aside the commercial side, the most important *IT networks* belong to the academic and public administration sector. *The Romanian Education Network (RoEduNet)* was created in July 1993. It was conceived from the very beginning as an open structure, offering free

#### CEE Internet Users (per 100 inh.):

- Estonia: 26.3
- Poland: 13
- Czech Republic: 10
- Hungary: 6.5
- Bulgaria: 5.3
- Romania: 3.1
- Albania: 0.2

Source: *ESIS II Report - Information Society Indicators in the CEEC countries 2001*

#### CEE Internet Hosts:

- Poland: 183,087
- Hungary: 113,695
- Czech Republic: 112,748
- Romania: 46,574

Source: *Romanian National R&D Computer Network, ESIS II Report 2001*

access to the academic, scientific and cultural nonprofit institutions. After five years, the RoEduNet data communication infrastructure has succeeded in covering the entire national territory, as well as in connecting and offering services to more than 150 institutions. The structure remains open to all universities and

<sup>13</sup> National Association of Romanian ISP, RIPE, and IMT estimation 2000; for more details see "Romania Master Report," (January 2001), <http://europa.eu.int/ISPO/esis/default.htm>, and "Romania Development Gateway - e Readiness and Need Assessment," (2001).

<sup>14</sup> Ibid., 11-13.

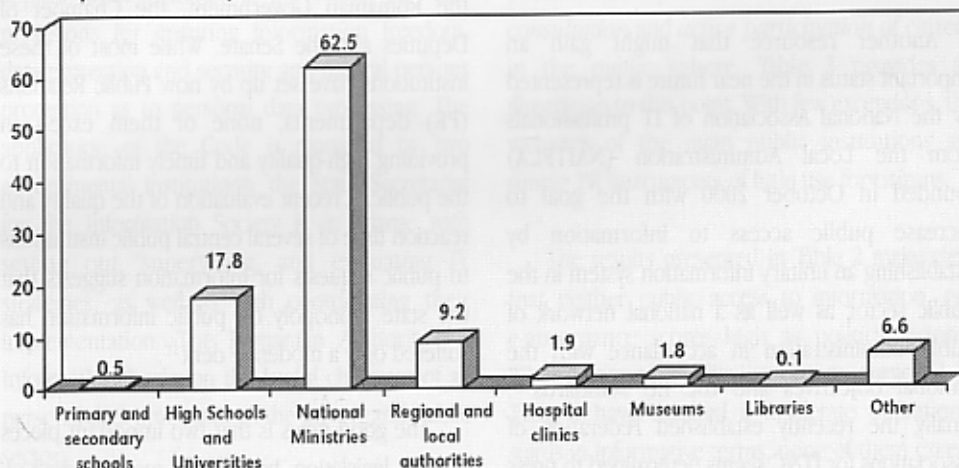


non-profit scientific and cultural institutions. *The National Computer Network for Research (NCN)* started in 1993 as a PHARE program but later on the government, through the Ministry of Research and Technology, secured the financial support. NCN was created with the purpose of providing the scientific community with an instrument of access to data transfer services and connection to Internet at the lowest possible prices. At present, more than 90 R-D organizations, representing about 1300 individual stations, benefit of the NCN services. Other small-scale projects deal with setting up virtual libraries, providing children in orphanages and poor families with access to computers and to the Internet (the *Computer Clubs for Children* initiative), and supporting e-learning programs (i.e., iEARN network).

web-based conference systems, e-procurement and e-market applications). The modest levels of development and investment in the ICT infrastructure are especially reflected in the rate of *Internet penetration of public institutions* (see Graph 1). Obviously, these figures do not comment on the quality of the official information made available on-line, issue that will be discussed in the next section. However, it is probably important to stress that almost 85% of the effort to move a minimum of public information to the Internet has been basically carried out in the last three years.

The first stage of the *reform of the public sector* was initiated during the 1996-2000 administration and dealt primarily with legislative issues: the Civil Servant Law<sup>7</sup> (188/99), Ministerial

Graph 1: Internet penetration rate of public institutions (%)



Drawing mainly on World Bank and EU pre-accession funds, the Romanian government is the main IT investor, financing large infrastructure projects such as the construction of networks in the field of healthcare, postal services and public administration, but also small scale projects in partnership with the private sector (info-kiosks,

accountability (155/99), Local public finances (189/1998), Prevention, disclosure and sanctioning of corruption (78/2000). Once the legislative framework established, the next stage should make sure it is applied properly. The last stage of reform should build on this foundation and move to fully integrate ICT in the public

administration. Although completed in March 2000, the feasibility study for the Data Communications Network for Public Administrations (NetPAD) lacks yet the necessary financial resources required for implementation. Hence, the network connection at the level of the central administration rests on several information systems belonging to various ministries (Public Finance, Industry and Resources, Internal Affairs, Labor and Social Solidarity, Health & Family) and governmental bodies (General Directory of Customs, National Commission of Statistics). There is no impressive local administration network, although certain steps have been taken by a few City (Bucharest, Sibiu, Braşov) and County Halls (Harghita, Bistriţa Năsăud, Constanţa) to provide basic public information on-line and develop more interactive G2C applications.

Another resource that might gain an important status in the near future is represented by the National Association of IT professionals from the Local Administration (NAITPLA) founded in October 2000 with the goal to increase public access to information by establishing an unitary information system in the public sector, as well as a national network of public administration in accordance with the national objectives and the EU standards<sup>15</sup>. Finally, the recently established Federation of Associations for IT&C seems determined to press forward with its own ICT agenda regardless the promises and intentions of the government. The

first step announced by the Federation is to create an extensive communication network \$150,000 worth.

Political rhetoric notwithstanding, *public access to information* (PAI) remains a critical issue. From a legislative viewpoint, Art. 31 of the 1991 Romanian Constitution inscribed the right to information as a fundamental civic right, and assigned to the public authorities the obligation to provide accurate information on their activity to all citizens. These general constitutional provisions have been thereafter followed by several concrete but nevertheless weak PAI regulations concerning the activity of the Presidency (47/1994), Legislative Council (73/1993), Constitutional Court (47/1992), Local Administration (69/1991), Judiciary (92/1992) as well as by various sets of internal norms issued by the Romanian Government, the Chamber of Deputies and the Senate. While most of these institutions have set up by now Public Relations (PR) departments, none of them excels in providing high-quality and timely information to the public. A recent evaluation of the quality and reaction time of several central public institutions to public requests for information suggests that the state monopoly on public information has suffered only a moderate dent<sup>16</sup>.

The good news is that two important pieces of FOI legislation have been recently drafted, debated, and adopted by the Parliament. The first piece regulates exactly *the access to public*

<sup>15</sup> The Public Administration Information Systems Professionals Association, <http://www.waniap.ro>

<sup>16</sup> Ciprian Fartuşnic and Romaniţa E. Iordache, "Liberalizarea Accesului la Informaţie: Comentarii şi propuneri pe marginea proiectului liberal privind liberul acces al cetăţenilor la informaţia publică," [The Liberalization of the Access to Information: Comments and proposals regarding the citizens' free access to public information] *Societatea Academică din România* Working Paper No. 20 (Martie 2001).



information and sets provisions for the conditions, sanctions, timeframe, and type of information that citizens and mass-media can request from public authorities and institutions<sup>17</sup>. The main criticism concerns the relatively limited scope of application of the law. PAI is basically conditioned on requesting public information that does not pertain to a loosely defined set of exemptions (i.e., national defense, public security, the economic and political interests of Romania etc.). Hence, the *law of classified information* becomes critically important for ensuring a fair and effective access to public information.

The second piece of legislation deals with the *Code for Information Technology Development and Use*, which establishes the legal guarantees for freedom of information and natural person data protection in an IT environment. The code applies to all members of the society and sets provisions for ensuring information freedom, data protection and security, and natural persons protection as to personal data processing. The application of the Code is managed by two governmental institutions: the State Secretariat for the Information Society is in charge with setting out, supervising, and evaluating IT strategies, as well as with coordinating their implementation. The Romanian Authority for Informatics checks on the lawful character of all personal data processing in the private and public sector.

The two pieces of legislation represent an important step forward in the direction of developing IS but they tackle only partially the core of the PSI and e-governance problem, which basically relates to *data accessibility* and *usefulness*. Pending the quality of the classified information law<sup>18</sup>, the access to information law is intended to improve data availability, while the Code for IT Development and Use to prevent e-infringements of human rights. However, they do not address the issue of e-streamlining the public sector so that citizens can really benefit from the introduction of IT in the public administration. *As it stands now, public access to information refers only to making available a limited amount of information of questionable value*. In other words, it imports the shortcomings of the paper-based system but with little consideration for harnessing the full ICT potential in public administration namely, *consultation* and *active participation* of citizens in the public sphere. Table 2 provides an illustration to this point. With few exceptions, the websites of the main public institutions are simple PR instruments of little use for citizens.

The results presented in Table 2 make clear that neither public access to information, nor e-governance scores high as political priority. While most of public institutions surveyed in Table 2 have reached a moderate operational status in informative terms, none of them except for the Chamber of Deputies and MCTI is yet prepared to enter into the consultation phase.

<sup>17</sup> Ministry of Public Information, *Law no 544 regarding access to public information*, (12 October 2001).

<sup>18</sup> The draft is still under review in the Chamber of Deputies after being returned as "unconstitutional" by the Constitutional Court; Art 16(2), 15 (c), 19, and 39 are widely considered by mass-media and civil society groups as anti-democratic and prone to abusive interpretation. Under this law, authorities enjoy basically unlimited discretion for withholding public information on grounds of state or professional secret.

Table 2: Web accessibility index of the main public institutions

Public institutions	Information <sup>1</sup>	Consultation <sup>2</sup>	Active participation <sup>3</sup>	Overall score
Government	2.75	1.37	1	Low (1.70)
Ministry of Local Administration	2.66	1.5	1	Low (1.72)
Minister of Public Information	2.16	1.5	1	Low (1.55)
The Ministry of Communications and IT	3.86	3.15	1	Moderate (2.67)
Chamber of Deputies	4.25	3.58	1	Moderate (2.94)
Senate	2.93	1.94	1	Low (1.95)
Presidency	2.43	1.5	1	Low (1.64)
People's Advocate	2.83	1.66	1	Low (1.83)
Constitutional Court	1.95	1.3	1	Low (1.41)
Bucharest City Hall	1.75	1.2	1	Low (1.31)

Assessment made by the author on the basis of the following criteria (1 – low; 5 – high):

<sup>1</sup> Basic public interest info: organizational structure, activity report, contact addresses, office hours; policy targets and guidelines; projects; Accessibility: site map layout, regular updating; archive; on-line databases; search engine/index, readability; retrieval time.

<sup>2</sup> Feedback: information and communication policies; e-mail feedback component; polls and surveys; project tracking; reaction time to requests for public information; newsletters.

<sup>3</sup> Interactivity: discussion forums; e-document transactions; focus groups and citizen panels; public procurement; on-line hearings.

The active participation stage remains out of reach for all of them, at least in the medium-term. Moreover, the adoption of the Law of Classified Information might aggravate even further the current situation since most of its provisions regarding the definitions of state and professional secrets cancel out the rights and terms of the Law regarding the access to public information. As a final observation, central institutions seem though to perform much better from an IT viewpoint than the local administrations, fact that highlights the digital divide growing fast between the capital and the regional and local bodies.

### B. General evaluation

A cross-examination of the data presented in the previous three sections points to the *weakness of the ICT infrastructure* and to the

*modest level of economic development* of the country as the two key factors accounting for the present embryonic status of the Romanian information society. An evaluation summary of the main indicators of the Romanian ICT infrastructure is shown in Table 3. Although most of the indicators are now in a critical position, the medium-term prospects for improvement are cautiously optimistic given the current upward economic trend, the expansion of IT network projects, as well as the new coordination role assumed by the EU in this field via the eEurope + 2003 Action Plan.

Besides these factors, two other important variables have had a decisive role in the failure to act decisively on the IS front: *the institutional framework* and *the policy context*. The first one

Table 3: Romanian ICT infrastructure indicators

	Current status	Medium-term prospects
Internet availability	2	3
Internet affordability	1.5	3
Internet penetration of public institutions	1.5	2.5
IT networks	1.5	3
IT spending	2	2.5

Assessment made by the author: 1 – low; 5 – high.

refers to the following issues:

- Exaggerate number of authorities involved
- Institutional instability
- Invisible leadership and strategic thinking
- Overlapping and/or unclear competence and responsibility boundaries
- No real strategy to bridge the communication gap between the various actors
- Inadaptability of the actors to reach constructive compromise on their agendas

As shown in the previous section, the number of actors involved in the field is quite large. Various ministers, governmental bodies, advisory committees, private institutions try legitimately to pursue their own interests which most of the time are neither clearly defined, nor stable, and hence rather difficult to compromise. Moreover, there is no stable institutional platform to accommodate their views, to define a common strategy, and to implement it firmly. The average lifetime of the institution assumed to coordinate these efforts (MCIT) is about two years, not mentioning the political cleansing of the civil servants after every general election or even governmental reshuffle. Frequent re-organizations affect negatively the

efficiency of the respective institutions by blurring the lines of administrative and political responsibility and by shifting competence attributes.

The institutional structure established by the current Romanian government provides a good example to illustrate this point. The Minister of Communications and IT (MCTI) should be in principle responsible for the entire IS activity. However, most of the important programs are managed by other institutions: the connection of schools to Internet is run by the Education ministry (with support from the World Bank), the computerization of the Health care system is coordinated by the Health ministry and regional insurance agencies, the reform of the tax collection system is managed by the Finance ministry and the local governments<sup>19</sup>. Even the existing and the future governmental portal are not completely assigned to MCTI (the existing government website is supervised by the MPI, while the design and maintenance of the RDG portal will be coordinated by an association that is only slightly connected to MCTI).

<sup>19</sup> UNDP – Romanian Academic Society: **Early Warning Report Romania**, No. 1 (2001), 33, <http://www.undp.ro>



One would expect then MCTI to be at least in charge with drafting the national IT strategy. Since 1992 this objective has been accomplished by a committee of the Romanian Academy of Science in cooperation with the Forum for the IS. The reorganization undertaken by MCTI in December 2000 put the Group for the Strategy for the New Economy and the Implementation of the Information Society in Romania (GSNEIIS) in charge with this task. Unfortunately, this move seems now to have been prompted by simple public relations (PR) considerations rather than serious policy rationale, since the level of expertise available to GSNEIIS is rather limited. Except for a single meeting that took place in April 2001, the activity of GSNEIIS has been basically limited to translating into Romanian the eEurope + Action Plan and to concluding, within the framework of the Stability Pact, a rather irrelevant memorandum of digital cooperation with Albania, Greece, FRY Macedonia, Yugoslavia, and Cyprus. More serious projects, including the most promised long-term strategy for developing Information Society are definitely not in sight. Moreover, the future of GSNEIIS itself is rather uncertain since the State Secretariat for the IS established by "the Code for Information Technology Development and Use" is supposed to assume full responsibilities in this sector immediately after the adoption of the law.

The second important division of MCTI, the Information Technology Promotion Group (ITPG), has been slightly more productive. Except for speeding up the adoption of a set of legislative proposals left over by the previous administration, ITPG was able only to initiate a disputed tax-relief proposal for IT companies and to open public tender for 20 IT pilot projects.

Some of them are now under review for being expanded to the national level such as e-procurement, e-custom services, info Kiosk, cyber-center, e-job, web-conference, e-tax-payment, cash-flow management, and the national network of information services. Unfortunately, the e-governance value and efficiency of these projects can be hardly assessed since all technical criteria of performance and selection have been kept out of public scrutiny. However, in view of the existing offers on the private market, the web-conference and e-job projects have questionable value as governmentally driven initiatives. The e-tax initiative can make nice headlines in the papers but it can hardly stimulate any financial payments as long as the complementary e-banking component does not really exist. The e-referendum project fuels even stronger skepticism since it is presumed on the explicit use of a personal ID card that basically eliminates the secrecy of the voting intent. Last but not least, the timeframe and financial resources required for the implementation of these projects are specified in rather unclear terms, fact that raises serious doubts about the concrete contribution and prospects of success of these projects for fostering the developing of the Romanian Information Society.

In short, despite certain progress, the overall results achieved so far by MCTI are rather modest. It neglected to demarcate the IS competences among the various ministries and governmental bodies and hence, it failed to provide the necessary level of leadership for coordinating e-government and IS efforts at the national level. The internal reorganization undertaken by the ministry has proved so far unsuccessful in

generating the expected results. GSNEIS has an uncertain status and its activity is below the critical level of efficiency and competence. ITPG seems to be the only MCTI body that functions in relatively good conditions. With a few exceptions, the initiatives and projects advanced by ITPG for fostering e-governance are on the right track, but the implementation stage is nevertheless open to question. In addition, these projects lack a clear and coherent direction, except for a vague and ad-hoc connection with the eEurope + Action Plan, the implementation of which lags nevertheless behind. Finally, the coordination and mediation role expected to take place between MCTI and the rest of IS actors has been reduced to a few conferences of limited interest, while critical issues about IT surveillance and digital divide have been not even addressed officially.

Institutional entanglement has been also facilitated by the gradual departure of the Ministry of Public Information (MPI) from its original objectives. Hence, instead of coordinating the efforts for ensuring better access to public information, MPI has been rendered into a simple PR governmental instrument, in charge with conducting political spin and image campaigns. Consequently, the leading activity of MPI consists of improving the approval rates of the Prime Minister, the government, and the ministers, most often by resorting to PR campaigns that are on the border of democratic legality<sup>20</sup>. Under these circumstances, the results achieved in terms of improving the access to public information in the last 15 months of activity are necessary sub-mediocre. The minister

advanced three legislative initiative in the field, two of them dealing with the Law of public access to information (LPAI) and the methodological norms required for its implementation, while the third outlining the "Conception regarding the territorial system of public information". As argued in the previous section, the current weaknesses and limits of LPAI are harshly amplified by the restrictive provisions of the Law of Classified Information to the extent that the access to public information is going to be limited to what the government and local authorities will deem "appropriate" for public knowledge. In view of the aggressive PR practices deployed currently by MPI, the envisaged territorial system of public information resembles rather an extended network of political control than a genuine instrument of public information.

The *policy context* has also exerted a negative influence on the evolution of the Romanian IS by way of the following set of factors:

- Fascination for sophisticated grand projects
- Uncritical submission to the technocratic myth
- Public preferences for over-regulation
- Persistent disregard of the design-reality gap
- Inability to build policy convergence and coherence
- Entrenched institutional culture of secrecy and lack of transparency

The cumulative negative effect of these tendencies simply adds up to the institutional weaknesses described above. The failure of all

<sup>20</sup> Evenimentul Zilei. **Ministerul Dezinformării [The Ministry of Disinformation]**, (11 June 2001), available at [http://www.evenimentulzilei.ro/politica/?news\\_id=35301](http://www.evenimentulzilei.ro/politica/?news_id=35301)

Romanian IT national strategies elaborated since 1991 to produce the expected results is largely accounted for by their poor design.

As shown in the third section, large-scale projects have been drawn up with little consideration for meeting them with the available financial and human resources (i.e., the NetPad communication network). IT technicians have been put into key decision-making positions (see GSNEIIS) although the strategic planning for developing the IS requires broader intellectual capacities, capable of understanding also the political, economic and social implications of the project. The perception of a "legislative vacuum" has unfortunately stimulated fervor for over-regulating a sector that usually thrives from deregulation (see the current efforts of the Parliamentary Committee on Communications and IT). Misconstrued governmental competences have led the authorities to embark on commercial tasks (web-conferences, *e-job*), or to defy democratic rights (privacy of the voting intent in case of *e-referendum*). Rigid planning may also prevent flexibility for on-the-ground implementation (i.e., *e-tax* payment system without a solid e-banking infrastructure support). Finally, competing interests, political priorities, and a paranoiac cult for secrecy proved too sharp to consent to better policy convergence,

coherence, and openness (see the case of the aggressive PR practices of the Ministry of Public Information at the expense of genuine public information activity, or the law of classified information that cancels PAI provisions).

In conclusion, the evolution of the Romanian PSI, ICT and *e-governance* sectors depends on four key factors: the general economic development of the country, the consolidation of the ICT infrastructure, the improvement of the institutional framework, and the adjustment of the policy context. Based on the arguments presented so far, this chapter concludes with an estimate of the negative impact of these four factors on the development of the three sectors. As shown in Table 4 the ICT infrastructure represents at present the key impediment, followed by the institutional framework and the policy context. In other words, reaching progress in developing Information Society is basically a matter of improved organizational skills and good expertise, not necessary an economic issue, although the ICT infrastructure may absorb serious financial resources.

**Table 4: Impeding factors**

	Public Sector Information	ICT	E-governance	
Economic development	2	5	3	Medium
ICT Infrastructure	5	5	5	High
Institutional framework	4	5	4	High
Policy context	4	5	4	High States

*Assessment made by the author: 1 – low impact; 5 – high impact.*



## 5. Policy recommendations

In view of the successful IS experience of countries like Canada, US, UK, Singapore, Norway or Estonia, it is safe to claim the reform objectives outlined in the previous section can be reached within a reasonable horizon of time (3-5 years) provided that the level of political support, capital of expert knowledge, and allocation of financial resources multiply by at least a factor of three from the existing levels over the next five years. In concrete terms, an integrated approach to the issue of developing the Romanian Information Society encompasses three closely connected stages:

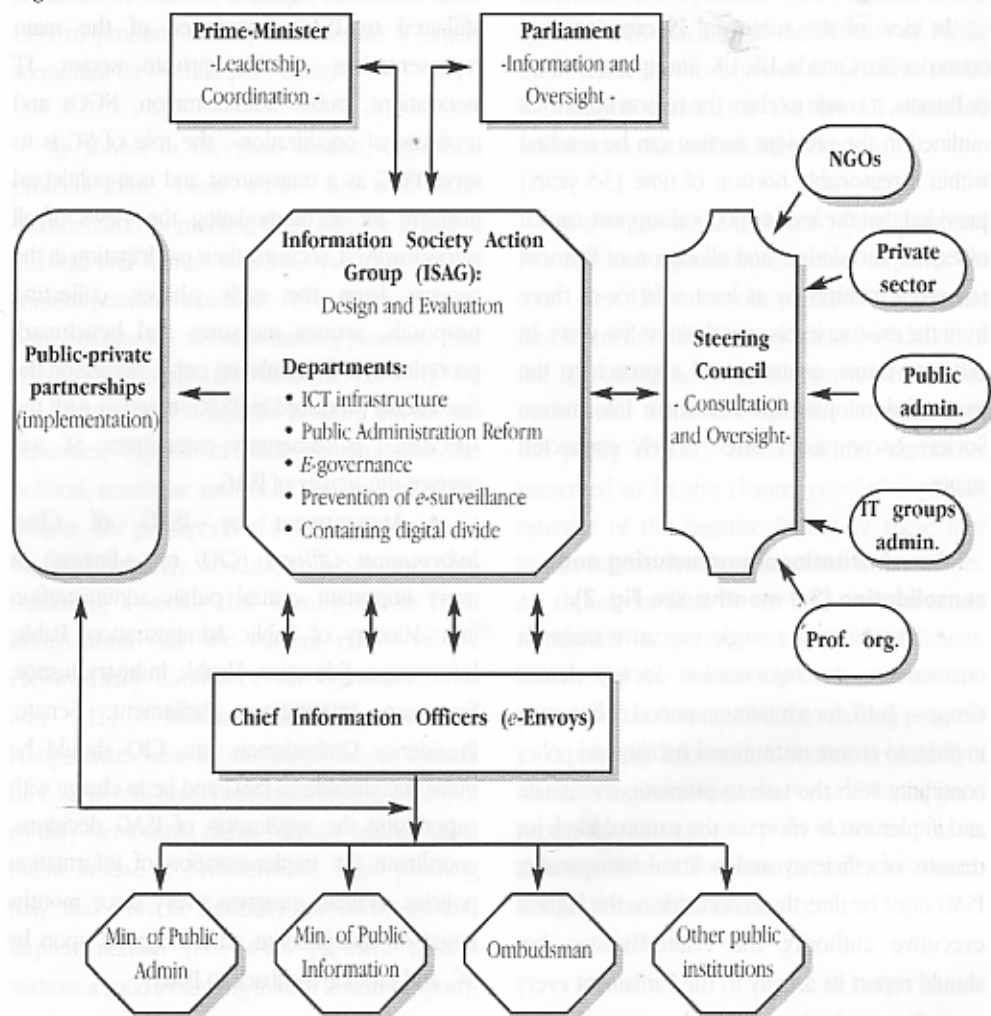
### A. Institutional restructuring and consolidation (3-9 months; see Fig. 2):

- Establishing a single executive umbrella organization, *the Information Society Action Group – ISAG*, for a minimum period of five years in order to ensure institutional stability and policy continuity, with the task to promote, coordinate and implement IS efforts at the national level; for reasons of efficiency and political transparency, ISAG must be directly accountable to the highest executive authority, the Prime-Minister, but should report its activity to the Parliament every year; by combining political, economic and technical expertise, ISAG should be ideally structured in five key departments in charge with the design and evaluation of projects on: the ICT infrastructure, Public Administration Reform, e-governance, Prevention of electronic surveillance, Containing digital divide; the implementation of these projects should be operated by public-private partnerships; the budget of ISAG should be fixed by law to a minimum of 1.5-2% of GDP (approx. \$ 0.4– 0.7 billion) for the next 5 years.

- Creation of a Steering Council (SC)* affiliated to ISAG, composed of the main representatives of the private sector, IT associations, public administration, NGOs and professional organizations; the role of SC is to serve ISAG as a transparent and non-politicized platform for accommodating the views of all actors involved, securing their participation in the process from the early phases, collecting proposals, actions measures and benchmark procedures, and stimulating public debate on the documents produced by ISAG; together with the specialized parliamentary committees, SC will oversee the activity of ISAG.

- Appointment by ISAG of *Chief Information Officers (CIO)* (or *e-Envoys*) in every important central public administration unit: Ministry of Public Administration, Public Information, Education, Health, Industry, Justice, European Integration, Parliament, Senate, Presidency, Ombudsman, etc. CIO should be made accountable to ISAG and be in charge with supervising the application of ISAG decisions, coordinate the implementation of information policies, evaluate progress every three months based on independent criteria agreed upon by SC, and provide feedback to ISAG.

Figure 2: IS institutional framework



#### B. Policy adjustment (12-36 months):

Acting upon the recommendation of SC, IASG must take the lead in reforming the policy context via the following set of measures:

- *Amending existing legislative shortcomings:* cancellation of the Draft Law of Classified Information and replacement with a democratically formulated Law of Military Secrets that must define in unequivocal terms a very limited class of non-public information; the new

law must eliminate the category of "professional secrets" and must state clear deadlines and procedures for declassification; the current law of access to public information must be amended in the same spirit, by expanding the category of public information to all state and governmental documents that do not fall within the provisions of the new version of the Law of Military Secrets (i.e., Art. 12 of the law should be rescinded completely except for subsections d and e); the

reform of the existing legislative framework of the public administration (the Civil Servant Law (188/99), Ministerial accountability (155/99), Local public finances (189/1998), Prevention, disclosure and sanctioning of corruption (78/2000)) should be also set high on the political agenda and be guided by the following five principles: depolitization, professionalization, efficiency, transparency, and public participation.

- *Consolidating the PSI and ICT legislative framework* (see Table 5): While taking great care to avoiding duplication and excessive regulation, ISAG and SC must nevertheless exert leadership in the field by advancing several key pieces of IS legislation. One direction of action is to streamline and consolidate the current regulatory system governing the PSI sector. This move implies an efficient institutional and legislative e-government framework, comprehensive

electronic access to public information including to a prospective e-Archive of public information, as well as prompter and more complete delivery of public information via a Governmental Paperwork Elimination Act, eventually tailored, adapted and improved after the US model. A second direction is to build a self-sustainable system of dealing with the current and foreseeable limits of Romanian Information Society. In ideal terms this presupposes a multi-stage program of extension of broadband Internet access throughout the whole society, timely solutions to the issue of digital divide, and especially diligent efforts toward the formation of a body of local expertise on IS related matters.

- *Introducing and enforcing a code of e-practice across the main units of public administration.* The code must set out a minimum number of principles to govern public

**Table 5: Consolidated ICT and PSI legislative framework**

Law	Objective	Target group
Act on Electronic government	Establishing the institutional and legislative framework for moving governmental services on-line	Central and local administration
Act on Electronic Access to Public Information	Improving transparency, consultation and active participation	Individual citizens, interest groups
Government Paperwork Elimination Act	Reducing red-tape, improving transparency	Public administration, individual citizens, interest groups
Act on establishing e-Archive of Public Information	Improving transparency	Individual citizens, interest groups
Act on addressing the issue of the digital divide	Preventing social and technological gaps, fostering active participation	Disadvantaged regions and communities
Broadband Internet Access Act	Developing the information infrastructure	Society
Internet Research and Development Act	Formation of a body of local expertise on IS related matters	Academia, private sector



policy projects:

- Be open to public hearings whenever possible; exceptions must be carefully justified.
- Avoid political insulation by including all relevant political views.
- Be citizen-oriented with the user in mind or as participant in the planning process;
- Include the public in evaluation exercises (i.e., via citizens' panels).
- Help build communities around e-services by delivering value-added content, stimulating interactivity, consultation, and active participation.
- Reach across the digital divide and provide affirmative outreach to citizens who might not have the necessary expertise or access to equipment.
- Give preference to public-private partnerships in the implementation phase.

### C. ICT (12-48 months):

- Set out a multi-stage strategy of informatization of all major units of public administration.
- Complete the implementation of the Data Communications Network for Public Administrations (NetPad).
- Initiate full deregulation of the telecom system.
- Finalize the integration of the existing information networks: Public Finance, Industry and Resources, Internal Affairs, Labor and Social Solidarity, Health & Family, General Directory of Customs, National Commission of Statistics.
- Develop broadband connectivity (of minimum 2 megabits per second), facilities and services, eventually by using RoEduNet and the National Computer Network for Research (NCN) as starting points of a national-wide network ring.
- Create tax incentives for e-banking services.

• Apply national-wide standards of quality and assessment for portals and websites of public institutions.

• Expand the network of Internet public access points (libraries, museums, universities and info-kiosks).

• Set up a roadmap and timeframe for accomplishing the objectives stated in the eEurope + Action Plan.

• Create public databases of e-government applications and good practice examples to be further used by the local administration.

• Encourage dissemination of best practices in the field by setting up a semi-annual rating system of evaluation of all public sector websites;

To conclude, e-governance reform is not empty talk, but an absolute political, economic and social priority for Romania, unfortunately not well-acknowledged so far. Given the poor economic conditions of the country and the relatively unstable political and social context, e-governance reform based on robust development of PSI and large-scale application of ICT could provide a swift and sustainable solution to the torn relationship between development and governance experienced by Romania in the last decade. Certain efforts have been made in this direction, but with limited results. The aim of this research paper was to canvass the main sources of failure in achieving positive outcomes in this policy area, to examine the limits and pitfalls of information strategies and policies, and to propose accordingly a set of policy recommendations. The author expresses the hope the solutions advanced in this paper will be able at least to stimulate an informed debate among the concerned actors, as well as to make a meaningful analytical contribution to this emerging field of study.