

STEPS TOWARDS PUBLIC ADMINISTRATION REFORM IN THE BALKANS: A SIMPLIFIED MODEL

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INTRODUCTION

This paper will focus on simplified strategies to optimize public administration through a coherent, applicable and sustainable reform process. While the paper will try to point out reliable strategies for countries on the Balkan Peninsula it will not be strictly limited according to specified geographical boundaries and shall consider a global perspective. In this context, especially solution models or case studies previously applied by the International Community, i.e. international organizations as the OSCE, the EU or the UN will be considered after being critically reviewed regarding their implementation potential in the Balkans.

It should also be pointed out that quite a lot of programs aiming at the reduction of bureaucratic hurdles, the development of a more efficient administration and more transparency, while in principle a positive future asset for states on the Balkan Peninsula have to be adjusted to actual needs and the de facto environment in the region. Well-meant intentions and initiatives by the international community often merely tried to transfer experiences and models implemented in so called “developing countries” or the “Third World” on the Balkans; a situation which barely meets even basic standards of political and sociological in the region. Certainly, regional countries cannot be measured with the same standards as developing countries, but moreover should be judged as European countries being on a transitional process to adapt their respective administrations according to contemporary, more effective solution models.

On the other hand, transparency should not remain a catchphrase: only publicly known clear and preset standards for administrative work, will together with information on public work create an environment really enabling citizens to profit from transparency.

One of the most important aspects addressed within this short study is the implementation of transparency programs in administrative structures as one of the center pieces of public administrative reform in the region. It will be pointed out that there is no definitive or absolute model to guarantee a successful public service reform, but that it is quite possible to combine approaches that are featuring transparency and anti-corruption measures, good governance, professional training programs as well as the simplification of bureaucratic processes and adapt them according to local needs and peculiarities. Furthermore, it is stressed that the use of new information technologies and networking methods should be encouraged while it is also important not to complicate those processes too much: efficiency and simplicity are of major importance.

Furthermore, citizens that are profiting from public administration should be encouraged to interact with the relevant agencies and be able to address their needs more directly. Besides that it is essen-

tial to introduce independent audit and complaint mechanisms. It is also to be stressed that the capacities have to be addressed in a realistic way: nobody should expect to be able to implement i.e. Scandinavian methods of administration in the Balkans, local sources and capacities have to be used in a most efficient way, though. A way to achieve that goal might be to focus mainly on practical needs without putting too much emphasis on complicated and expensive theoretical goals: usually daily needs are addressed best in direct interaction with local agents.

Public administration reform: key issues and solution attempts

The fact that every state, municipality or any other local entity has to be administered by either appointed or selected bodies is actually common knowledge. Those administrative processes either on the local, national or even supranational level create institutions which are running administrative processes, known as bureaucracy.

It has to be stated that there has to be a clear distinction between politicians as decision makers and the bureaucracy itself as implementing organ.¹ While the sheer definition bureaucracy is often connected to negative associations it is also a matter of fact that only a bureaucratic administration is capable of fulfilling -usually-non-profit orientated citizen services. Actually the negative character of bureaucracies and its alleged soullessness is questionable. While even being immortalized in Kafka's literary masterpiece "Der Prozess" public administration or bureaucracies simply try to fulfill the task of providing services to citizens.² Weber states, that a bureaucracy is able to attain the highest degree on efficiency, given its level of authority and professionalism.³

While some services provided by public administrations have already been or might be privatized, some other tasks have to remain in public, but not necessary governmental hands. A look at privatization efforts of public transport and public services as the railway services or water supplies in cases as Argentine or the United Kingdom actually proved to be inefficient, had catastrophic effects for the citizens and was more expensive for the public sector than if those services had been left into government hands.⁴ Therefore not always privatization or the lowering of public administrative involvement, but restructuring might prove effective. Such retasking efforts or rescheduling processes are actually part of efforts to make bureaucratic tasks more effective, save money and provide better services to the citizens.

Therefore, bureaucratic reform processes and public administrative reform concepts are sought on every level and in nearly all countries, the Balkans being certainly no exemption. In order to show up areas that might be improveable or might be in need of reform processes, local conditions have to be measured carefully in order to point out possible strategies and to work out new ways of public service approaches.

1 Alberto Alessina/ Guido Tabellini: Bureaucrats or Politicians? Part I: A Single Policy Task, In: *The American Economic Review*, Vol 97, No 1, 2007, p. 169

2 Richard Albrecht: *Buergerrechte-Staatspflichten-Rechtssprechung-Buerokratie: Beitrage zur Justizkritik*. GRIN-Verlag, Norderstedt, 2007, p. 63

3 Max Weber:

4 Ravi Ramamurti: Testing the limits of privatization: Argentine railroads. In: *World Development*, Vol. 25. Issue 12, 1997, p. 1989

One major point to work towards effective public administrative reform steps is to determine the actual need on the local, the national and sometimes even on the supranational level. Furthermore, the relationship between administrative measures and the organs implementing them has to be determined.⁵ That means that the relationship between center, periphery and possible needs to change that situation has to be determined.

While there is much talk about decentralization and the trend goes towards strengthening the local level in administrative measure, also in the Balkans, that approach has to be critically analyzed. In some cases, decentralization and the delegation of administrative tasks to the local level can be a huge advantage, as local agendas are better able to determine their needs and to distribute goods and services to their constituency. On the other hand, sometimes only superior institutions on national or supranational level are really capable of delegating more complicated processes.⁶ While certainly taking into account the possibility for decentralization, this choice has not to be “deified” just because it is popular nowadays: besides the problem of worsening coordination processes and losing the “great picture” approach, an overt concentration on local issues might sometimes even open the way for corruption and patronage or nepotism, especially when distributing jobs and positions in administrative systems. Therefore, the role of the centre in distributing administrative services has to be checked carefully and weighted according to its efficiency: in some cases decentralization, in other cases a larger and more centralist approach should be considered.

For the Balkans and especially the successor states of the SFR Yugoslavia, the problem of nepotism and patronage in distributing public service positions or distributing them has been a known issue.⁷ If local administration is strengthened by proponents of decentralization, which nevertheless might serve communities in the Balkans to get better access to government services, not only the factor of nepotism itself, but also ethnically motivated partisanship which might raise tensions in the area or within communities has to be considered carefully. As ethnic partisanship is especially more easily implementable on the very local level, appropriate, transparent and effective auditing measures have to be ensured, guaranteeing the highest possible standards while filling administrative posts based on merit and not on party connections, ethnical status etc.

Besides that, it should be added though, that nepotism is also quite common in other geographical areas and within international organizations on a more discreet level. The controversial nomination of Christian Schwarz Schilling as EU High Commissioner for Bosnia and Herzegovina, being himself a former minister of Postal Services in Germany with no particular experience or skills to work at this post besides his connections in EU bureaucracy might serve as a -negative- showcase.

A new step towards public administration would be the inclusion of citizens who are actually about to profit from those measures into the process itself.⁸ The creation of citizen councils that interact with administrative bodies and could address their needs directly to government bodies might be a

5 John Law: Notes on the theory of the actor-network: Ordering, strategy, and heterogeneity, In: *Systematic Practice and Action Research*, Vol5, No. 4, 1992, p. 384

6 Andrew Knapp, Vincent Wright: *The government and Politics of France*. Routledge, Oxford, 1995, p. 369

7 Ian Jeffries: *Problems of economic and political transformation in the Balkans*, Pinter Publ. London 1996, p. 175

8 Jerry Kilian/ Niklas Eklund: *Handbook of administrative reform: an international perspective*, CRC Press/ Taylor& Francis, Boca Raton 2008, p. 201

first step. An evolution of citizen council's role is certainly possible, if they should prove effective in pointing out their needs towards administrative services. Citizen councils might support the direct distribution low level administrative measures as filling in complaints, proposals etc. to the authorities: they might not directly takeover administrative measures, but free administrative bodies of dealing with small scale but time consuming tasks.

Another important point to get new impulses in public administration is doubtless the effective use of new information technologies.⁹ It should also be a caveat not just to jump on the bandwagon praising IT technology and electronic information services without critically reviewing its most effective usage. The use of computer technology can be a huge easing for administrative processes, nevertheless simplicity and user friendly implementation is the most important precaution before taking steps into that direction.

Often administrations, stating proudly their entrance into the 21st century and the information era, purchase computer technology spending a lot of financial resources, only to discover that administrative personnel is not capable of using its equipment, slowing down processes and effectiveness. Therefore a careful before- hand selecting process of the technology to be applied is inevitable: real needs where it can improve working processes should be determined as well as fields of work where there is no or little need to use information technology. The second step would be to ensure that the newly implemented information/computer technology is easy to use by the final user-administrative employed persons, civil servants or even citizens looking for service/information-without the need for lengthy and expensive IT schooling.

Furthermore, costs implementing computer technology can be reduced substantially if not expensive commercial user software and operating systems, but fully free of charge and worldwide available free public domain software, namely LINUX is chosen. Besides specialized applications usually not really used in administrative work, that operating system is capable of fulfilling all needed tasks for basic citizen services without having to pay for license fees. Examples for the successful application of freeware already exist in Mexico, the German municipality of Munich, the municipality of Vienna etc...¹⁰

If chosen carefully, citizens might not have to come up to governmental institutions to apply for services or information, but could profit from the possibilities of online forms, easy accessible information technology etc. On the other hand, public administration might work more smoothly if information is made available trough different levels and working branches using IT. Nevertheless, a public administrative effort should also be courageous enough just to say "no" to the use of IT technology if not really justified.

Within Public administrative reform, the comparative advantage factor for relying on certain services or improvement possibilities has to be considered carefully: in some cases, private companies, in some cases local citizen's councils in other cases local, national or supranational institutions will be

9 G. David Garson (ed.): Information technology and computer applications in public administration: Issues and Trends, Idea Group Publishing, London, 1999, p. 137

10 George L. Kovacs, Sylvester Drozdik, Paolo Zuliani, Giancarlo Succi: Open Source Software for the Public Administration, Presented at: Workshop on Computer Science and Information Technologies CSIT'2004, Budapest, Hungary, 2004, p. 8

most effective. The most challenging point within that strategy would be to determine “comparative advantage” factors, this might nevertheless be possible only through parallel and pilot implementation projects run in different areas: the costs and more complicated tasks to run administrative processes simultaneously only to abandon the majority for one favorite solution will pay back in saving time and resources on the long term.¹¹ Not theoretical models, but their actual implementation in real life is the way to success.

Cost reduction on every level should be an important aim but should under no circumstances lower the scale or quality of public services offered to citizens: saving money while blocking effective governmental structures might prove dangerous and counterproductive, lowering popular trust as well as creating more costs on the long term. Nevertheless, all administrative measures should be scanned for ineffective working processes, overstaffed or unneeded tasks. Furthermore the often seen problem of bureaucratic institutions administering just themselves should be addressed seriously; simplifying tasks, redirecting working structures and skipping old fashioned working techniques will free resources better to be used in administrative reform.¹²

Implementing educational programs for public servants is also a possible step towards a more effective administration: nevertheless, catchphrases and slogans should be avoided as well: educational programs should not be implemented because it seems “modern” but only if it is determined that working processes and public servants will profit significantly. Sometimes, well established working structures after having been scanned regarding their efficiency might just left be untouched. Furthermore, just implementing public administration models from the outside is also a step to be considered in beforehand: while it is true that a lot of approaches implemented in i.e. the EU have proven very successful and might be worth to be learned from, some structures are not really applicable for the local needs of citizens in the successor countries of Yugoslavia. A transparent, well structured municipal structure working closely together with its audience- the citizens- is of course a model worth to be studied. But i.e. well meant democratization projects on the local level, enabling citizen participation in the “core EU area” might backfire in the Balkans as the audience is not the same: such well meant efforts might in fact promote only ethnically shaped party structures which are not desirable in the region.¹³

A big need for providing more transparency in public administration is especially visible in Balkan countries, not only as a measure against possible corruption, but also in order to audit and evaluate administrative tasks more effectively regarding their performance. The use of IT technology, i.e. giving citizens online access to administrative work is an excellent step towards that direction.¹⁴ Citizens will feel more included and served better by transparent administrative institutions.

11 Commonwealth Secretariate: Commonwealth public administration reform 2004, The Stationary Office, Norwich, 2003, p.196

12 Aline Coudouel, Stefano Paternostro: , Analyzing the Distributional Impact of Reforms, Volume Two: A Practitioners' Guide to Pension, Health, Labor Markets, Public Sector Downsizing, Taxation, Decentralization and Macroeconomic Modeling, World Bank Publications, Washington 2006, p. 217

13 Peter Wagstaff: Regionalism in the European Union, Intellect Books, Exeter 1999, p. 35

14 Gioergio Petroni, Fani Cloete: New technologies in public administration, IOS Press, Amsterdam 2005, p. 35

A good example for what is implementable does already exist in some Bosnian municipalities where easy access to civil servants and their supervisors is guaranteed and enabled not only through the relevant regulations but also through an open architectural design. The Center for Citizens information in Bosnia has been setting a positive example; furthermore the use of IT technology and information sources has shown similar positive results as reported by local citizens.¹⁵

Besides that, further measures as direct citizen access, i.e. Independent audit mechanisms have to be established that should report not directly or indirectly to the institutions they are examining, but to superior institutions, ideally even involving the cooperation of citizens through citizen councils etc. This tactic might contribute towards promoting a more professional civil service. Furthermore, civil service also has to be more attractive as an employer: in order to get a neutral, merit-based operative structure new performance management tasks that actually reward effective service by employees will create a better working environment and also more satisfying results as an outcome. Hiring criteria should be transparent and provide equal opportunity for all people considering a civil service career. It might be possible to implement not a strictly legalistic view with central exams, fixed and “frozen” terms on employment of future civil servants, hindered by formal exclusion criteria as inflexible age limit, only certain fields of study etc. but try to get a more pragmatic approach: whoever is capable of fulfilling an administrative job should be given the opportunity to do so. Within that context, a wage reform that focuses on the performance of employees while ensuring certain standards of social security to keep such positions attractive might prove helpful as well.¹⁶

Furthermore, the introduction of a work ethos or work ethics in civil service might create positive side effects for public service personnel, connect it more closely to their jobs and give them pride with on their position as it serves the community. Civil service should not just be seen as a “job” an attitude often being taken over by the private sector without providing the private sectors quality and performance based approach. On the contrary, while promoting effective working methods, the antiquated seeming fashion of seeing civil servants as a representative of their superior institutions, a fact they can take pride in might be revived. Simply spoken, civil servants are not just employees; they really “serve” the community.

Some worthwhile additions to strengthen transparency and closeness to citizens might be insured through the establishment of the office of an ombudsman able to solve conflicts between citizens and the administration on a personal level rather than to resort to time consuming and often frustrating legal struggles. This strategy has proven highly effective in Scandinavia on a local and within the United Nations system on a supranational level.¹⁷

In terms of accountability, holding individuals responsible for financial losses, caused by open reluctance to fulfill their tasks should not serve as a threat but against a widespread assumption in bu-

15 Council of Europe: Guide to participatory democracy in Bosnia and Herzegovina and in Serbia and Montenegro, Council of Europe Publishing, Strasbourg 2005, p. 92

16 Barbara Nunberg: Ready for Europe: public administration reform and European Union accession in Central and Eastern Europe, World Bank Technical Paper No. 466, Europe and Central Asia Poverty Reduction and Economic Management Series, World Bank Publications, Washington 2000, p.97

17 International Ombudsman Institute, Linda C. Reif (ed.): Vol 2, 1998, Kluwer Law International Publ., The Hague, 1998, p. 165

reaucracy that the state will pay for everything regardless individual government workers performance.

While the supranational level approach regarding public administrative reform is usually only reserved for international communities working together in an integration process under neofunctionalist or federalist premises, it is still worth to take an outlook; growing cooperation between Balkan states and their integration into the EU actually might open options on the supranational level. Actually the critics of too much state involvement might even promote such institutions. Strong states always have been traditional participants of political actions, whereby supranational institutions functioned only as their “aide de camps” and the actions of states were determined by short termed political interests. Functionalism emphasizes that the national state as institution would have to be weakened as a participant in favor of supranational institutions, which should attain supranational institutions; however the level of freedom of action and sovereignty, which the states involved would deliver to the aforesaid institutions, meaning public administration, nevertheless the scope of such institutions had yet to be determined and to be made acceptable for national governments.¹⁸ Neofunctionalist scholars give even more alternatives for such supranational solutions: yet to be developed new bureaucratic institutions were expected to steer the economic process of integration consciously, without being abstracted by inter-state conflicts and clashes of interest. Spillover processes were to take the lead: economic advantages would induce the market participants to put pressure on their respective governments to strengthen international or local co-operation.¹⁹ Therefore, a “supranational approach” in public administration might be the exchange of information on strategies for better public administration between the governments or even local municipalities of the Balkans: citizen’s rights and services are actually very likely to be strengthened and the quality of public service will increase.

Summed up only if governmental/ administrative institutions in the successor states of Yugoslavia- or anywhere else- are able to develop responsive and transparent working processes which have a high level of accountability. A holistic approach addressing all possible factors that might slow down the successful implementation of public service reform will help to create effectiveness, transparency and cost as well as quality orientated solutions. The always repeated mantra that bureaucracy itself is inefficient and only a resolution of public administration will lead to satisfying results is highly questionable: thoroughly organized, an efficient public administration simply increases the quality of the distribution of public goods and service. The solution should not be “less bureaucracy at every cost” but it should be dared to support this institution- given it is organized and willing to look out for structural improvements.

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18 Renaud Dehousse, (ed.): Europe after Maastricht. An Ever Closer Union?, CH Beck, München 1994, p. 36 ff.

19 Ben Rosamond, : Theories of European Integration, Palgrave/Macmillan Univ. Press, London 2000, p.. 54