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GOVERNMENT AND *THE STATE*, POLITICIANS AND CIVIL SERVANTS: POLITICO-ADMINISTRATIVE RELATIONSHIP IN YUGOSLAVIA

1. Introduction

Yugoslavia has a territory of 102,173 km² and 10,4 million citizens. In Serbia following the elections in 1997 the government was formed by the Socialist Party of Serbia (SPS), the Serbian Radical Party (SRS) and Yugoslav United Left (JUL), quite a strange combination of political partners. Extreme right represented by the radicals, extreme rights represented by the JUL, and Socialist Party of Serbia in the middle which has to learn to share power with others, as they were in power from the first multi-party elections in Serbia, held in 1990. In Montenegro the government is formed by the coalition of a wide range of political parties which co-operated with the Democratic Party of Socialists, creating a block "*To live better*". Recently the strongest opposition party in Serbia (the Serbian Renewal Movement - SPO) has joined as the coalition partner at the federal level to the Socialist Party of Serbia and the Socialist People's Party of Montenegro, which is the single strongest party in Montenegro, but does not participate in power in Montenegro, due to the unsolved problem of the relationship with the Democratic Party of Socialists. Namely, the Socialist People's Party is a former faction of the Democratic Party of Socialists. This is the reason why the Montenegrin government does not recognise the federal government and there has been a continuous dispute between the two of them. Both republican governments are in power from 1997, while the federal government was changed last year.

In Yugoslavia and its federal units the coalition governments are in power. This would suggest that the political situation is fairly unstable, but it is not the case. Namely, all these coalitions are pretty stable, as all political parties enjoy being in power, and consequently are very tolerant one of another. In our view, this is the consequence of the fact that no party except two ruling parties in Serbia and Montenegro, was in power, and therefore it became very difficult to justify their existence before their membership. The participation in power is seen as a fulfilment of the main political task, and of course it brings some privileges, and abilities to raise additional funds for political promotions, as corporate donors are more likely to support political parties in power.

The current economic situation in Yugoslavia is very difficult. The country is late in implementing necessary structural and institutional reform, and the delayed results of the International economic sanctions which were in force from 1992 to 1995 are seen everywhere. Because of the political tensions over Kosovo and Metohija (*Kosmet*) and armed

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conflict there is very little, if any interest foreign investors to invest in the Yugoslav economy. The unemployment rate is around 25 per cent, and GDP per capita is USD 1,600, three times less than in the late 1980s. With the fall in industrial production it is very difficult to have efficient public finance. The participation of the public sector in GDP is almost 60 per cent, but the public funds are almost empty. The vast proportion of citizens are involved in some kind of black or grey economy, trying to bring an additional income to their impoverished families. Salaries of public service workers are paid with a delay of two to three months. This is similar with pensioners and other recipients of public funds. It is impossible to envisage when the situation will come close to normal. And a poor state cannot have a well paid Civil Service. Civil servants are poorly paid, and their salaries are late as well. The old saying “civil service salary is low though regular” does not work anymore. Now, civil service salaries are low and irregular as well. This may be one of the reasons for the delay in civil service reform, but certainly not the main one. The inertia in behaviour of ruling parties is certainly the main reason for delay in reform attempts.

In this paper we look at the nature of the politico-administrative relations within the Yugoslav Civil Service, and at what are the possible consequences of the models adopted in Yugoslavia. This certainly will help in understanding the nature of the intra-Service relations and public policy process in Yugoslavia and its constituent republics.

2. Overview of the Administrative Structure of the State

The Federal Republic of Yugoslavia (*Savezna Republika Jugoslavija*), *de jure* incorporated in May 1992 on the foundations of the Socialist Federate Republic of Yugoslavia inherited the administrative structure from the previous federation. Namely, after the introduction of a new Constitution of the Republic of Serbia in 1990, a series of laws were enacted modernising and reforming the Public Administration, including the local government system as well. As Yugoslavia kept the Serbian Civil Service tradition, many changes were required, beside reintroducing the hierarchy principle into Civil Service relations, and abandoning the remnants of the socialist social self-management period. The idea of the co-operation of administrative bodies at the different levels of government made the entire system of local government fairly inefficient and slow. Reintroduction of hierarchy certainly contributed to the overall system's efficiency (Sevic and Rabrenovic, 1998a).

Like all other Balkan countries Serbia and Montenegro pursued the process of high centralisation in the early 1990s, where many powers were included in the state. *De facto*, a municipality remained a main form of local government, but with very little, if any formal powers. In contrast to other former socialist countries which were highly centralised and therefore needed the introduction of a decentralisation programme, as a component of the overall social transition. Serbia and Montenegro as the former Yugoslav republics were fairly decentralised, and the implementation of centralisation process does not come as a surprise. This process of centralisation in all the former Yugoslav republics was seen as nation-state building. Consequently, the national euphoria supported the execution of centralisation.

In order to provide enforcement of law and exercise the executive powers, the government organised a number of districts (29 of them) in Serbia. Montenegro does not have any mid-tier government level, as the Republic is fairly small. The districts (*Okruzi*) are not equally staffed. Some of them are better staffed and more prestigious, whilst the others are served by

a very small group of civil servants. In fact the districts as such do not have employees on their own, but a number of civil servants who are detached to the district from the different ministries. The civil servants at the district level will act in the first instance, while an eventual appeal will be considered by the minister based in Belgrade. Supervisory and controlling functions within the Civil Service structure are performed by the ministerial headquarters in Belgrade. However, the supervision over the 'public services' (education, health services, social care, etc.) is exercised at the district level.

The district alone cannot entrust any duty to a municipality. The right of delegation is solely in the hands of the Government. It is often difficult for an individual ministry to delegate some duties to the municipality. The delegation is not usually general, but performed on case by case basis. So, some activities can be performed directly by a republican body in one municipality, whilst in another municipality the municipal bodies can apply the republican laws on behalf of the Republic. It is not legally possible to delegate federal authority to a municipal level. As we have said previously, the contact stops on the republican level, that is there is no direct contacts between the Federation and municipalities.

There is a strict division between the authorities, rights and duties of local self-government (municipal administration) and district administration (detached local offices of the republican Civil Service). However, as there are some shared responsibilities such as primary and secondary education, social care, etc. there is a fairly high level of co-operative behaviour demonstrated by both sides. For instance, the Republic (the Ministry of Education) funds directly the salaries of teachers, whilst the municipalities cover the 'material costs' of schools. Whilst the salaries are defined by a national scale (agreed with the Unions) the money paid in 'material costs' differs largely, as more developed municipalities invest more in education (both preservation of the achieved level, and future development).

Another important factor that influences the co-operation between regional bodies and municipalities is that the district civil servants are usually locally recruited, rarely transferred from their home towns and up to 1990 most of them worked in the local municipal or district administration. Regions (*Regioni*) existing prior to 1991 were in fact co-operative communities of a number of neighbouring municipalities with some common characteristics. Although they were regarded as a 'socio-political community' (*društveno-politička zajednica*), which was a socialist generic term that described all the levels of government and self-government, in fact they were co-ordination and co-operative bodies. The regions were *de jure* called 'inter-municipal regional community' (*medjuopstinska regionalna zajednica*). Even in the police force, old regions functioned as bodies for co-operation of municipal police forces.

The employees in the district bodies are formally employed by the respective Ministry in Belgrade. The head of a district is appointed by the Government, and has the status of a lower-tier Senior Civil Servant. He is to co-ordinate the work of detached government bodies, but the orders come directly from the respective ministries. If the head of the district is not satisfied with the performance he/she can only lodge a complaint with the respective ministry. The issue will be dealt with by the assistant minister who heads the appropriate department within a ministry that appointed the civil servant. To a great extent the heads of district are rather protocol positions, but not in all cases. Sometimes when the district heads are at the same time leaders of the local organisations of the ruling party, they exercise more power than

really stipulated by law, due to their political prestige. However, this latter practice is *stricto lege* forbidden.

The general rule is that the clash between municipal on one side and the republican government and its detached bodies on another cannot arise. The law assumes that all the rights and authorities belong *originally* to the Republic, and that the Republic can delegate them if it finds appropriate on a case by case basis. A municipality as a basic form of self-government, should not assume that it has the rights unless explicitly given by law. A municipality acts with authority when deciding about civil rights and duties, certifying documents, allowing small business development and allocating the land and building sites. In the final instance the enforcement of these decisions is guaranteed by the State, as the municipality bailiffs have to be accompanied by the *uniformed* police officers.

The Constitution of the Republic of Serbia of 1990 stipulated that law can define one municipality as a city, on whose territory will be later formed two or more 'city municipalities' (*gradske opštine*). The Statute of a city should make a clear delineation between the rights and duties of the city and 'city municipalities'. The capital, the City of Belgrade, is defined as a constitutional category. The City of Belgrade performs the duties of municipality as stipulated by the Constitution, and other duties that were transferred to it by the Republic.

The City of Belgrade is authorised to enact its Statute which will delineate duties of the City and its 'city municipalities'. The City of Belgrade took over some of the duties which were previously performed by the 'regular' municipalities, whilst some of the authorities remained with the municipalities (which became the 'city municipalities'). The Statute of the City of Belgrade is enacted by the City Assembly, which is composed of the representatives who were elected directly by the citizens on the majority principle. The local elections in Belgrade are carried out on two levels. People (voters) elect representatives to both the municipal assembly and the City Assembly. In practice the Republic transferred to Belgrade, to a large extent, the rights which were in other areas of the Republic '*decentralised*' to the regional level.

The basic unit of self-government is a municipality. It is established by law, and its territory is defined by law. Republican laws on local self-government define the territories exactly, listing all the settlements which belong to a certain municipality. Although both Yugoslav republics are highly centralised they also have a very long tradition of local government and the tradition has been followed ever since. Municipalities have the rights and duties stipulated by law, and can perform only those duties listed in law. In all affairs which are entrusted to municipality, the municipal authorities are independent from the Republican government, although republican government has the general rights to supervise the activity of the administration at all levels. The rights of supervision can be exercised only in grievance procedures, and only if an interested party files a complaint. It is fully clear that Yugoslavia follows the dual system (Leemans, 1970). Only in the case of serious misconduct performed by the particular local authority, can the Republican government dismiss the local municipality assembly and appoint a temporary *ad hoc* Municipal Executive Council. However, this body should depict the results obtained at the last local elections. But, in practice the Government inclines to appoint its supporters on the Council. Briefly said, the Republican or Federal government does not have any power, except general administrative supervision, over the local self-government bodies. As can be seen, while Serbia has

developed the structure of districts, Montenegro does not have any detached republican government bodies. But, this is understandable, considering the size of two republics. While Serbia has 29 districts, Montenegro has 21 municipalities in total.

3. History, Traditional Position of Civil Service, *vis-à-vis* Politics¹

The Yugoslav Civil Service has had four main phases in its development. These are the following:

1. the period from its incorporation to the end of W.W.I, i.e. the development of the Serbian Civil Service;
2. the period between two World Wars, i.e. the period of the *first* Yugoslavia;
3. the period from 1945 to 1992, i.e. the period of the *second* Yugoslavia, and finally,
4. the period after 1992, i.e. the period of the *third* Yugoslavia (Sevic and Rabrenovic, 1999).

Serbia was made *de facto* dependent from Turkey from the late 13th century, but formally occupied from 1459. For the next four hundred years the Turks were ruling Serbian territories, but were mainly interested in collecting taxes, and providing some kind of public order. At the beginning of the 18th century, the Serbs for the first time stood against the Turks in an organised manner. However, the First Serbian Uprising was defeated, but it demonstrated the interest of the nascent Serbian bourgeoisie in the development of educational institutions and an efficient and modern Civil Service. In contrast to the First Uprising, which was predominantly a military undertaking, the Second Serbian Uprising had the characteristics of a rather premeditated political action aimed at securing autonomy in the first instance, and later the full sovereignty.

In the mid-1830s Serbia got a limited form of autonomy and in the late 1850s full autonomy with no Turkish officials (including the military outposts) at all on its territories. Finally, in 1878 Serbia gained full sovereignty. According to the Constitution of 1835 ministries were an integral part of the State Council, and ministers were dependent upon the Council. The Council was the paramount executive, judiciary and legislative organ. The ministers were charged with preparing legislative proposals, and after they were voted for in the Council, ministers assumed responsibility for their implementation.

By the early 1860s the status of the State Council was changed significantly. Those changes strengthened the powers and position of the Prince with regard to the Civil Service and Executive branch. Under the new regulations the ministers became *Prince's officers*, who could be appointed and dismissed at his discretion. Ministers were to exercise the power in King's name and on his behalf. Following these constitutional changes the new Law on Central Government was introduced in 1862. The scope of the authority of the ministers was redefined, the Prince's Chancellery abolished and the Ministerial Council was legally established. There were seven ministries (Justice, Education and Religious Affairs, Foreign Affairs, Internal Affairs, Finance, Army and Civil Engineering), while in 1862 the eighth ministry was created (Ministry of National Economy). The number, size, powers and authorities of the ministries were changed many times, but the principles underlying the 1861 changes remained almost untouched until 1921. The later constitutions endorsed in 1869, 1888, 1901, and 1903

¹ This section draws heavily on Sevic and Rabrenovic, 1999

introduced mainly cosmetic changes in the relationship between the ruler (Prince and later King), Parliament (People's Assembly) and the Government (Ministerial Council). Serbia was throughout that time *de jure* a parliamentary monarchy, where the governments were formed by the majority party or coalition. However, quite regularly the ruler intervened and imposed his will, despite political protests. On the other hand a vast majority of Serbian rulers ended their life by forceful death. The Serbs as a nation are 'imprisoned' by their own history and traditions, and have a talent for police work, which explains why fairly unstable political situations in Serbia continued to prevail for a long time (Rabrenovic and Sevic, 1996).

Serbia devoted particular attention to the development of the Civil Service, and the post of State servant (*drzavni cinovnik*) was socially prestigious. There were various clerk jobs for those without a university degree, and secretarial and officers jobs for people with a degree. However, there was a fairly small number of University educated people in Serbia at that time. The first institution of higher education was established in 1841 (*Lyceum*). This was the reason why initially many senior civil servant positions were occupied by Serbs who were born in neighbouring Austria.

Civil servants were chosen by the minister, but appointed by the Prince/King, by his decree. There were two ways of selecting the candidates for Civil Service. First, a minister could choose amongst the candidates who met all the legal requirements. Secondly, he could select amongst those who were recommended to him by a special body. However, in both cases a minister just proposed candidates to the King for appointment to the Civil Service. The King kept the right of appointment throughout the history of the Serbian Civil Service, and his decree was an instrument of vesting administrative powers in civil servants. The minister had complete authority within a given ministry. All the documents which left the ministry were to be signed (or co-signed) by the minister. However, in legal terms his decision was not final, as an interested party had a right of appeal to the State Council, or could initiate an administrative dispute before the district court. Throughout the history of its existence the State Council was losing its powers, but the powers of the administrative court in the final instance were retained until the occupation of Yugoslavia in 1941. All Serbian Constitutions guaranteed the right of appeal. Interestingly, this right was interpreted very widely, so the object of appeal could be both general legal acts as well as individual decisions or decrees enacted by the Civil Service. This right was also closely connected with the right of transparency, so all government decisions were to be made publicly known. The King had some legislative powers, although he was, *stricto sensu*, the formal head of executive power. However, he was precluded from having *organisational powers*. He could not assume powers to enact 'instructions' which was the responsibility of the minister. In fact, a minister was an instrument through which the King could execute his paramount powers. Although, in liberal Serbia of the early 20th century (1903-1914), the government was formed by a majority party, the King had the right not only to give the mandate to a prime minister, but also the right to intervene in the procedure of appointing a particular minister (Sevic and Rabrenovic, 1999).

The basic organisation of the Civil Service was set out by the Constitution of 1921, known as '*Vidovdanski ustav*'. The constitution was largely inspired by German/Austrian legal traditions. The new, larger state required an increase in the number of civil servants, as well as ministries (Kostic, 1933). The Law on Central Administration enacted in 1862 was in force until 1929, regulating the organisation of the Civil Service. However, in 1918 and 1919 new ministries were created. In 1919 there were 18 ministries along with the Presidency of the Ministerial Council. Keeping old traditions, the Civil Service continued to be a highly prestigious

profession, which recruited the best young graduates. The profession was a career-track, and upon completion of a traineeship, a probationary period of up to three years, the appointment to the post was for life. Usually, a civil servant would stay with one ministry throughout all his/her career, but transfers to other ministries were legally allowed. In some cases civil servants could be transferred, for a limited period of time only, outside the so-called 'Central Administration', that is to the local government units. A special status was adopted for the Belgrade City Administration, which had a status fairly comparable to that of Washington, DC within the USA.

The importance of the Civil Service increased after 6 January 1929, when King Aleksandar I proclaimed dictatorship, banned *activities* of the political parties (but did not dismiss the political parties themselves), dismissed the Parliament, and formed technocrat governments usually headed by an army general. In such a situation the King relied upon the Civil Service professionalism and loyalty. The Constitution of 1931 stipulated that the Administrative power is exercised by the King through Ministers, based on the Constitution

Throughout the whole history of the First Yugoslavia, the Civil Service as a profession kept its social prestige, second only to the Army. At that time, following German tradition, even University professors and judges were *de jure* on the Civil Service list.

After W.W.II and the victory of a so-called 'socialist revolution' the principle of '*unique people's power*' was promoted. There were four levels of government: federal, republican, provincial and 'administrative-territorial units' (towns, municipalities, town districts, districts, regions, etc.). Districts and towns were local self-managing units, which were inherited from the former system, and dated back to the early 19th century. Local administrative organs were subject to double subordination, to the local legislative ('*People's Liberation Committees*') and to higher administrative organs (district, provincial and republican). Until 1953 the Government and Civil Service were very centralised and highly hierarchical. At that time the state-owned enterprises had also the status of administrative organs. Executive and *Administrative* powers were exclusively in the hands of the Federal Government. Republican governments had similar, if not the same prerogatives within their respective territories, but only in the execution of the republican laws.

In 1950 self-management was launched in the economic sector followed by constitutional changes in 1953. According to the Constitutional Law of 1953, Yugoslavia still had a fairly centralised administration, but the executive branch was made more dependent on the Parliament. A new post of the President of the Republic was introduced, and the Government was renamed the '*Federal Executive Council*'. It held this name until the dusk of the second Yugoslavia.

In order to execute the law and perform the duties of the federation, State Secretariats (i.e. ministries), autonomous departments as well as 'institutes and other administrative organs' were created. Following the constitutional changes, the new law on State Administration was enacted in 1956. This simply developed the basic ideas set out in the Constitutional Law. The State Administration (Civil Service) was to perform executive, organisational, professional, and *regulatory* activities. The Law on Public Servants of 1957, which replaced the Law on Public Servants of 1946, also promoted a so-called divided employee relationship. According to these Laws, Civil Servants were a special group of employed workers to which a special legal regime was applied. A clear distinction between Labour Law and Civil Servants employment

conditions was made in the Yugoslav administrative legal theory from the late 1940s to early 1960s. The reason for this distinction was the specificity of public duties performed by the civil servants. This difference disappeared with the introduction of a new Constitution in 1963. Regarding the organisation of the Yugoslav Public Administration (Civil Service) the Constitution of 1963 did not introduce many changes. The principle of unity of power of 'workers' class, working people and citizens' was stressed even further, making *de jure* the Assembly (Parliament) the most important institution within the system. The Executive Council was re-defined as a 'collective executive organ' which co-ordinated the day-to-day work of the State Administration. The State Administration was still a constituent part of the executive function, even though formally the 'executive councils' incorporated 'Administrative organs to execute laws and undertake administrative Acts' (Sevic and Rabrenovic, 1999).

The last Yugoslav socialist constitution enacted in 1974 stipulated that the Public Administration oversaw the situation in their respective fields, acted in administrative procedure, performed administrative control and prepared acts and regulations for the Assemblies and Executive Councils to decide upon. *Four years* later the Law on the Basics of the System of the Public Administration, Federal Executive Council and Federal Administrative Organs was introduced, operationalising the constitutional provisions. According to this law, a civil servant was regarded as a normal employee in an ordinary company. This fulfilled the ideological premise that all those employed should be fully equal regardless of the organisation in which they worked. A public servant in the Laws on Public Servants of 1946 and 1957 was now renamed a 'worker in the Public Administration Organ'. However, in fact the new law changed little. The Civil Service tradition was very strong, and the public perception of 'Public Servants' remained unchanged. A civil service career continued to be regarded as a good career choice and civil servants, especially those in the Federal Administration, were regarded as a privileged group. The situation started to change after 1989 when the disintegration of the Federation became imminent. In 1990 the republican governments began to undermine the federal authority on their territories and to take-over the duties of the Federal Government on their territories as their original functions. The Federal Government was politically weak, and it soon appeared that the Yugoslav Constitution of 1974 *de facto* defined a confederation rather than federation.

Throughout all the periods of its development the Yugoslav Civil Service has had a fairly clear position *vis-à-vis* the political appointees, i.e. the government. The Civil Service was there to *technically* execute the law and give advice to the current ministers, members of the Cabinet. However, in the communist time, 1945-1990, the civil servants were more politicised than was necessary, as the party committees were formally organised within the Civil Service. But, it was never a requirement for employment in the Civil Service, that the candidate was a member of the Party. The Yugoslav, and before the Serbian Civil Service was not, in fact, an elitist organisation. Position and class were not important factors as long as a candidate had a good educational background, and '*good character*'. In most of the first half of the 20th century, the Civil Service was a profession, which was incompatible with political activism. When someone became a party activist he or she was usually expected to resign and leave the Service. However, often it was possible for a former civil servant to return to the Service, having most of his rights recognised, including public pension rights. Therefore, there has always been a very fine line between civil service posts and politics, but that very line was changing with the changes in the political environment.

4. Formal Relations, Constitutional and Legal Norms, Guiding Relations between Elected Politicians and Appointed Officials

The Constitution does not regulate the relationship between political appointees and the Civil Service in an explicit manner. It just stipulates the purpose of the civil service to enforce the law. Other legal acts stipulate that the Civil Service should be non-partisan and professional in fulfilling its duties. Law forbids the Civil Servants to be included directly in the activities of political parties, but does not prevent them being party supporters. However, when fulfilling their duties they must not be guided by their political beliefs and other perceptions.

The Serbian, and also Yugoslav Civil Service, *de jure*, should be completely apolitical. The Law stipulates that a civil servant in performing his/her duties may not be guided by his/her political beliefs, nor can he/she express them openly. Employed and appointed personnel also cannot serve as members of the bodies of political parties. However, in practice it has been interpreted that they cannot be members of the organs at the same organisational level. It means that, for instance, a Republican civil servant could be a member of political party body for Belgrade, or other town in Serbia, but not a republican committee (Sevic and Vukasinovic, 1997). It has been reported that in the Serbian Civil Service this rule was generally followed, at least concerning the members of the Socialist Party. With JUL participation in power, the number of exposed civil servants, openly participating in the political election campaign in 1997 increased. Some of them still publicly exercise political activities as party members, although they are civil servants in very sensitive positions (Internal Affairs) which should be impartial (Sevic and Rabrenovic, 1998b).

As Serbia, i.e. Yugoslavia, belongs to the countries which pursue a 'functional village life' model (Peters, 1987; 1988), there is a close co-operation between senior civil servants and minister. Similar to other continental European countries, a civil servant can leave the Civil Service for politics and later re-enter. At different stages in their professional career a number of civil servants enter politics, but not as often as in France or Germany, for example. Another problem is that it is very difficult to define the position of 'appointed personnel', with regard to politicisation. 'Appointed personnel', i.e. Deputy Ministers, Secretaries to the Ministry and Assistant Ministers are appointed by the Government and perform their duties as long as the Government that appointed them is in power. The Government is formed by the majority party or political coalition derived from the Parliament, which certainly tends to exercise its power as fully as possible. But some differences arise. While anybody can be elected as a Minister, Secretaries to the Ministry and Assistant Ministers must meet certain requirements set out by the by-laws. A candidate for those posts must have a degree, more than ten years of professional experience and *proven* organisational, management and leadership abilities. In practice, the government tends to appoint people who are currently upper-class civil servants, or previously held Civil Service positions. Also, Assistant Ministers, who serve at the same time as Heads of Departments, in highly professional ministries are appointed from the broad range of professionals in the field of Ministry's interest. It seems that the government prefers to appoint its supporters, but only if they meet necessary minimum professional requirements.

Before the new Serbian government was formed in March 1998, an overall assessment of the Serbian Civil Service would be that it was not politicised any more than the Civil Services in the countries which endorsed the 'functional village life' model (Sevic and Rabrenovic, 1998a). Now, with a new coalition, this assertion has been put in serious doubt. Certainly, with the entry of JUL and SRS in the Government, the politicisation process might well start, as these parties

believe in a *radical activist* approach in propagating their ideas and activities, adopting strategies very similar to those applied by the communists many years ago when they were small, marginalised illegal parties. The communist expansion has shown the dangers of such political activism, especially amongst the marginalised and disenfranchised in the society (Sevic and Rabrenovic, 1998b).

The Civil Service is there to loyally serve the Government of the day as its 'technical arm'. This is the reason why the Civil Service itself is not a legal entity, but the Government is a subject of law. Ministers, as political appointees are there to define the current government policies, embody them in the form of law, and the Civil Service will then enforce them. Theoretically, the Civil Service should not be charged with implementing political decisions, but only laws. However, in practice, often some civil servants who are close to the government of the day, do not hesitate to perform some acts which are of political rather than technical nature. This may be the consequence of there being just a few political appointees in the Ministries; Minister and in a large number of cases the Deputy Minister. Other senior civil service posts are usually occupied by professionals, and they keep their posts even if there is a change of government (Sevic and Rabrenovic, 1998a).

In Yugoslavia the difference between 'legal system' and 'legal order' remained a problem even after the changes and democratisation of political life. Discretionary rights are widely practised, and also corruption is not neglectible. Therefore, there are some strata in the society who simply ignore the law, and get away with it. It seems that sometimes the law was promulgated for its own sake, and that nobody really wanted to apply it in practice. The Civil Service is generally professional, although it tries not to upset the politicians in power. Often it is very difficult to find a fine balance between professionalism and the responsiveness towards the political elite sitting in the government of the day. An additional problem is that close relations with the ruling party can help in climbing the Civil Service ladder. Therefore, some civil servants openly keep close contacts with the ruling political parties, trying to take some advantage.

The basic professionalism of the Civil Service is provided by the fact that there is a generally developed sense of the State in Serbia, Yugoslavia. The Civil Service has been seen as continuity of the State, and therefore something different from the government, comprised of current politicians. This is the reason why people usually clearly distinguish between the government and the Civil Service. The government is an executive branch of state power. But, Yugoslav administrative law theory distinguishes two separate functions of the executive branch: *politico-executive* which belongs to the Government (Cabinet), and *administrative-executive* function which belongs to the Civil Service, under close supervision of the Government. The politico-executive function is seen as issuing decrees and other by-laws in order to facilitate enforcement of laws passed by the Parliament, and issuing directives on how certain legal acts should be implemented. In contrast, the administrative-executive function should be seen as mere law enforcement.

Recently, Yugoslavia began implementing more transparent public policies, and the civic sector is growing rapidly. There is a large number of NGOs which not only lobby for the introduction of certain laws, but also oppose the laws which are in the parliamentary law-making procedure. However, current junior coalition partners in the Serbian government do not have great respect for these organisations, seeing them as a destabilising factor. They perceive the public policy process in a classical manner, thinking that only registered political

parties should participate in the political process. Therefore, despite their large number, NGOs in Serbia are still in their nascent phase.

5. Political Culture and Attitudes

When studies on public opinion are conducted in Yugoslavia, the question about the Civil Service is not posed. Traditionally, people see the Civil Service as the extension of the State whilst the Government is seen as a political body of the day. Therefore, the question will be directed at the people's satisfaction with the government of the day, Parliament, political parties and their leaders, etc.

People in Yugoslavia have lost their general confidence in the institutions of the system. The citizens of Serbia have the lowest confidence in the Parliament (29 per cent), institutions of civil society (32 per cent), and institutions of political order (43 per cent). Institutions of public order are the best rated, as 43 per cent of citizens have confidence in the institutions of '*public services*'. Citizens of Montenegro also have low confidence in institutions of civil society (31 per cent), parliaments (41 per cent), and institutions of the political system (47 per cent), while they also believe most in public services (53 per cent). Citizens do not have confidence in the federal state (Yugoslav common institutions). Only about 10 per cent of them believe in the Yugoslav federal institutions (IDN, 1996). Montenegrins in general are more likely to hold a good opinion of their republican government and president compared to those in all other CEECs (IDN, 1997). Despite the lack of empirical research on the attitude of citizens towards the Civil Service in Yugoslavia, there are some national stereotypes of the Civil Service. Traditionally, the Civil Service has been considered as a wise career choice. Local governments are often regarded as ineffective, over-bureaucratized and disorderly. Also, local civil servants are usually regarded as lazy and inert, inept in helping even if willing to do so (Slavujevic, 1997).

There is also a lack of awareness of the Civil Service's deficiencies by the leading political parties. Currently they are also unable to listen to citizens and assess their experience with the Civil Service. Another problem is the serious age differentials of citizens as voters. While senior citizens, inhabitants of rural areas and citizens educated up to the university level support the Socialist Party, probably because of an irrational fear of changes, the young, educated and urban citizens support the opposition parties. However, the recent deployment of political forces in Serbia marginalised many civic parties, as they boycotted elections in 1997. Disappointed voters who favour radical measures, a quasi-liberal capitalist economy and a strong state voted for the Radical Party, probably not knowing the final repercussions of their actions. Despite the general belief that Serbs are at the peak of their national (nationalist) movement, Serbian nationalism is a *response* (Rabrenovic and Sevic, 1996). That is, it appears as an important policy variable whenever there are re-examinations of history or strikes from abroad. This explains the large lack of confidence in NATO and the European Union in Serbia and Montenegro, despite the long-term Serbian devotion to Pan-European ideas (Sevic and Rabrenovic, 1999).

Public opinion of the Civil Service is crucially affected by the unstable political situation in the region, *State failure* (government failure) in the Kosovo and Metohija (Kosmet) province, a poor economic situation and a general national disappointment with, allegedly, unjustifiable harsh treatment by the international community, which appears to apply double or multi-standards, and often disregards many historical facts (Sevic and Rabrenovic, 1999).

The current difficult economic situation in a country, low salaries, many organisational problems within the Service, especially the appointment of an incompetent deputy and assistant ministers from the Radical Party and to some extent JUL, should have a negative impact on the interest in Civil Service career, but it is not the case. There are always much larger numbers of applicants than vacancies advertised. Therefore, recently the Ministries began to employ young trainees under one year contracts, as so-called 'talented youth'. The accepted people usually have a very good university degree and are able. Due to increased competition, better quality people were appointed in the Civil Service. Consequently, it boosts public regard for the Civil Service, but another problem is that these young people try to leave the Service as soon as they get some professional experience and when an opportunity arises. This is the reason why it should be expected that the staff-turnover will be higher in the years to come.

The current Serbian coalition government can seriously endanger the social prestige of the Civil Service. Namely, two junior coalition partners (SRS and JUL) believe that being in power means at the same time being able to employ only their supporters in the Civil Service. While the Radicals have a chronic lack of university educated people (they did not succeed in finding the university educated even to fill the senior posts), the JUL does not have trouble in finding young educated people with a desire to become civil servants. It should not be generally bad, if the new entrants perceived the civil service profession as serving to the interests of the State, not singular partisan interests (Sevic and Rabrenovic, 1999). These civil servants are seen by these two parties as 'our people in the Civil Service ('Administration')'. This is a flagrant violation of law, which forbids civil servants to be politically active. These two parties perceive the power obtained on the general elections as absolute, unlimited ability to do anything politically opportune. This negative attitude may seriously affect the social position of the Civil Service (Sevic and Rabrenovic, 1998b).

6. Public Policy Process in Practice

The Public Policy process in Yugoslavia is still fairly *nontransparent*. Even in the former socialist time, a policy of public discussions about drafts of future laws was practised. People had an opportunity to say what they thought, and how they perceived the current situation in the country, how they saw the future law, etc. Usually practical discussions were held on two different levels. The general public had an opportunity to discuss law at public meetings organised by the 'local community'. The local community was at the socialist time a type of organisation of the citizens who lived locally. It had no public powers, but it was rather a way by which people could influence their local affairs. Formally organised and financed by the municipality, it was there to provide an illusion of socialist democracy.

The public policy process in Yugoslavia is still non-transparent, where the whole game is completed within the formal governmental institutions. There is very small influence by other political factors outside the registered political parties. They are the main, if not the only players in the public policy process. A referendum and 'people's initiative' are legal possibilities, available to citizens, but usually not widely practised. With the fall of socialism the practice of public discussions of the final draft of future law was abandoned. Now the entire legislative process is completed in the Parliament.

Legally ministers are there to provide policy guidance and define the policy of their respective portfolios. The Civil Service is charged with providing professional advice, and enforcement of laws enacted by the Parliament. The government can introduce by-laws, but according to classical Continental European tradition by-laws are there to clarify and facilitate the enforcement of laws enacted by the Parliament. In other words, the government can enact by-law only when it is allowed to do so by law, or in performing its constitutionally stipulated functions. The Constitution lists all the areas in which state intervention is allowed. All other areas outside that list should not be regulated by law. The Serbian Constitution of 1990 stipulates that *'Everything which is not forbidden by law is allowed'*. However, often in practice government has crossed the line, and enacted by-law which later was declared illegal and cancelled.

All legal acts enacted by the Government, or government proposals of laws sent to the Parliament are prepared by the Civil Service. The Civil Service acting in the capacity of an adviser to the government prepares drafts and proposals. Recently the political parties, especially those who are big, began preparing full drafts of laws, following the necessary legal format. These large political parties also recruit people from the Civil Service, offering very attractive employment packages to those who are ready to come to work for them in Party headquarters. This behaviour became very popular and more and more civil servants opted to move to the administrative apparatus of large political parties. This is especially the case with the Socialist Party and JUL, although the main opposition parties have the same practice.

A minister, that is a senior political appointee represents the government in the Ministry, and is exclusively in charge of defining the Ministry's political standpoints. Assistant Ministers, who are at the same time Heads of Departments, are charged with a full responsibility for law enforcement, and the legality of the work of their department. The minister is responsible for the overall situation in his/her respective portfolio, but it is general practice that for the technical issues in the first instance an Assistant Minister is responsible. The process of policy making is usually as follows. A newly appointed minister spends up to two months trying to set up his senior management team, that is deciding whether to keep or not the current team of senior civil servants. The main factor here is whether the minister feels that he can get on well with the existing assistant ministers and the Ministry's Secretary. After these personnel issues, the Minister with assistance from his party and eventually some senior civil servants tries to define a Ministry's plan and programme of operations for the whole mandate of four years. Senior civil servants will usually just notify the Minister whether some of his ideas are legally allowed and technically feasible taking into consideration all available resources. Senior civil servants act in the capacity of consultants and advisers.

They usually do not propose new ideas, or modify the political ideas put forward by the Minister, and/or his political party. In some cases the Minister may ask his/her associates to propose their programmes, and then to combine it with his personal programme and general programme orientations of his political party. The plan and programme of future work is usually discussed at the *Colegium* meeting. A *Colegium* is an informal body within the Ministry which comprises the Minister, his deputy, Secretary of the Ministry and Assistant Ministers. In large ministries the Chief of Staff and Minister's advisers can be invited to attend the meeting. The Chief of Staff or Secretary of the Ministry takes the minutes of the meeting. At that particular meeting the team will discuss all the aspects of the proposed programme, its legality and feasibility. The opinion of the senior team is just consultative, and

the minister alone can propose the plan and programme in whichever form he/she wants. The minister is obliged to have his/her plans confirmed by the Government, so plans are discussed at the Government (Cabinet) meeting. Usually, the Government will just confirm the plans, as they are discussed at the highest level in the Party, and it is believed that the party is going to support each and everyone of the programmes submitted by the ministers.

When the plan is confirmed by the Government, it can go public and be presented outside government circles. It is then expected that the team in the Ministry begin with the realisation of the programme. The programme usually discloses the main points of the future policy of the Ministry, list of new laws or amendments that the Ministry is going to propose to the Parliament via the Government. The Programme may also give a list of policy measures (instruments) which will be introduced in order to fulfil the promises from the programme. It is understood that the Ministerial programmes are the natural extensions of the electoral promises, and that they are a very important element in the political struggle over power.

Civil servants should just help in the implementation of the programme in the part which is not purely political. In other words it is expected that civil servants will not be exposed to publicly presenting the programme, except when the law is introduced, and then the Government organises the meetings with the public in order to promote new law. However, in practice this principle is not followed in full. There are civil servants who are supporters of the ruling parties who would be happy to publicly defend the programme and not only explain the consequence of recently introduced legal acts.

Although the Law ('Law on Labour Relations in the State Organs') underlines the importance of competence and professional achievement for promotion within the Service, in practice close relations with the Minister can help career development. Since the Minister is the only person who can promote civil servants, within the limits set by law, it is important to have good relations with the Minister. But, if this practice is openly accepted, then it will be very difficult, if not entirely impossible to create a fully professional Civil Service.

De jure, Serbian, i.e. Yugoslav Civil Service is apolitical and professional. However, in practice there are many deviations from the rule. Close connections with the ruling parties can directly help advancement within the Service, as well as close relations with the current minister. But, when the party loses elections, or the minister is replaced, it is usually expected that major changes will be introduced within the Service. This creates to some extent insecurity and dissatisfaction of civil servants, who are not sure that they will be in their posts when the government changes. Because of the current practice, it will be very difficult to create stable professional conditions within the Civil Service. Having the Service on its side is a luxury that no one political party would be happy to lose.

Until now there were no studies conducted on the Senior Civil Service and their political and professional perceptions. These people are usually real mandarins (in the British sense) and try to keep a low profile outside the Service. It is very unlikely that they will make public appearances or comment on issues which could be in any way regarded as politically sensitive. This is, probably, the way to keep the Civil Service outside day-to-day politics, and on-going political conflicts between different political factions.

7. Classification According to the Theoretical Framework

There are a couple of theoretical models that explain the relationship between politicians and civil servants. In this paper we will focus on the Peters' methodology (Peters, 1987, 1988), which assumes that every civil service system belongs to one of the four main models. A number of authors support this division making some other, usually minor advancements (Rose, 1987). In the first model the clear separation between politicians and administration exists, in which the civil servants are ready to unquestioningly follow the orders of the political appointees. The second model (called "*village life*") assumes that civil servants and politicians are both part of a unified state elite and they should not be in conflict over power within the government structure itself. The third model (called "*functional village life*") assumes some degree of integration in civil service and political careers. A politician and civil servant from one government department have more in common than a minister with his political cabinet colleagues heading different governmental portfolios. The fourth model (named "*adverse model*") assumes a significant separation between the two groups (politicians and bureaucrats), but also there is no clear resolution in their struggle for power. The fifth model assumes the clear separation between policy-makers and administration, but in which civil servants are the dominant force (see: Wilson, 1975). All these models are rather theoretical, and practice, by itself, shows different patterns of interaction between politicians and civil service (Sevic and Rabrenovic, 1998a). Models, represent, as usual, a stylised illustration of inter-active behaviour (see: Giddens, 1971).

"Functional village life" and "village life" are the most common models for Continental European Practice. But, with some policy changes even in a presidential system, there have appeared different ways of networking between politicians, public servants and experts working outside the government structure. However, the nature of such networking is rather temporary, and the main characteristics of the civil service system prevail. This shows that every particular civil service system is "*nationally coloured*" (Sevic, 1997a), and "*ethos-generated*" characteristics cannot be neglected or avoided (Rabrenovic and Sevic, 1996). Each country deals with its own national civil service system, with due attention and tries to utilise other's experiences, whilst not neglecting its own specifics demonstrated through the *legal system* and *legal order* (Sevic, 1996), political culture, democratic traditions (*or lack of the same*), ethos-characteristics, etc. The same applies to the particular problem of civil service system (de)politicisation (Sevic and Rabrenovic, 1998b).

Yugoslavia applies the concept of a unique civil service which allows civil servants to be more mobile within the Service. It is fairly easy to be transferred from one governmental unit to another, or to a post in the administration of the parliament. Court (judiciary) administration, is somewhat separate, due to the fact that judges are 'elected' by the parliament, where a special legal regime applies. For most of the professional positions in the judiciary a bar examination is required for appointment. Administrative supporting staff in the courts are however, mobile, like their colleagues in the "pure" civil service (Sevic and Vukasinovic, 1997). Despite the non-existence of legal limitations for transfer, mobility is to a large extent exercised within the sub-service itself. The civil service in general is under the supervision of the Department for Public Administration Affairs at the Ministry of Justice. In this paper we will mainly discuss the civil service system in Serbia, as that is a blueprint applied in Montenegro or at federal level, discarding certain nuances.

A ministry is headed by a minister elected by Parliament, who has his/her deputy appointed by the government. Technically, both of them are *pure* political appointees. However, in some

exceptional cases a deputy minister can be a distinguished administrator and/or professional, not politically affiliated with (or even backed by) the ruling party (or ruling coalition). The Ministry's Secretariat is headed by the Secretary to the Ministry, who is in charge of providing the necessary technical advice for the day-to-day functioning of the ministry. He is technically a senior civil servant. The department head holds the title of an Assistant Minister. However, sometimes the Deputy Minister can be simultaneously a Departmental head. According to the law they (Assistant Ministers) are fully responsible for law enforcement and application of governmental policies in his (her) Department's area (Sevic and Rabrenovic, 1999). However, their responsibility should be considered as technical/professional rather than political. Political responsibility is purely ministerial. Administrative agencies are headed by a Director (or rarely a Secretary, i.e. only in the case of the Secretariat for Legislation), who has a deputy. Departments are headed by assistant directors. In the administrative organisations, the duty of the permanent Secretary does not exist. Formally, Deputy Ministers, Secretaries and Assistant Ministers, along with Directors, Deputy Directors and Assistant Directors (a Deputy Secretary and Assistant Secretaries in the case where an administrative organisation is headed by a Secretary) create a group of Senior Civil Servants ("Mandarins"). Administrative laws in Yugoslavia do not use the term Senior Civil servant, but "appointed personnel", as opposed to other groups such as "elected personnel", i.e. ministers, or "employed personnel", that is professional and technical staff up to the rank of "Adviser to the Minister". In a few rare cases a civil servant can be promoted to the rank of a "Republican Adviser", which is hierarchically below an Assistant Minister's rank. Republican Advisers can be appointed only in the Secretariat of the Government or the Secretariat to the President of the Republic.

As we could have seen, the law recognises three classes of members in the Civil Service. "Elected" (*izabrana lica*), i.e. ministers, "appointed" (*postavljena lica*), i.e. members of Service who have been appointed by the government and "employed" (*zaposleni*) who are "ordinary" civil servants, that is "career civil servants". Although there is a unique legal regime for all these three groups there is, in fact, quite a difference between them. First, the Law on Employment Relations in the Public Administration of 1991 lists all of them when speaking about rights, but is usually only employed when it comes to issues of responsibilities (duties), probably because there are other responsibility rules for other two groups. Finally ministers, as elected officials, are always, ultimately, accountable to Parliament, which elected them to the post. Appointed personnel are appointed by the government for four years, but with any change of government changes amongst deputy and assistant ministers are to be expected. Despite the fact that socialist governments have been in power for the last seven years changes in the Senior Civil Service corps have been noticeable. Usually, when each minister takes the post up, he/she tries to establish his/her own executive team. But, again this pattern cannot be applied to the main ministries (Finance, Internal Affairs, Education...). In these ministries the senior civil servants team have been almost the same for a long time.

The Law stipulates that all elected, appointed and employed personnel should perform their duties in a responsible and unbiased way, in accordance with the Constitution and law (Art. 4/1 Law on the Employment Relations in the State Administration of 1991). Employed and appointed personnel must not, in the execution of their duties, be guided by their political beliefs, and cannot express and advocate them (publicly). The law also stipulates that employed or appointed persons cannot be a member of the bodies of the political parties (Art. 5/3 Law on the Employment Relations in the Public Administration of 1991). In this respect the federal laws are lacking. Due to the problem of transfer of republican rights to the federal level, some of the laws are jammed in the Federal Parliament.

Despite a strong belief that the Serbian civil service is highly politicised, this is not the case (Sevic and Rabrenovic, 1998a). The Serbian Socialist Party follows the usual pattern of increased politicisation which is fairly common for all the left-wing political parties. If we consider a civil service model which is applicable in the Serbian case, certainly we would most seriously consider a "functional village life" model as the most appropriate. Staff in the ministries have been there for ages and are still able to adjust quickly to a new minister, probably knowing that he/she would not last for long. Usually, a minister comes from the business sector which is connected with a particular ministry. This certainly increases the possibility of a special kind of log-rolling or executive rent-seeking, as the minister tries to favour his/her former (or even current) company or its business associates. In our view one of the problems undermining the efficiency of government policies is the fact that a vast majority of Serbian ministers are at the same time a director or CEO of large and influential companies. These companies often use insider information to earn extra-benefits from expected government policies.

Another model which may be applied here is developed by Ferrel Heady (Heady, 1996). However, the Yugoslav Civil Service would be fairly difficult to fit in with the Heady's configuration. Similar to most other former socialist countries, it will fall outside the usual groups, or be a combination of different groups, as envisaged by Heady himself (Heady, 1996). The Heady configuration takes into account the following policy variables: the relationship of Civil Service to the political regime, socio-economic context, its personnel management function, qualification requirements for membership of the Service and sense of mission held by civil servants (Heady, 1996).

In Yugoslavia and its republics the relationship of the Civil Service to the political regime can be described as a *majority party responsive*. The term majority party applies also to coalition arrangements, which provide the majority in the Parliament. However, it should also be noted that the Presidential position is very strong in both republics, while the Federal President should mainly perform protocol functions. But with the election of Slobodan Milošević to this post, *de facto* the power balance may well change. The Parliament has had a stronger position than the Government, but a government chief whip, usually the party's Secretary-General, provides the necessary support to the Government and its current policies in Parliament. Since 1990 it seems that the government (executive power) is becoming stronger, as it is easier practice for the party establishment to control the Government than Parliament. With the change in Government new ministers propose new management teams consisting of 'appointed personnel' (Sevic and Rabrenovic, 1999). The career civil servants are secure in their positions as they have little chance to work directly with ministers.

It is very difficult to classify the Yugoslav Civil Service according to the *socio-economic context* criteria. The tradition is fairly strong and 'traditions are implicit rather than explicit rules that govern behaviour' (Ouchi, 1980:139). But, on the other hand the Yugoslav Civil Service cannot be regarded as conservative-traditional. Probably, the Yugoslav Civil Service would fit in with a *corporatist* socio-economic system, as the State is set in the middle of a social mediation process. But again, a clear corporatist model assumes strong links between military and political establishments, and in Yugoslavia the military was traditionally respected, but politically marginalised. Certainly, the political establishment has great powers, and a 'chosen few' senior civil servants enjoy more power than their respective positions commend. However, on the other hand, the Yugoslav Civil Service is unionised, professional associations exist (such

as the Yugoslav Association for Public Administration established in 1930), which are the characteristics of a pluralist competitive model. Often it can be perceived that the Civil Service behaves in a Niskanen's way, i.e. maximising its welfare. Overall, it seems that the Yugoslav Civil Service is somewhere between a corporatist and mixed model, with some elements of a pluralist competition model, and a fair sense of tradition (Sevic and Rabrenovic, 1998b).

The personnel management function is *decentralised* in the Yugoslav Civil Service. Each of the ministries is free to set up its own personnel policy, provided it is in line with the general guidelines defined by the Law on Labour Relations in the State Organs. Recently, attempts by the Ministry of Justice to centralise intake of graduates for the trainee positions with the courts and Public Prosecutor Services have been reported (Sevic and Rabrenovic, 1998a). Despite the centralisation in this particular case, the decentralisation of the personnel function is fully applied. Entry into the Civil Service is decentralised, but a civil servant can be transferred from one ministry to another, for a number of reasons. Vacancies are usually filled, initially, by civil servants, who are made redundant in other governmental units. It is most unlikely that future changes in the Civil Service laws will pursue the centralisation of the personnel management function.

De jure the Yugoslav Civil Service promotes professional achievements and merit as requirements for entry into and promotion within the Service. But given the 'functional village life' model, political sponsorship may be an important factor for promotion to senior ranks. As we have already said, senior civil servants ('appointed personnel') must first meet professional requirements, but passive (or even active in the case of JUL) support for the government's *ideologies* and policies may also be important for an appointment. At the entry level good school results and 'good personality' are the most important elements in selection. At the ministries which apply an entrance examination, the results of these exams are the most important element for making a decision on whether or not to employ somebody (Sevic and Rabrenovic, 1999). Yugoslav Civil Services, at entry level, stress generalism, while a civil servant may specialise later throughout his/her career.

The Yugoslav Civil Service is entrusted with upholding the law and supporting the Government of the day in its activities with professional advice. The laws just developed further the basic premises stipulated by the Constitution. In a country with a developed sense of State, this is the only position that the Civil Service may assume. But, in practice the Civil Service tries to perform its functions in such a way that does not irritate the politicians sitting in the Government of the day. The extent to which the Civil Service will prevent the Government from taking actions, which might seriously deteriorate the situation in a certain field of social life, that is the government portfolio, depends primarily on the strength and credibility of 'appointed personnel'. These people could affect the decisions that a ministry prepares during the regular 'co-ordination meetings' between the minister and the ministry's senior officials. The final word belongs to the Minister, but it is very rare that the minister would support an option which was not endorsed by a respective Assistant Minister. Interestingly enough, the ministries with more 'political' or 'quasi-political' appointments of people with a high professional dignity are those that perform their functions in the best manner. All in all, the Yugoslav Civil Services are on the brink between Constitutional responsiveness and policy responsiveness. The degree to which one or another prevails varies amongst the two republican and Federal Civil Services. It seems that the Montenegrin Civil Service has been recently moving towards full policy responsiveness, while in Serbia this may also be the case due to the fact that JUL and SRS are

new coalition partners in the Government. If this happens, retrograde development will certainly be very difficult to stop at a later date (Sevic and Rabrenovic, 1999).

Using Heady's methodology (Heady, 1996), the Yugoslav Civil Services can be classified as follows:

**YUGOSLAV CIVIL SERVICE(S) CONFIGURATION
(HEADY'S CLASSIFICATION)**

Variables	Ruler Trust-worthy	Party Controlled	Policy Receptive	Collaborative
Relation to the Political Regime			Majority Party Responsive	
Socio-Economic Context			Pluralist Competitive or Mixed	
Focus on Personnel Management		Chief Executive or Ministry-by-Ministry	Independent Agency or Divided	
Qualification Requirements		(Party) Loyalty or Patronage	Professional Performance	Bureaucratic Determination (<i>Moderate</i>)
Sense of Mission			Party or Constitutional Responsiveness	

Source: Sevic and Rabrenovic, 1999

The analysis presented cannot depict all the nuances amongst the Civil Services in the republics and on the Federal level, and cannot take into account all the specifics of the Yugoslav Civil Services. They have the characteristics of a fairly well-organised bureaucratic institution, typical of some Western Countries, and those which are common to transitional countries. Hopefully, incumbent politicians will attempt to preserve Civil Service impartiality and support its further professionalisation (Sevic and Rabrenovic, 1999).

8. Conclusion

Law in Serbia and Yugoslavia meets all the necessary conditions for the creation of a professional and effective Civil Service. Civil Servants in performing their functions should behave in an unbiased manner, and not be affected by any reason which is not listed in law. The requirements for the entry into the Service are fairly tough and not many can meet the criteria. Despite the relatively bad current position of civil servants there is a huge interest in a civil service career.

The law makes a clear separation between political appointees (elected personnel) and those who chose to be civil servants for the rest (or most) of their professional life. Ministers and

deputy ministers as political appointees are only temporarily associated with the Civil Service. They are to provide political guidance and to see that the policy of the ruling political party or parties is enacted through the law. They oversee the activities of the Civil Service, and are politically responsible for the results of the Ministry. Administrative responsibility remains with the senior civil servants (Assistant Ministers) who are responsible for the implementation of law, and all other technical aspects of executive function. The law clearly makes a delineation between politicians and administrators. The trend is that professionalism and accountability will be promoted, and consequently decrease the influence of any temporary political factor.

Yugoslavia, as well as Serbia itself has some characteristics of an arbitrary state (Pejovich, 1996; Sevic, 1997a). Discarding other characteristics for the purpose of this paper, the arbitrary state is characterised by a large discrepancy between legal system and legal order (see: Sevic, 1996). That is the legal system is fairly well developed, but laws are applied in a discriminatory way. Citizens know that laws exist, but cannot be entirely sure that they will be properly applied in particular cases. In an arbitrary state, the law is developed, but legal insecurity remains present, due to incompetent or apathetic law enforcement (Sevic, 1997a).

Depoliticisation in a country with a dominant (although democratically elected) political party is a very difficult task, especially if that party and its predecessor were in power for more than half of the century. Some experienced politicians see employment in the Civil Service, especially the senior posts, as some kind of pay-off for the demonstrated loyalty to the party and its cause. Political reliability in its pure form has never been promoted in Serbia and Yugoslavia. Party membership was not a requirement for a Civil Service job even in the most classical communist time. Professional ability and professional loyalty were very valued even in Tito's time. In contrast to all other former socialist republics, Yugoslavia communists included in the Civil Service all former civil servants who were not openly anti-Communist and who were not co-operating with the occupying, German forces. This was the main reason why the Serbian (Yugoslav) civil service kept its continuity.

Yugoslavia adopted the '*functional village life*' model of Civil Service, according to Peters' methodology (Peters, 1987, 1988). In this model the minister co-operates with his employees and they are closer to him/her, than a cabinet colleague who heads another government portfolio. The minister and his civil servants make one small team, and they try to obtain as good a position within the government as possible. In other words, they will try to attract as many resources as possible, in order to obtain a more prestigious position within the government. This, however, leads often into inefficient allocation of resources, as it is important to have a large budget, premises and number of employees, as these secure power. Therefore, in this model ministries can be overstaffed, and resources allocated in amounts that cannot be easily spent. This for instance, happened with some social service ministries, where the minister was politically very powerful and attracted vast resources, but was not able to spend them in one fiscal year. The money finally was returned to the Ministry of Finance, but regardless of that fact the increase in budget for the next fiscal year was secured.

It seems that the main problem of the Yugoslav Civil Service is that the federation effectively does not exist, while the republican Civil Services are neglected by all important political factors which do not have any regard for the problems of the Civil Service. The Republic of Montenegro has recently initiated preparations for the Civil Service Reform project, but it is still in a very nascent phase. In our view, there is a visible lack of interest for the promotion

of reform attempts. For some strange reason, all political factions are very hesitant when it comes to Civil Service Reform.

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