

ReSPA

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NETWORKING RESPA WITH OTHER INSTITUTIONS

European Group of Public Administration

Public Administration and Management of Diversity

19 – 22 September 2007, Madrid, Spain

Mr Marjel Mejdini, Albania *ReSPA Steering Committee Member (Substitute)*

I INTRODUCTION

At the ReSPA Steering Committee Meeting it was decided that ReSPA would, as one of its activities, fully support participation of the Steering Committee members at various international conferences in 2007. At the same time, based on the proposal made by the Secretariat, it was decided that Marjel Mejdini, member of the ReSPA Steering Committee from Albania, will participate at the International Conference on Public Administration and Management of Diversity in Madrid, Spain, 19 – 22 September 2007.

ReSPA was also represented by Nicolas Dubois, Secretary to the ReSPA Steering Committee and by Niko Grubestic, Bosnian representative of the ReSPA's Steering Committee member

II CONFERENCE BACKGROUND

The concept of "equal access to services" has been a leitmotif of central administrations for decades. All citizens are considered to have equal claims on welfare services. Given the same standards of quality, citizens could expect to receive the same benefits wherever – and to whomever – they made their claims. However, placing everyone under the same rules and offering a minimum standard are not enough to compensate for present or past inequalities. The increasing heterogeneity of society and the impact of social movements related to the distribution of wealth, gender, age, ethnicity and disability are inequalities that have not been adequately addressed so far.

III CONFERENCE PROGRAMME

Summary

More than 100 representatives from 30 countries and 10 international organisations attended the Conference organised by the Ministry of Public Administration in Spain and contributed to the discussions about Public Administrations and Management of Diversity.

The Conference was opened by Geeart Bouckaert, President of European Group of Public Administrations, Francisco Ramos Fernandez-Torrecilla, Chairman of the Organizing Committee, and Joan Subirats, Universitat Autònoma de Barcelona.

In Workshop I - The paper addresses the issue of commercial reuse of public sector information (PSI) and discusses from a comparative perspective the issues that arise from the different ways in which the EU directive on PSI reuse is transposed into the national legislation of the member states and points out possible lessons for the New Member States in general and Romania in specific. It also analyzes the issue of correlation between general FOI laws and laws on re-use of public sector information, and the effects on FOI regime arising from this correlation or lack of it. The paper has a threefold structure: The first section discusses mainly theoretical issues regarding the establishment of a reuse of PSI model and tries to highlight several alternatives countries have and how a certain alternative influences the growth and future development of the PSI market; The second section analyzes the provisions of the EU Directive on PSI reuse and discusses how this directive was transposed into national legislation by some of its "older" members; Finally, the third part focuses on the case of Romania and provides an in-depth analysis of the provision of the reuse law. It tries to highlight practical challenges and ways in which they could be overcome. **Dacian C. Dragos** PhD, Associate Professor, Public Administration Department, Babes-Bolyai University, Romania, and **Bogdana**

Neamtu Assistant Professor, PhD candidate, Public Administration Department, Babes-Bolyai University, Romania.

In Workshop II – The article dwells on the issue of administrative justice in comparative manner, analyzing two neighbouring countries in Central and Eastern Europe with different traditions in this field but facing the same need for reform. After a short presentation of the organization of the administrative justice systems in the two jurisdictions and of the main substantial legal reforms, the authors discuss several reform initiatives aimed at making the process more efficient and timely reasonable. The ADR tools are especially debated, as they are rather new instruments in resolving administrative disputes in CEE countries. It is stressed the fact that ADR tools are not as efficient in countries where the accountability of public authorities is still very low, the main responsibility in solving administrative disputes staying with the courts. Nevertheless, an ever changing mentality in transition administrations favours this way of lessening the burden off the courts. **Dacian C. Dragos** PhD, Associate Professor, Babes Bolyai University, Romania **Andrzej Skoczylas** PhD, Professor, **Adam Mickiewicz** University, Poland **Mariusz Swora** Phd.

In Workshop III – In Western societies, both scholars and opinion leaders frequently question the legitimacy of law and the (actions and decisions of the) justice system. A decline in public trust is seen as a symptom for a legitimacy crisis. Incidents are used to illustrate the dissatisfaction of both citizens and politicians with the current legal system. Although the legitimacy of law and the (actions and decisions of the) justice system have been challenged throughout history, there are good reasons to analyze these recent signs of declining legitimacy. First, Western European societies have witnessed radical change, both demographically and culturally. Besides the growing cultural plurality scholars observe a simultaneous process of individualisation and globalisation. Governments are confronted with increasing economic prosperity and at the same time increasing public dissatisfaction. Therefore, it seems reasonable to thoroughly explore the implications of these processes for the legitimacy of public law and the (actions and decisions of the) justice system. In addition, the performance of public law and the justice system increasingly depends on the perceived public legitimacy and obedience. An exploration of the legitimacy of law and the justice system has to deal with the conceptual confusion that concurs with legitimacy. Many scholars who question the legitimacy of public law and the justice system fail to conceptualise legitimacy or clarify what they mean when using the concept. While some refer to legality and legal quality, other scholars mention legitimacy as a synonym for trust, authority or obedience. Therefore, a thorough exploration of the legitimacy of public law and the justice system requires conceptual clarification. In this paper an interdisciplinary (legal and social scientific) framework of legitimacy is developed that encompasses descriptive and normative dimensions. The framework is applied to the Netherlands in order to explore signs for declining legitimacy. The main question for the application of the framework is whether the available evidence indicates a (systematic) decline of the legitimacy of law and the (actions and decisions of the) justice system in the Netherlands. **Prof. dr Stavros Zouridis** is professor of Public Administration at Tilburg University. He also is the director of the general strategy development department of the Dutch Ministry of Justice.

In Workshop IV – By January 2002 the judicial organisation act of the Netherlands was changed, as a part of a process of organisation development in the Dutch judiciary that started in the late eighties. A new structure for judicial administration and court management was incorporated in an Act that has governed the Dutch Judicial organisation since 1829. The minister of justice was under an obligation to evaluate the effects of this new act within 4 years after its entering into force by January 1, 2002. In order to live up to that obligation, he installed the Deetman Committee, and the research we report on here was intended to supply the Deetman Committee with adequate information. The evaluation study we report on here was committed to us and KPMG-BAS by the Dutch Ministry of justice. **Miranda M. Boone** and **Philip M. Langbroek**.

IV FINAL REMARKS

As a conclusion the management of diversity is therefore a relevant instrument in order to get a better balance between different types of equalities. The challenges of public administration are to deal with more diverse societies that pose more complex demands on public services.

Conference breaks, field trips and the reception hosted by the Secretary of the State were used not only to exchange views on Conference topics and trends in Public Administration but also to inform hosts and other participants on the establishment of ReSPA and explain its organisation, objectives and activities.

At this point, I would like to mention the excellent organisation of the Conference as well as the organisation of my participation by the ReSPA Secretariat.

More details about the Conference together with the available materials could be found at www.egpa2007.inap.map.es/egpa2007/